



Notice/Agenda of regular meeting

**The Board of Trustees
College of the Mainland
Administration Boardroom Rm 129
Monday, January 25, 2021
1200 Amburn Road
Texas City, TX 77591**

A regular meeting of the Board of Trustees of College of the Mainland will be held Monday, January 25, 2021, beginning at 1:30 PM in the COM Conference Center, 1200 Amburn Road, Texas City, Texas 77591.

The subjects to be discussed or considered or upon which any formal action may be taken are as listed below. The items listed in this notice may be considered in any order at the discretion of the Chair or Board and items listed for closed session discussion may be discussed and/or approved in open session and vice versa as permitted by law.

Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

1. **Call to Order**
2. **Pledge of Allegiance (American Flag), Texas Pledge & a Moment of Silence**
3. **Roll Call & Determination of Quorum**
4. **Minutes**
 - A. Consideration of and Possible Action to Approve the Full Board Minutes of Tuesday, December 8, 2020
5. **Comments from the Community**

Note: A citizen desiring to appear before the Board of Trustees shall complete a Public Comment Request Form indicating the topic about which they wish to speak which shall be filed with the Board Clerk ten (10) minutes prior to the start of the meeting. Time allotted each citizen or organization shall be limited to five minutes. The total time for hearing of citizens shall be no more than 60 minutes at any one meeting. Presentation of matters concerning a complaint or charge against a College District employee or officer will be heard in closed session unless the individual who is the subject of the change or complaint requests a public hearing.

 - A. Students
 - B. Employees
 - C. Other Citizens
6. **Constituent Leader Activity Reports**
 - A. Faculty Senate - Dr. R.E. Davis
 - B. Professional Council - Christina Bergvall
7. **Human Resources Items**

- A. Consideration of and Possible Action to Approve the Appointment Nomination of Destiny Andrews to the Position of Financial Advisor/Literacy Educator, Student Financial Services Department
- B. Consideration of and Possible Action to Accept the Non-Contractual Hiring Report
- 8. **Nursing Items**
 - A. Consideration of and Possible Approval to Award Contract 21-09 to Purchase Medical Mannequins from Laerdal Not-to-Exceed \$236,000 to be Paid from 2018 Bond Funds
 - B. Consideration of and Possible Action to Award Contract 21-08 to Purchase Medical Mannequins from Gaumard Not-to-Exceed \$293,000 to be Paid from 2018 Bond Funds
- 9. **Consideration of and Possible Action to Approve Contract 21-10 to CDW-G for the Purchase of Apple Computers and Monitors for an Amount Not-to-Exceed \$134,000 to be Paid from 2018 Bond Funds**
- 10. **Election Items**
 - A. Consideration of and Possible Action to Approve the Order and Resolution Calling the Community College Board of Trustees Election to be held on May 1, 2021
 - B. Consideration of and Possible Action to Approve the Contract for Election Services for the College of the Mainland General Election to be held on May 1, 2021
 - C. Consideration of and Possible Action to Approve the Order Calling Bond Election
- 11. **Policy Items**
 - A. Consideration of and Possible Adoption of COM Policy FLD(LOCAL) Students Rights and Responsibilities; Student Complaints
 - B. TASB Update 40 - Legal Policy Packet
- 12. **Update Report on Financial Aid Audit**
- 13. **Financial Report(s)**
 - A. Consideration of and Possible Acceptance of the November 2020 and the December 2020 Investment and Financial Reports
- 14. **Board Report**
- 15. **President's Report**
 - A. Updates
 - 1. 2020 Census Redistricting
 - 2. SACSCOC Update (Southern Association of Colleges and Schools Commission on Colleges)
 - 3. BOT Retreat - Friday, March 5, 2021, 9:00 a.m., COM Conference Center
 - 4. CARES Act
 - 5. Spring 2021 Enrollment Update
 - 6. President's Report - FY19-20
 - B. Reminders/Announcements
 - C. Resignations and Retirements Report
 - D. Miscellaneous Updates
- 16. **Adjournment to closed or executive session pursuant to Texas Government Code of the Open Meetings Act.***
- 17. **Possible Action on Agenda Items, Including Closed Session Matters**
- 18. **Adjourn**

**If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the Board reserves the right to conduct a closed meeting in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapters D and E, including but not limited to the following provisions; 1)Section 551.071-consultation with attorney, 2)Section 551.072-deliberation regarding real property, 3) Section 551.073-deliberation regarding prospective gifts, 4)Section 551.074-deliberation regarding personnel matters, and/or complaints against school personnel, 5)Section 551.082-deliberation regarding student disciplinary matters and/or complaints against personnel and/or, 6)Section 551.087-deliberation regarding economic development negotiations. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.*

The notice for this meeting was posted in compliance with the Texas Open Meeting Act on, The notice for this meeting was posted in compliance with the Texas Open Meeting Act on Wednesday, January 20, 2021 3:00 P.M..



Rosie E. Rojas

Board Clerk

Administration

President Warren Nichols Ed.D.
Vice President Jerry Fliger, Ph.D.
Vice President Clen Burton, Ph.D.
Vice President Vicki Stanfield, Ed.D.



PRESIDENT'S OFFICE

Call to Order

Call to Order on (insert date)
at (insert time)



MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: January 25, 2021
Subject: Full Board Minutes

Presented for recommended acceptance to Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: "I move the Board of Trustees approve the Full Board Minutes of December 8, 2020."

PURPOSE

To ensure accuracy of the monthly minutes.

BACKGROUND

Minutes are brought forward every month for approval.

IMPLICATIONS

Financial: N/A

Strategic Goal #1: Strategic Goal #5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

Human Resources: N/A

Attachments

1. Minutes of 12/8/20

**College of the Mainland
Board of Trustees
Minutes of Tuesday, December 8, 2020
1:30 p.m., COM Conference Center**

Call to Order – Kyle Dickson called the meeting to order at 1:30 p.m.

Pledge of Allegiance (American Flag), Texas Pledge & a Moment of Silence

Roll Call & Determination of Quorum

Roll call indicated that all Trustees were present, except Dawn King.

Minutes

Consideration of and Possible Action to Approve the Full Board Minutes of Monday, October 26, 2020

Don Gartman moved for approval of the Full Board Minutes of Monday, October 26, 2020. Alan Waters seconded the motion; all voted in approval.

Comments from the Community

Community – Dr. Hughes spoke to the BOT regarding the sale of Appomattox Unit #3.

Consideration of and Possible Action to Accept the Non-Contractual Hiring Report

Melissa Skipworth moved the Board of Trustees accept the Non-Contractual Positions Hiring Report as written. Alan Waters seconded the motion; all voted in approval.

Consideration of and Possible Approval of the 2021-2022 Academic Calendar and 2022-2023 Academic Calendar

Verna Henson moved the Board of Trustees approve the 2021-2022 Academic Calendar and 2022-2023 Academic Calendar. Bill McGarvey seconded the motion; all voted in approval.

Consideration of and Possible Action to Renew Contract 21-05 to People Admin Not-to-Exceed \$155,207 to be Paid from FY 2021 Operating Budget

Bill McGarvey moved the Board of Trustees renew Contract 21-05 to People Admin not-to-exceed \$155,207.00 to be paid from FY 2021 operating budget. Melissa Skipworth seconded the motion; all voted in approval.

Policy

TASB Update 40 - Legal Policy Packet

NOTE: This item was tabled; no action taken.

Consideration of and Possible Action to Award Contract 21-06 to Purchase Zogotech Software Maintenance Not-to-Exceed \$223,659.20 to be Paid from the Annual Operating Budget

Alan Waters moved the Board of Trustees award Contract 21-06 to purchase Zogotech Software maintenance not to-exceed \$223,659.20 to be paid from the annual operating budget. Verna Henson seconded the motion; all voted in approval.

Consideration of and Possible Action on the Resolution of Galveston Central Appraisal Fee

Don Gartman moved the Board of Trustees approve the FY20-21 payment in an amount not-to-exceed \$198,553.25 to be paid from the FY20-21 operating budget to the Galveston County Appraisal District for appraisal of property within the college district. Bill McGarvey seconded the motion; all voted in approval.

Consideration of and Possible Approval of Contract 21-07 to Dell for the Purchase of Windows Computers and Monitors for Use in the Newly Constructed STEAM and Administration Buildings in an Amount Not-to-Exceed \$520,251 to be Paid from 2018 Bond Funds

Alan Waters moved the Board of Trustees approve Contract 21-07 to Dell for the purchase of Windows computers and monitors for an amount not-to-exceed \$520,251 to be paid from 2018 Bond funds. Veran Henson seconded the motion; all voted in approval.

Consideration of and Possible Action on the Donation of Twenty (20) Retired Laptop Computers to COMPeers.

NOTE: COMPeers will in turn donate the computers to the non-profit group CASA (Court Appointed Special Advocates) for distribution at Christmas to children in need. These are computers that are no longer used or needed by the College.

NOTE: This item was pulled from the agenda; no action taken.

Consideration of and Possible Approval of the 2020-2021 Property and Casualty Insurance Additions for STEAM, Student Success Center (Administration) & Central Utility Plant for an Amount Not-to-Exceed \$130,000 to be Paid from FY20-21 Operating Budget

Bill McGarvey moved the Board of Trustees approve the 2020-2021 Property and Casualty Insurance Additions for STEAM, Student Success Center (Administration) & Central Utility Plant for an amount not-to-exceed \$130,000 to be paid from FY20-21 operating budget. Don Gartman seconded the motion; all voted in approval.

Discussion and Possible Acceptance of the College of the Mainland 2019-2020 Annual Financial and Compliance Report

Don Gartman moved the Board of Trustees accept the 2019-2020 Annual Financial and Compliance Report. Melissa Skipworth seconded the motion; all voted in approval.

Financial Report(s)

Consideration of and Possible Acceptance of the October 2020 Investment and Financial Reports

Alan Waters moved the Board of Trustees accept the October 2020 Investment Report and the October 2020 Financial Report. Melissa Skipworth seconded the motion; all voted in approval.

Board Report

No report.

**President's Report
Updates**

December 2020 Graduation will be held in a virtual format – Saturday, December 12th, 10:00 a.m.

Resignations and Retirements Report – report attached in BOT packet.

Executive Session 2:55 p.m.

Kyle Dickson read the paragraph allowing the Board to move into executive session, per Texas Open Meetings Act Section 51.071.

Reconvene 3:53 p.m.

The Board adjourned upon reconvening; no actions were taken.

No motion to approve settlement offer from TWIA.

Adjournment 3:53 p.m.



Melissa Skipworth, Secretary
Board of Trustees



Kyle Dickson, Chair
Board of Trustees



PRESIDENT'S OFFICE

Constituents Leader Activity Reports

A. Faculty Senate – Dr. R.E. Davis

B. Professional Council – Christina Bergvall



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: January 25, 2021
Subject: Recommendation – Financial Advisor/Literacy Educator (Replacement)

Presented for recommended approval to the Board of Trustees on January 25, 2021 and forwarded for recommended approval to Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: “I move the Board of Trustees approve the appointment of Destiny Andrews to the position of Financial Advisor/Literacy Educator, Student Financial Services Department.”

PURPOSE

The incumbent will continue to develop and modify the financial literacy program for the institution and will manage a peer outreach program.

BACKGROUND

This position is replacing Joel Philistin who resigned August 31, 2020.

IMPLICATIONS

Financial: \$47,803 from budget 11-0-0000-4113-5140.

Strategic Goal 5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

ATTACHMENTS

1. Appointment Nomination



MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: January 25, 2021
Subject: Recommendation – Acceptance of Non-Contractual Positions Hiring Report

Presented for recommended acceptance to Board of Trustees on January 25, 2021.

MINUTE ORDER

Motion to be acted upon: “I move the Board of Trustees accept the *Non-Contractual Positions Hiring Report* as written.”

PURPOSE

The *Non-Contractual Positions Hiring Report* is being presented to the Board of Trustees for review and acceptance.

BACKGROUND

Notwithstanding Board policy DC (Local) which states that the Board delegates to the College President final authority to employ and dismiss non-contractual classified employees on an at-will basis, based on recommendations from the staff the persons listed on the attached Non-Contractual Positions Hiring Report is recommended for employment.

IMPLICATIONS

Financial:

Scholarship Specialist - \$47,566 from budget 11-0-0000-4113-5160

Assistant Professor of Business - \$55,951 from budget 11-0-0000-1103-5100

Administrative Assistant IV - \$38,338 from budget 11-0-0000-1301-5160

Strategic Goal #5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

Attachments

Non-contractual Positions Hiring Report

	POSITION	DEPARTMENT	CLASS SUMMARY	POSITION STATUS	SELECTED CANDIDATE	SALARY	SALARY RANGE
1	Scholarship Specialist	Student Financial Services	Working closely with the Foundation Office and Enrollment Management Office, the Scholarship Specialist Develops and implements strategies to facilitate recruitment, and enrollment and tracking students in the Opening Doors Promise Scholarship Program. This position oversees the management of donor funded restricted and unrestricted scholarships. This person serves as a liaison to donors, area high school districts, other COM departments, and the community. The scholarship Specialist will partner with the Financial Aid Literacy team to assist in the implementation of HB 3 in COM's servicing area.	New position	Monique Wylie	\$47,566	\$46,389 - \$57,987 - \$69,584
2	Assistant Professor of Business	Business & Computer Technologies	Prepare, develop, revise curriculum and course work. Provide scheduled office hours for student consultation. Serves on College committees as needed and assigned. Participate in student oriented instructional and advisement activities as needed and assigned.	FT Temporary Faculty with Benefits Assignment for Spring 2021	Siromi Wijesinghe	\$55,951	\$43,040 - \$55,951 - \$68,860
3	Administrative Assistant IV	Cosmetology	Provides a variety of administrative support duties in relation to a designated program in an assigned area.	Replacement for Monica Massey who moved to another position at COM.	Isabella Vitiello	\$38,338	\$38,338- \$47,923 - \$57,508
4							
5							
6							



Minute Order

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: January 25, 2021
Subject: Agenda item for COM Board of Trustees

AGENDA ITEM DESCRIPTION:

Award of Contract 21-09: Medical Mannequins

FUNDING SOURCE:

2018 Bond Funds

PURPOSE

Provide equipment to support Instruction supporting the Nursing programs and student training in the new STEAM building.

PROPOSED MOTION:

"I move the Board of Trustees award Contract 21-09 to purchase medical mannequins from Laerdal not-to-exceed \$236,000.00 to be paid from 2018 Bond Funds".

BACKGROUND

Based on the programs identified for instruction and occupancy in the new STEAM building, PBK Architects identified a list of equipment through coordination with COM Administration and CBRE Heery as the Project Management team. The list was presented and approved by COM Administration on November 18, 2020. Laerdal is the sole provider of the mannequins identified by the Program Director and PBK. Therefore, a request for quote was submitted to the Laerdal for the medical mannequins needed to support Instruction and student training opportunities provided under the Nursing program. Laerdal proposed a quote in accordance with Buyboard Contract 610-20 as follows:

Equipment:	\$196,551.10
<u>24 Month Extended Warranty:</u>	<u>\$ 39,157.84</u>
	\$235,708.94

Therefore, the competitive procurement requirements under Texas Education Code 44.031 and Government Code Title 7, Chapter 791. have been met. It is the recommendation of COM Administration to award the subject contract to Laerdal as stated above.

Attachments:
Laerdal Quote Q404415
Laerdal Quote Q410780
Buyboard Contract



Laerdal Medical Corporation
 167 Myers Corners Road
 Wappingers Falls, NY 12590
 Phone Order To: 877-LAERDAL
 Fax Order To: (800) 227-1143
 customerservice@laerdal.com

CLIENT EXECUTIVE
 Vance Robichaux
 vance.robichaux@laerdal.com

ACCOUNT MANAGER
 Sherri Brister
 (254) 404-7189
 sherri.brister@laerdal.com

To prevent any delays in processing your purchase, please include your quote # when ordering.

DATE: 1/13/2021
ATTN: Dr. Mary Amanda Ordonez PhD., RN
 Nursing Department
 +14099338141
 mordonez@com.edu

QUOTE NUMBER: Q-410780
CREDIT TERMS: 30 days
EXPIRATION DATE: 5/13/2021

BILL TO: 00107204
 COLLEGE OF THE MAINLAND
 ACCOUNTS PAYABLE
 1200 AMBURN RD
 TEXAS CITY TX 77591-2499

QTY	PRODUCT	DESCRIPTION	TERM (MONTHS)	LIST PRICE	UNIT PRICE	EXTENDED PRICE
4	213-B-VplusP-SMESS	ValuePlus SimMan Essential Platinum Includes Installation, Extended Warranty, Loaner coverage and Preventative Maintenance on Site.	24	\$13,229.00	\$9,789.46	\$39,157.84
TOTAL:						\$39,157.84

ITEM TOTAL : \$39,157.84
 SHIPPING/HANDLING : \$0.00
 TAX : \$0.00
 ADDITIONAL CHARGE/CREDIT : \$0.00
 TOTAL : \$39,157.84

There are various payment options; please see bottom of your quote for further clarification.
 Appropriate Sales Tax will be added to invoice – Pricing and Availability are subject to change
 Shipping/Handling costs will be added to invoice

By Accepting this Quote, the following terms are hereby incorporated into customer's order:

Products:

Products that are currently on contract will be removed immediately if manufacturing or distribution of the product is discontinued.

Payment:

Net 30 Days for approved open accounts; CIA; Credit Cards accepted. Financing options now available – sample leasing payment terms follow. For additional information, ask your Account Manager listed above.

Lease term 24 months: USD 1,631.58 *

Lease term 36 months: USD 1,087.72 *

Lease term 48 months: USD 815.79 *

* Quoted payments do not include Interest, Taxes, Maintenance, Cancellation fees or Insurance. Quotes are subject to credit approval and may change without notice.

Warranty:

One(1) year warranty on manufactured products and 90 day warranty on refurbished products

Two(2) year parts replacement warranty with technical assistance by phone on all Hill-Rom refurbished products

Delivery:

Delivery of product to a specific location within your building, if requested is at an additional charge and not included in this quote

Training:

Training will be scheduled within a year of the customer's agreed upon due date.

CANCELLATION or RESCHEDULING of EDUCATIONAL or TECHNICAL SERVICES WILL RESULT IN CANCELLATION/RESCHEDULING FEES.

7 DAYS OR LESS: 100% of Course / Service Cost

8 DAYS to 2 WEEKS: 75% of Course / Service Cost

15 DAYS to 20 DAYS: 50% of Course / Service Cost

3 WEEKS or MORE: NO FEE

Customer will be required to submit a new PO to reschedule a cancelled course / service.



Laerdal Medical Corporation
 167 Myers Corners Road
 Wappingers Falls, NY 12590
 Phone Order To: 877-LAERDAL
 Fax Order To: (800) 227-1143
 customerservice@laerdal.com

CLIENT EXECUTIVE
 Vance Robichaux
 vance.robichaux@laerdal.com

ACCOUNT MANAGER
 Sherri Brister
 (254) 404-7189
 sherri.brister@laerdal.com

To prevent any delays in processing your purchase, please include your quote # when ordering.

DATE: 1/11/2021
ATTN: Dr. Mary Amanda Ordonez PhD., RN
 Nursing Department
 +14099338141
 mordonez@com.edu

QUOTE NUMBER: Q-404415
CREDIT TERMS: 30 days
EXPIRATION DATE: 4/10/2021

BILL TO: 00107204
 COLLEGE OF THE MAINLAND
 ACCOUNTS PAYABLE
 1200 AMBURN RD
 TEXAS CITY TX 77591-2499

TX Buyboard Contract 610-20 Pricing Applied/ Contract 610-20 expires 5/31/2023

QTY	PRODUCT	DESCRIPTION	LIST PRICE	UNIT PRICE	EXTENDED PRICE
4	213-02155	SimMan Essential Medium with Reactive Eyes Includes SimMan Essential Manikin, LLEAP License, USB Headset/Microphone, SpO2 Probe, Keyboard and Mouse, Consumables, Clothing, Soft Sided Carry Case, 1 Year Manufacturer's Warranty.	\$44,025.00	\$41,383.50	\$165,534.00
4	400-10201	Laptop For use with LLEAP, Ultrasound, or as a Patient Monitor	\$1,985.00	\$1,865.90	\$7,463.60
4	400-29301	All In One Panel PC For use as an Instructor Computer with LLEAP software, or a LLEAP, SimPad or SimPad Plus Patient Monitor	\$2,515.00	\$2,364.10	\$9,456.40
4	213-83050	Installation SimMan Essential	\$1,994.00	\$1,874.36	\$7,497.44
1	213-EDBNDL1	SimMan Esntl Edu Bundle: Getting Started/LLEAP A 2-day educational session with a Laerdal Educator at the customer site for up to 8 participants. Day one focuses on fundamental knowledge of the Simulator and day two provides in-depth knowledge of the Learner Application software.	\$6,489.00	\$6,099.66	\$6,099.66
TOTAL:					\$196,051.10

ITEM TOTAL :	\$196,051.10
SHIPPING/HANDLING :	\$500.00
TAX :	\$0.00
ADDITIONAL CHARGE/CREDIT :	\$0.00
TOTAL :	\$196,551.10

There are various payment options; please see bottom of your quote for further clarification.
 Appropriate Sales Tax will be added to invoice – Pricing and Availability are subject to change
 Shipping/Handling costs will be added to invoice

By Accepting this Quote, the following terms are hereby incorporated into customer’s order:

Products:

Products that are currently on contract will be removed immediately if manufacturing or distribution of the product is discontinued.

Payment:

Net 30 Days for approved open accounts; CIA; Credit Cards accepted. Financing options now available – sample leasing payment terms follow. For additional information, ask your Account Manager listed above.

- Lease term 24 months: USD 8,189.63 *
- Lease term 36 months: USD 5,459.75 *
- Lease term 48 months: USD 4,094.81 *

* Quoted payments do not include Interest, Taxes, Maintenance, Cancellation fees or Insurance. Quotes are subject to credit approval and may change without notice.

Warranty:

One(1) year warranty on manufactured products and 90 day warranty on refurbished products
 Two(2) year parts replacement warranty with technical assistance by phone on all Hill-Rom refurbished products

Delivery:

Delivery of product to a specific location within your building, if requested is at an additional charge and not included in this quote

Training:

Training will be scheduled within a year of the customer’s agreed upon due date.

CANCELLATION or RESCHEDULING of EDUCATIONAL or TECHNICAL SERVICES WILL RESULT IN CANCELLATION/RESCHEDULING FEES.

- 7 DAYS OR LESS: 100% of Course / Service Cost
- 8 DAYS to 2 WEEKS: 75% of Course / Service Cost
- 15 DAYS to 20 DAYS: 50% of Course / Service Cost
- 3 WEEKS or MORE: NO FEE

Customer will be required to submit a new PO to reschedule a cancelled course / service.



Minute Order

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: January 25, 2021
Subject: Agenda item for COM Board of Trustees

AGENDA ITEM DESCRIPTION:

Award of Contract 21-08: Medical Mannequins

FUNDING SOURCE:

2018 Bond Funds

PURPOSE

Provide equipment to support Instruction supporting the Nursing programs and student training in the new STEAM building.

PROPOSED MOTION:

“I move the Board of Trustees award Contract 21-08 to purchase medical mannequins from Gaumard not-to-exceed \$293,000.00 to be paid from 2018 Bond Funds”.

BACKGROUND

Based on the programs identified for instruction and occupancy in the new STEAM building, PBK Architects identified a list of equipment through coordination with COM Administration and CBRE Heery as the Project Management team. The list was presented and approved by COM Administration on November 18, 2020. Gaumard is the sole provider of the mannequins identified by the Program Director and PBK. A request for quote was submitted to the Gaumard for the medical mannequins needed to support Instruction and student training opportunities provided under the Nursing program. Gaumard proposed a quote in accordance with Choice Partners/ Harris County Department of Education contract 20/051SG-04 as follows:

Equipment:	\$214,644.20
<u>36 Month Extended Warranty:</u>	<u>\$ 77,915.00</u>
	\$292,559.20

Therefore, the competitive procurement requirements under Texas Education Code 44.031 and Government Code Title 7, Chapter 791. have been met. It is the recommendation of COM Administration to award the subject contract to Laerdal as stated above.

Attachments:

- Gaumard Quote 73901
- Gaumard Quote 75202
- Choice Partners Contract



14700 SW 136th Street
 Miami FL 33196
 T: 305-971-3790 | F: 305-252-0755

Quote Number: 75202
Quote Date: 01/14/21
 Choice Partners Contract
Revision No. 20/051SG
 Exp.9.15.2021
Page: 1 of 2

Quoted To:

College Of The Mainland
 1200 N Amburn Rd
 Texas City TX 77591-2435
 USA

Ship To:

College Of The Mainland
 1200 N. Amburn Road, Bldg 22 – STEAM /Allied
 Health Central Receiving
 Texas City TX 77591-2435
 USA

Contact:

Lauren McElyea
 409-933-8458
 lmcelyea@com.edu

Customer ID	Good Through	Payment Terms	Shipping Method	Sales Representative
C100818	02/14/21	Net 20		Abigail Rodriguez

Qty.	Item	Description	Unit Price	Amount
15	GC.B3.A	Gaumard Cares Bronze 3 Year service plan for adult simulator	3,795.00	\$ 56,925.00

Prices and taxes are subject to change without notice.

To gather information about the products quote we invite you to visit our website: <http://www.gaumard.com>

If you should have any questions, please feel free to contact your sales representative Abigail Rodriguez at abigailr@gaumard.com



Quotation

14700 SW 136th Street
 Miami FL 33196
 T: 305-971-3790 | F: 305-252-0755

Quote Number: 75202
Quote Date: 01/14/21
 Choice Partners Contract
Revision No. 20/051SG
 Exp.9.15.2021
Page: 2 of 2

Quoted To:
 College Of The Mainland
 1200 N Amburn Rd
 Texas City TX 77591-2435
 USA

Ship To:

College Of The Mainland
 1200 N. Amburn Road, Bldg 22 – STEAM /Allied
 Health Central Receiving
 Texas City TX 77591-2435
 USA

Contact:

Lauren McElyea
 409-933-8458
 lmcelyea@com.edu

Qty.	Item	Description	Unit Price	Amount
1	GC.P3.T	Gaumard Cares Platinum 3 Year service plan for Super Tory simulator. Gaumard Cares service with Cost of Ownership Assurance includes the following at NO CHARGE for the duration of the plan: • Training at Gaumard Training Centers • Webinar Training • Telephone and email Support • Software Updates • Loaner Service (Including Shipping) • All Preventative Maintenance • All Repairs	20,990.00	\$ 20,990.00
Customer must supply Sales Tax Exempt Certificate and W-9 with Purchase Order, if applicable.			Subtotal	\$ 77,915.00
Please note that the exact shipping charges and taxes will be determined at the time of shipment.			Other Discounts	0.00
			Est. Freight & Handling	0.00
			Est. Sales Tax	0.00
			Total US\$	\$ 77,915.00

0.00

Pursuant to Choice Partners Contract 20/051SG

Prices and taxes are subject to change without notice.

To gather information about the products quote we invite you to visit our website: <http://www.gaumard.com>

If you should have any questions, please feel free to contact your sales representative Abigail Rodriguez at abigailr@gaumard.com



Quotation

14700 SW 136th Street
 Miami FL 33196
 T: 305-971-3790 | F: 305-252-0755

Quote Number: 73901
Quote Date: 01/15/21
 Choice Partners Contract
Revision No. 20/051SG
 Exp.9.15.2021
Page: 1 of 4

Quoted To:
 College Of The Mainland
 1200 N Amburn Rd
 Texas City TX 77591-2435
 USA

Ship To:
 College Of The Mainland
 1200 N. Amburn Road, Bldg 22 – STEAM /Allied
 Health Central Receiving
 Texas City TX 77591-2435
 USA

Contact:
 Lauren McElyea
 409-933-8458
 lmcelyea@com.edu

Customer ID	Good Through	Payment Terms	Shipping Method	Sales Representative
C100818	02/15/21	Net 20	ABF Freight	Abigail Rodriguez

Qty.	Item	Description	Unit Price	Amount
3	S901.PK.L	Susie® light skin tone adult full-body nursing clinical skills simulator. With OMNI® 2 and SLE educational material	8,995.00	\$ 26,985.00
3	S901.231	Finger Stick option for SUSIE® adult nursing clinical skills simulator. Ordered at the time of initial purchase only	360.00	\$ 1,080.00
4	S901.PK.M	Susie® medium skin tone adult full-body nursing clinical skills simulator. With OMNI® 2 and SLE educational material	8,995.00	\$ 35,980.00
4	S901.231	Finger Stick option for SUSIE® adult nursing clinical skills simulator. Ordered at the time of initial purchase only	360.00	\$ 1,440.00
3	S901.PK.D	Susie® dark skin tone adult full-body nursing clinical skills simulator. With OMNI® 2 and SLE educational material	8,995.00	\$ 26,985.00
3	S901.231	Finger Stick option for SUSIE® adult nursing clinical skills simulator. Ordered at the time of initial purchase only	360.00	\$ 1,080.00
2	S1001.PK.L	SUSIE® light skin tone adult for prehospital and nursing care simulator package. With SLE educational material and OMNI® 2 upgrade compatibility	13,995.00	\$ 27,990.00
2	S1001.231	Finger Stick option for SUSIE® adult prehospital and nursing care simulator. Ordered at the time of initial purchase only	360.00	\$ 720.00
1	S1001.PK.M	SUSIE® medium skin tone adult for prehospital and nursing care simulator package. With SLE educational material and OMNI® 2 upgrade compatibility	13,995.00	\$ 13,995.00

Prices and taxes are subject to change without notice.

To gather information about the products quote we invite you to visit our website: <http://www.gaumard.com>

If you should have any questions, please feel free to contact your sales representative Abigail Rodriguez at abigailr@gaumard.com



14700 SW 136th Street
Miami FL 33196
T: 305-971-3790 | F: 305-252-0755

Quote Number: 73901
Quote Date: 01/15/21
Choice Partners Contract
Revision No. 20/051SG
Exp.9.15.2021
Page: 2 of 4

Quoted To:

College Of The Mainland
1200 N Amburn Rd
Texas City TX 77591-2435
USA

Ship To:

College Of The Mainland
1200 N. Amburn Road, Bldg 22 – STEAM /Allied
Health Central Receiving
Texas City TX 77591-2435
USA

Contact:

Lauren McElyea
409-933-8458
lmceleya@com.edu

Qty.	Item	Description	Unit Price	Amount
1	S1001.231	Finger Stick option for SUSIE® adult prehospital and nursing care simulator. Ordered at the time of initial purchase only	360.00	\$ 360.00
2	S1001.PK.D	SUSIE® dark skin tone adult for prehospital and nursing care simulator package. With SLE educational material and OMNI® 2 upgrade compatibility	13,995.00	\$ 27,990.00
2	S1001.231	Finger Stick option for SUSIE® adult prehospital and nursing care simulator. Ordered at the time of initial purchase only	360.00	\$ 720.00
1	S2220.PK.M	Super Tory® medium skin tone advanced neonatal simulator * Turn-Key Solution Package: · 12" Touchscreen Windows® Tablet PC preloaded with UNI® Simulator Control Software · UNI® License · 9 Scenarios · Automatic Mode License · Tablet PC Bump Case · RF Module · Battery Charger · (3) Scalp IV Inserts · (1) Post Detachment Navel · (2) Umbilical Cords · (4) Pneumothorax Inserts · Male Genitalia · (4) O/I Bone Inserts · CO2 Adapter · A/P Defibrillation Adapter · Artificial Blood Concentrate · Mineral Oil · Diaper · (2) Baby Head Caps	39,950.00	\$ 39,950.00

Prices and taxes are subject to change without notice.

To gather information about the products quote we invite you to visit our website: <http://www.gaumard.com>

If you should have any questions, please feel free to contact your sales representative Abigail Rodriguez at abigailr@gaumard.com



Quotation

14700 SW 136th Street
 Miami FL 33196
 T: 305-971-3790 | F: 305-252-0755

Quote Number: 73901
Quote Date: 01/15/21
 Choice Partners Contract
Revision No. 20/051SG
 Exp.9.15.2021
Page: 3 of 4

Quoted To:
 College Of The Mainland
 1200 N Amburn Rd
 Texas City TX 77591-2435
 USA

Ship To:

College Of The Mainland
 1200 N. Amburn Road, Bldg 22 – STEAM /Allied
 Health Central Receiving
 Texas City TX 77591-2435
 USA

Contact:

Lauren McElyea
 409-933-8458
 lmcelyea@com.edu

Qty.	Item	Description	Unit Price	Amount
		<ul style="list-style-type: none"> · Receiving Blanket · (2) Scalp/IO/ Umbilical Drainage Adapters · 5cc Syringe · (1) Umbilical Cord Filling Tip · (1) Urethral Filling Adapter · (1) IV Drainage Adapter · (2) Medical Tape · (2) Blood Pressure Tube Adapter · (1) Lower Left Arm · (1) Lower Right Arm · (4) Adapters for Non-Snap ECG Electrodes · Transport Roller Case · User Manual · 1 Year Limited Warranty 		
1	S2200.204	Tablet PC replacement for VICTORIA® adult birthing simulator. With stylus control. Includes RF module and UNI software	3,395.00	\$ 3,395.00
For Serial Number: V1610346				
1	S2200.205	Bump Case replacement for VICTORIA® adult birthing simulator	295.00	\$ 295.00
For Serial Number: V1610346				

Prices and taxes are subject to change without notice.

To gather information about the products quote we invite you to visit our website: <http://www.gaumard.com>

If you should have any questions, please feel free to contact your sales representative Abigail Rodriguez at abigailr@gaumard.com



14700 SW 136th Street
Miami FL 33196
T: 305-971-3790 | F: 305-252-0755

Quote Number: 73901
Quote Date: 01/15/21
Choice Partners Contract
Revision No. 20/051SG
Exp.9.15.2021
Page: 4 of 4

Quoted To:
College Of The Mainland
1200 N Amburn Rd
Texas City TX 77591-2435
USA

Ship To:

College Of The Mainland
1200 N. Amburn Road, Bldg 22 – STEAM /Allied
Health Central Receiving
Texas City TX 77591-2435
USA

Contact:

Lauren McElyea
409-933-8458
lmceleya@com.edu

Qty.	Item	Description	Unit Price	Amount
1	INST2	Two day Training service and Installation for multiple simulators. Region specific	3,500.00	\$ 3,500.00
Customer must supply Sales Tax Exempt Certificate and W-9 with Purchase Order, if applicable.			Subtotal	\$ 212,465.00
Please note that the exact shipping charges and taxes will be determined at the time of shipment.			Other Discounts	0.00
			Est. Freight & Handling	2,179.20
			Est. Sales Tax	0.00
			Total US\$	\$ 214,644.20
				0.00

Pursuant to Choice Partners Contract 20/051SG

Note: This shipment will be delivered on pallets via forklift by a freight carrier. If your organization is not equipped to receive pallets, please notify us immediately.

Estimated shipping date: Approximately 8 to 10 weeks after receipt of order.
Shipment Via: ABF Freight.

Gaumard Scientific is the sole source for this tetherless simulator(s).

Prices and taxes are subject to change without notice.

To gather information about the products quote we invite you to visit our website: <http://www.gaumard.com>

If you should have any questions, please feel free to contact your sales representative Abigail Rodriguez at abigailr@gaumard.com



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: January 25, 2021
Subject: Agenda Item for COM Board of Trustees Meeting

AGENDA ITEM DESCRIPTION:

Award of Contract 21-10 Apple Hardware and Peripherals.

FUNDING SOURCE:

2018 Bond Project

PURPOSE

Provide student educational programs with Apple computers for use in the newly constructed STEAM and Administration buildings.

PROPOSED MOTION:

Suggested motion: "I move the Board of Trustees approve Contract 21-10 to CDW-G for the purchase of Apple computers and monitors for an amount not-to-exceed \$134,000.00 to be paid from 2018 Bond funds.

BACKGROUND

The College of the Mainland will be taking possession of the 2018 Bond STEAM in early 2021. The aging Apple computers in the Graphic Arts program need to be replaced to support the more resource intensive software requirements. The College has solicited a purchase from three cooperative vendors as follows:

CDW-G	GCI	SHI-G
\$ 133,660.02	\$ 139,955.00	\$ 137,473.84

CDW-G is an awarded vendor under the E&I contract. Therefore, this purchase is a competitive procurement in accordance with Texas Education Code 44.031 and Government Code Title 7, Chapter 791.

ATTACHMENTS

Apple Quote November 2020
E&I Contract

QUOTE CONFIRMATION



DEAR RON LEVICK,

Thank you for considering CDW•G for your computing needs. The details of your quote are below. [Click here](#) to convert your quote to an order.

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
LTJT956	11/24/2020	MAC LABS	813940	\$133,660.02

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
Apple iMac 27" Retina 5K Core i7 10th Gen 3.8GHz 32GB RAM 2TB RP 5500 XT Mfg. Part#: Z0ZX-2000571958 Contract: E&I CNR01439 Catalog Apple (CNR01439)	8	6191379	\$3,174.00	\$25,392.00
Apple iMac 27" Retina 5K Core i7 10th Gen 3.8GHz 32GB RAM 1TB RP 5500 XT Mfg. Part#: Z0ZX-2000571953 Contract: E&I CNR01439 Catalog Apple (CNR01439)	35	6191374	\$2,814.00	\$98,490.00
AppleCare+ - extended service agreement - 3 years - carry-in Mfg. Part#: S7833LL/A Electronic distribution - NO MEDIA Contract: E&I CNR01439 Catalog (CNR01439)	43	5966007	\$114.00	\$4,902.00
Apple MacBook Pro with Touch Bar - 16" - Core i7 - 16 GB RAM - 512 GB SSD - Mfg. Part#: MVVJ2LL/A Contract: E&I CNR01439 Catalog Apple (CNR01439)	2	5837494	\$2,188.01	\$4,376.02
AppleCare+ extended service agreement - 3 years - carry-in Mfg. Part#: S6054LL/A UNSPSC: 81112307 Electronic distribution - NO MEDIA Contract: E&I CNR01439 Catalog Apple (CNR01439)	2	4665368	\$250.00	\$500.00

PURCHASER BILLING INFO	SUBTOTAL	\$133,660.02
Billing Address: COLLEGE OF THE MAINLAND BUSINESS OFFICE 1200 N AMBURN RD TEXAS CITY, TX 77591-2499 Phone: (409) 938-1211 Payment Terms: NET 30 Days-Govt/Ed	SHIPPING	\$0.00
	SALES TAX	\$0.00
	GRAND TOTAL	\$133,660.02
	DELIVER TO Shipping Address: COLLEGE OF THE MAINLAND BUSINESS OFFICE 1200 N AMBURN RD TEXAS CITY, TX 77591-2499 Phone: (409) 938-1211 Shipping Method: UPS Freight LTL, Special Services	
Please remit payments to: CDW Government 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515		



Julianne Mauriello

(800) 729-3052

julimau@cdwg.com

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at <http://www.cdwg.com/content/terms-conditions/product-sales.aspx>
For more information, contact a CDW account manager

© 2021 CDW•G LLC, 200 N. Milwaukee Avenue, Vernon Hills, IL 60061 | 800.808.4239

July 31, 2017

Tara Barbieri
Director of Program Sales
CDW Government LLC
2 Corporate Drive, Suite 800
Shelton, CT 06484

Re: Award Letter

CONTRACT# CNR01439

CONTRACT NAME: Computer Equipment and Related Hardware, Software, Services and Support

EFFECTIVE DATES: August 1, 2017 to July 31, 2022

Dear Ms. Barbieri,

Congratulations! I am pleased to advise you that CDW Government LLC (CDW-G) has been awarded a five (5) year agreement with one (1), five (5) year renewal for the above referenced contract with Educational and Institutional Cooperative Services, Inc. (E&I).

We look forward to working with you to release this agreement to our members as soon as possible. We will be in touch with you shortly to schedule and/or follow up on the launch planning meeting with the appropriate representatives from your organization and the E&I Portfolio Support Executive (PSE), Michael Mast.

As per the terms and conditions governing this agreement, a monthly Report of Sales shall be provided to E&I on the Vendor Report File (VRF) provided to you during the RFP process and Contract Administrative Fees

We are delighted to welcome CDW-G as a continued E&I business partner. Your interest and cooperation in our Competitive Solicitation Program is appreciated. Should you have any questions or concerns, please do not hesitate to contact the Contract Manager, Cathy Goglia at cgoglia@eandi.org or 631.630.8318.

Sincerely,



Gary D. Link, C.P.M.
Senior Vice President, Consulting Group & Contracts
cc: Keith Fowlkes



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nicholas, President
Date: January 25, 2021
Subject: Order for General Election for College Board Trustees on May 1, 2021

Discussion and possible action on the Order for General Election for Board of Trustees to be held May 1, 2021.

Presented to the Board of Trustees for recommended approval on January 25, 2021.

Motion to be acted upon: *"I move the Board of Trustees approve the Order and Resolution Calling the Community College Board of Trustees Election to be held on May 1, 2021."*

PURPOSE

To hold a General Election to allow registered voters residing in the College of the Mainland (COM) District to vote for one candidate residing in Single Member District 2 and for one candidate residing in Single Member District 3.

BACKGROUND

Texas Election Code section 41.001 authorizes the governing bodies of political subdivisions to conduct general and special election on the first Saturday in May or the first Tuesday after the first Monday in November.

ATTACHMENTS:

- 1. Order and Resolution Calling the Community College Board of Trustees Election**

**THE STATE OF TEXAS
COUNTY OF GALVESTON
COLLEGE OF THE MAINLAND COMMUNITY COLLEGE DISTRICT**

The Board of Trustees of COLLEGE OF THE MAINLAND COMMUNITY COLLEGE DISTRICT (COM) at the REGULAR MEETING, ON THE 25th DAY OF JANUARY 2021, in the Conference Center, within the College District; and the roll was called of the duly constituted officers and members of said Board, to wit:

Kyle Dickson	Chairman
Alan Waters	Vice Chairman
Melissa Skipworth	Secretary
Donald Gartman	Trustee
Verna Henson	Trustee
William McGarvey	Trustee
Dawn King	Trustee

All said persons were present, except the following absentees:

Thus, constituting a quorum, whereupon, among other business, the following transacted at said meeting; a written order and resolution entitled:

ORDER AND RESOLUTION CALLING COMMUNITY COLLEGE TRUSTEE ELECTION

The Order was duly introduced for the consideration of the Board of Trustees and has been fully reviewed. The Order was then duly moved and seconded that the Order of Election be approved; and, after full discussion, the motion to approve the Order of Election prevailed and was approved by the following vote.

Ayes:

Nays:

The Chairman of the Board thereupon announced that the Order of Election was duly and lawfully approved and The Order was adopted as follows:

ORDER AND RESOLUTION CALLING THE COMMUNITY COLLEGE BOARD OF TRUSTEE ELECTION

THE STATE OF TEXAS, COUNTY OF GALVESTON
COLLEGE OF THE MAINLAND COMMUNITY COLLEGE DISTRICT

WHEREAS, The Board of Trustees deems it necessary to call the election hereinafter described pursuant to the provisions of the Texas Education Code, Section 11.052, and the Federal Voting Rights Act of 1965, and

WHEREAS, Texas Election Code section 41.001 authorized the governing bodies of political subdivisions to conduct general and special election on the first Saturday in May or the first Tuesday after the first Monday in November.

THEREFORE, BE IT ORDERED AND RESOLVED BY THE BOARD OF TRUSTEES OF COLLEGE OF THE MAINLAND (COM) THAT:

Section 1. A General Election for college board trustees shall be held for COM on the 1st day of May 2021, in which all registered voters residing in the COM Single Member District (SMD) 2 shall be entitled to vote for one candidate in SMD 2 and all registered voters residing in the COM SMD 3 shall be entitled to vote for one candidate in SMD 3. Candidates must file for a specific district and adhere to the filing deadlines accordingly. Candidate applications are available at COM District Student Center Building and on the COM District website; www.com.edu. The filing period for application for a position on the ballot for the COM District General election is January 13, 2021 at 8:00 a.m. through February 12, 2021 at 5:00 p.m. Candidates must file their applications in the COM District Student Center Building located at 1200 Amburn Road, Texas City, Texas 77591 in person or by mail.

Section 2. Notice of such election shall be posted and published as required by law.

Section 3. Ballots by mail shall be returned to the Early Voting Clerk;

Christine Brasher – Early Voting Clerk
College of the Mainland
1200 N Amburn Road
Texas City, TX 77591

Section 4. Please see “Exhibit A” for the early voting locations and the hours that the polls are open. Voters residing in COM’s taxing district may vote at any of the early voting locations.

Section 5. Please see “Exhibit B” for the Election Day voting locations and hours that the polls are open. Voters residing in COM’s taxing district may vote at any of the early voting

locations or at such other locations as hereafter may be designated by the Galveston County Clerk and approved by the President of the College District.

(a) The Galveston County Clerk, Dwight D. Sullivan, is hereby designated as the Early Voting Clerk for Galveston County to perform those functions for College District voters who are qualified under state and federal law in Galveston County. Applications for ballots to be voted by mail should be mailed to:

Dwight D. Sullivan
Galveston County Clerk
P.O. Box 17253
Galveston, Texas 77552-7253
Faxed to: 409-765-3160
Emailed to: Dwight.sullivan@co.galveston.tx.us

Section 6. Joint Election. The College District has agreed to participate in a joint election with other participating governmental entities in Galveston County who are also holding elections on Election Day and will contract with the Galveston County for election services. The Board authorizes the Chair of the Board, the President of the College District, or the respective designee of either of such parties, to negotiate and enter into one or more joint election agreements and/or similar contracts or agreements if desired or if required to comply with applicable law, as permitted and in accordance with the provisions of the Texas Election Code, as amended.

Section 7. Election of trustees for each office shall be by a majority vote and the results of said election on May 1, 2021 shall be canvassed by the COM District contractor, Galveston County.

Section 8. Effective date: This Election Order is effective immediately upon approval of the trustees of the "COM" District.

PASSED AND APPROVED January 25, 2021

ATTEST:

Kyle Dickson, Chair
Board of Trustees
College of the Mainland

Melissa Skipworth, Secretary
Board of Trustees
College of the Mainland

**EL ESTADO DE TEXAS
CONDADO DE GALVESTON
DISTRITO DE COMMUNITY COLLEGE DE COLLEGE OF THE MAINLAND**

La Junta de Síndicos del DISTRITO DE COMMUNITY COLLEGE DE COLLEGE OF THE MAINLAND (COM) se reunió en la ASAMBLEA ORDINARIA DEL 25 DE ENERO DE 2021, en el Centro de Conferencias, dentro de dicho Distrito de College, y se tomó lista de los funcionarios y miembros debidamente instituidos de dicha Junta, a saber:

Kyle Dickson	Presidente
Alan Waters	Vicepresidente
Melissa Skipworth	Secretaria
Donald Gartman	Síndico
Verna Henson	Síndico
William McGarvey	Síndico
Dawn King	Síndico

Todas dichas personas estuvieron presentes, salvo los siguientes ausentes:

Así se constituyó un quórum, con lo cual, entre otros asuntos, se tramitó lo siguiente en dicha asamblea: una orden y resolución por escrito titulada:

ORDEN Y RESOLUCIÓN PARA CONVOCAR UNA ELECCIÓN DE SÍNDICOS DEL COMMUNITY COLLEGE

La Orden fue debidamente presentada para la consideración de la Junta de Síndicos y ha sido completamente analizada. La Orden fue entonces debidamente presentada y se secundó que se aprobara la Orden de Elección y, después del debate completo, la moción de aprobar la Orden de Elección prevaleció y fue aprobada con la siguiente votación.

A favor:

En contra:

Tras lo cual, el Presidente de la Junta anunció que la Orden de Elección estaba debida y legalmente aprobada y se adoptó la Orden del siguiente modo:

ORDEN Y RESOLUCIÓN PARA CONVOCAR LA ELECCIÓN DE LA JUNTA DE SÍNDICOS DEL COMMUNITY COLLEGE

EL ESTADO DE TEXAS, CONDADO DE GALVESTON
DISTRITO DE COMMUNITY COLLEGE DE COLLEGE OF THE MAINLAND

EN VISTA DE QUE la Junta de Síndicos considera necesario convocar la elección de síndicos descrita más adelante la presente en virtud de las disposiciones de la Sección 11.052 del Código de Educación de Texas y la Ley Federal de Derechos de Votación de 1965, y

EN VISTA DE QUE la sección 41.001 del Código Electoral de Texas autorizó a los órganos rectores de las subdivisiones políticas a realizar una elección general y especial el primer sábado de mayo o el primer martes después del primer lunes de noviembre.

EN CONSECUENCIA, LA JUNTA DE SÍNDICOS DE COLLEGE OF THE MAINLAND (COM) ORDENA Y RESUELVE QUE:

Sección 1. Se realizará una Elección General para síndicos de la junta del college para el COM el 1 de mayo de 2021, en la que todos los votantes registrados que residen en el Distrito de Miembro Único (SMD) 2 del COM podrán votar por un candidato en el SMD 2 y todos los votantes registrados que residen en el SMD 3 del COM podrán votar por un candidato en el SMD 3. Los candidatos deben presentar su candidatura para un distrito específico y acatar los plazos correspondientes de presentación. Las solicitudes para los candidatos se pueden conseguir en el edificio del centro de estudiantes del Distrito del COM y en el sitio web del Distrito del COM: www.com.edu. El periodo para presentar la solicitud para obtener un lugar en la boleta para la elección general del Distrito del COM es del 13 de enero de 2021 a las 8:00 a.m. hasta el 12 de febrero de 2021 a las 5:00 p.m. Los candidatos deben presentar sus solicitudes en el edificio del centro de estudiantes del Distrito del COM situado en 1200 Amburn Road, Texas City, Texas 77591 en persona o por correo postal.

Sección 2. Se colocará y publicará un aviso de dicha elección como lo exige la ley.

Sección 3. Las boletas de votación por correo postal deben ser regresadas a la Oficial de Votación Anticipada;

Christine Brasher – Early Voting Clerk
College of the Mainland
1200 N Amburn Road
Texas City, TX 77591

Sección 4. En el “Anexo A” se pueden consultar los lugares de votación anticipada y los horarios de apertura de las casillas electorales. Los votantes que residen en el distrito fiscal del COM pueden votar en cualquiera de los lugares de votación anticipada.

Sección 5. En el “Anexo B” se pueden consultar los lugares de votación del Día de Elección y los horarios de apertura de las casillas electorales. Los votantes que residen en el distrito fiscal del COM pueden votar en cualquiera de los lugares de votación anticipada o en ciertos otros lugares como puedan ser designados más adelante por el Secretario del Condado de Galveston y aprobados por el Presidente del Distrito del College.

(a) Por la presente, se designa al Secretario del Condado de Galveston, Dwight D. Sullivan, como el Oficial de Votación Anticipada para el Condado de Galveston para desempeñar dichas funciones para los votantes del Distrito del College que estén habilitados bajo la ley estatal y federal en el Condado de Galveston. Las solicitudes de boletas de votación para votar por correo deberían enviarse por correo postal a:

Dwight D. Sullivan
Galveston County Clerk
P.O. Box 17253
Galveston, Texas 77552-7253
Por fax a: 409-765-3160
Por correo electrónico a: Dwight.sullivan@co.galveston.tx.us

Sección 6. Elección Conjunta. El Distrito del College ha convenido participar en una elección conjunta con otras entidades gubernamentales participantes en el Condado de Galveston que también llevan a cabo elecciones el Día de Elección y celebrará un contrato de servicios electorales con el Condado de Galveston. La Junta autoriza al Presidente de la Junta, al Presidente del Distrito del College o a cada uno de sus respectivos representantes designados a negociar y celebrar uno o más convenios de elección conjunta y/o contratos o convenios similares si así lo desean o si es obligatorio para cumplir con la ley aplicable, según lo permitido por las disposiciones del Código Electoral de Texas y sus enmiendas, y en conformidad con ellas.

Sección 7. La elección de síndicos para cada cargo será por voto mayoritario y los resultados de dicha elección del 1 de mayo de 2021 serán escrutados por el contratista del Distrito del COM, el Condado de Galveston.

Sección 8. Fecha de entrada en vigencia: Esta Orden de Elección entra en vigencia inmediatamente después de su aprobación por los síndicos del Distrito del “COM”.

PRESENTADA Y APROBADA el 25 de enero de 2021.

ATESTIGUA:

Kyle Dickson, Presidente
Junta de Síndicos
College of the Mainland

Melissa Skipworth, Secretaria
Junta de Síndicos
College of the Mainland

EXHIBIT A
ENTITY VOTE CENTER ELECTION MAY 1, 2021

Dates & Times:

Monday, April 19, – Friday, April 24, 2021.....8:00 a.m. – 5:00 p.m.

Monday, April 26, - Tuesday, April 27, 2021.....7:00 a.m. – 7:00 p.m.

MAIN EARLY VOTING POLLING PLACE
(Ubicación principal de votación):

Galveston County Justice Center
600 – 59th Street
2nd Floor Conference Room
Galveston, Texas 77551

EARLY VOTING BRANCH LOCATIONS
(Otros lugares para votar):

COM Conference Center
1200 Amburn Rd.
Texas City, Texas 77591

COM – League City Site
1411 West Main St.
League City, Texas 77573

MUD 12
2929 Highway 6 Ste. 300
Bayou Vista, Texas 77563

Hitchcock City Hall
7423 Highway 6
Hitchcock, Texas 77563

La Marque Community Center
1109 B Bayou Rd.
La Marque, Texas 77568

West County Building
11730 Highway 6
Santa Fe, Texas 77510

Dickinson Community Ctr.
2714 Highway 3
Dickinson, Texas 77539

EXHIBIT B
ELECTION DAY BRANCH LOCATIONS
May 1, 2021
Times:

Saturday May 1, 2021.....7:00 a.m. – 7:00 p.m.

MAIN VOTING POLLING PLACE
(Ubicación principal de votación):

COM Conference Center
1200 Amburn Rd.
Texas City, Texas 77591

COM – League City Site
1411 West Main St.
League City, Texas 77573

MUD 12
2929 Highway 6 Ste. 300
Bayou Vista, Texas 77563

Hitchcock ISD Admin Building
7801 Neville Rd
Hitchcock, Texas 77563

La Marque Community Center
1109 B Bayou Rd.
La Marque, TX 77568

West County Building
11730 Highway 6
Santa Fe, Texas 77510

Dickinson Community Ctr.
2714 Highway 3
Dickinson, Texas 77539



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nicholas, President
Date: January 25, 2021
Subject: Contract for Election Services

Discussion and possible action on the Contract for Election Services for the College of the Mainland General Election to be held May 1, 2021.

Presented to the Board of Trustees for recommended approval on January 25, 2021.

Motion to be acted upon: *"I move the Board of Trustees approve the Contract for Election Services for the College of the Mainland General Election to be held on May 1, 2021."*

PURPOSE

The purpose of this contract between College of the Mainland and Galveston County is to ensure that the parties understand their respective tasks in connection with the upcoming election.

BACKGROUND

Texas Election Code section 41.001 authorizes the governing bodies of political subdivisions to conduct general and special election on the first Saturday in May or the first Tuesday after the first Monday in November. Galveston County will perform election services for the upcoming election on behalf of the college .

ATTACHMENTS:

1. Contract for Election Services

Contract for Election Services
Local Entity Countywide Vote Center Elections

This Contract is made and entered into this 25th day of January, 2021 by and between Hon. Dwight D. Sullivan, County Clerk and County Election Officer for Galveston County (herein known as "Galveston County") and Kyle Dickson on behalf of College of the Mainland ("Entity").

This Contract is being entered into pursuant to Texas Election Code, Chapter 31, Subchapter D for the purpose of ensuring that Galveston County and the Entity understand the tasks each is to perform in connection with the following election and any subsequent runoff election, to-wit:

Purpose of Election: College of the Mainland General Election

May 1, 2021
Election Date

June 19, 2021
Runoff Election Date

Early Voting will be held on **April 19-23, 2021** from 8 a.m. to 5 p.m. and **April 26-27, 2021** with the polls being open from 7 a.m. to 7 p.m. On Election Day the polls will be open from 7 a.m. to 7 p.m.

1. Duties and Services of Galveston County. Galveston County shall be responsible for performing the following duties and furnishing the following services and equipment in connection with the election and any subsequent runoff election.

- 1.1. Program, or arrange to have programmed, the ballot.
[Cost: Based upon the number of contests on the ballot. See the Fee Schedule]
- 1.2. Arrange to have published the legal notices of the first test of the electronic tabulating equipment as provided in Texas Election Code §127.096 and conduct all required tests of the electronic tabulating equipment under Texas Election Code §§127.096-127.098 and §§129.021-129.023. The first test shall be conducted at least five days prior to the election. In addition, it will be performed during normal business hours and open to the public.
[Cost: The cost for publishing the notice will be split equally between all the entities involved. See the Fee Schedule]
- 1.3. Provide technical and equipment support for the electronic poll pads, voting machines and equipment being provided to the Entity. In the event there is an equipment failure Galveston County shall try to remedy the problem over the phone. If unable to do so, will dispatch to locations within Galveston County the appropriate technical support personnel and equipment to correct the failure.
[Cost: Included in the 10% election fee]
- 1.4. On behalf of the Entity, obtain Official Voter Registration lists from the Voter Registrar to be used during Early Voting and on Election Day.

[See Section 2.3 below]

- 1.5. Provide Ballot by Mail services for the Entity.
[See the Fee Schedule]
- 1.6. Hire Judges, Alternate Judges, and clerks to serve as election workers at the various polling locations. Workers will be paid in accordance with Section 5 of this contract and will be required to complete election training (at the discretion of the Elections Division) as a prerequisite for serving. Workers will be paid \$48 for attending training.
- 1.7. Select the countywide vote center polling locations in coordination with the Entity and with the approval of Galveston County Commissioners' Court.
- 1.8. Provide the Entity ****and where possible the candidates running for office,*** a sample ballot for them to proof and approve or provide corrections.
[See sections 2.6 and 2.7 for related information]

****The Entity will be responsible for providing Galveston County with the email and contact information for each candidate who will be on the ballot.***

For additional Duties of Galveston County see section **(5) Fee Schedule of Galveston County** below.

- 2. *Duties and Services of the Entity.*** The Entity will be responsible for performing the duties and services set forth in this section and will consummate this contract **on or before January 30, 2021**. Contracts submitted after this date will require a \$500 fee ***which will be non-refundable regardless of whether the Entity cancels its election.***

- 2.1. Prepare and submit any required submissions to the U.S. Department of Justice under the Federal Voting Rights Act of 1965 for its election and runoff election.
- 2.2. Publish notices of the election in accordance with Section 4.003(a) of the Texas Election Code.
- 2.3. Provide Galveston County with the Entity's requirements for Official Voter Registration lists for early voting and Election Day.
- 2.4. In accordance with Texas Election Code §4.008 as amended, deliver written notice of the election to Galveston County.
- 2.5. It is understood that the Entity may need to modify its election order after **January 31, 2021**, to reflect the actual early voting and Election Day polling locations once the final determination has been made as to which entities will actually be holding an election.

If the Entity wishes to select additional polling locations within its footprint, it will submit a list and the contact information for each facility to Galveston County by **February 14, 2021**. Regardless of who selects the polling locations the Entity shall comply with Texas Election Code §43.062, and shall notify prospective voters

of the new location by placing a notice at the old polling location and a notice at the new polling location.

[See Section 1.7 for additional information on the selection of countywide polling places]

- 2.6. Provide to Galveston County the language for any ballot propositions, the names of election contests, the names of candidates as they are to appear on the ballot, a copy of a sample ballot, ballot draw information and a completed "Requirements to Program the Ballot" form. These materials will be provided in an electronic form to Galveston County by **no later than February 17, 2021**. All language on the ballot must be provided in both English and Spanish in a Word format. Any other languages required by law, must also be provided in a Word format as well (e.g., Harris County, Chinese and Vietnamese). In addition, the Entity will collect and provide to Galveston County the names, addresses, phone numbers and email addresses of all the candidates who are to appear on its ballot. This information will be used to send candidates copies of the ballot proofs for their review.

[See Section 1.8]

- 2.7. Return to Galveston County, by **March 8, 2021 by noon**, confirmation that the sample ballots Galveston County has prepared and provided to the Entity are satisfactory or provide changes that need to be made. Galveston County intends to conduct the L&A test on the Entity's ballot no later than **March 10, 2021**.

The Entity shall have a representative present during the testing who will sign an affidavit signifying the ballot proofs are accurate and acceptable to the Entity. If unable to attend, a representative may send a signed electronic response approving the ballot.

[See Section 1.8 for related information on ballot proofing]

- 2.8. Galveston County will be conducting elections for numerous Entities on the same day. The parties understand that each election has its own challenges and requirements and that failure to provide the information outlined in Section 2 of this contract by the dates specified will place an undue burden on Galveston County that may hinder the ability to provide the services to the Entity in a timely and accurate manner. ***Should the Entity miss the deadlines, and/or fail to notify the County of any special circumstances (e.g., adding portions of another county to their election, additional languages required, or unopposed candidates on the ballot) there may be additional charges incurred, up to \$1,000.00, to be determined by the Chief Deputy of Elections. Should Galveston County be unable to provide the services in a timely and accurate manner the Entity, to the extent allowed under the Constitution and Laws of the State of Texas, shall hold Galveston County and employees harmless from any election errors and corresponding liability and/or damages that may result, including but not limited to the costs incurred related to an election contest and/or the need to conduct a subsequent election.***

- 2.9. As required by §67.017(b) and the Secretary of State's Office, the Entity must submit an electronic precinct-by-precinct report to the Secretary of State's Office by no later than the 30th day after Election Day.

- 2.10. Unless otherwise stipulated, Galveston County will transport or have the Presiding Election Judges transport on its behalf, the voting machines and equipment to and from the Entity's early voting and Election Day voting locations.

2.11. Monitor, with the assistance of Galveston County, the overall conduct of its election in Entity's jurisdiction including the observation of the tabulating of the results.

2.12. Entity to pay a \$125 fee per early voting and Election Day polling locations within its jurisdiction for additional support staff to provide the Entity and its Judges election support services throughout the term of this contract.

3. Cancellation of Contract: Except for contracts consummated after **January 30, 2021**, the Entity may cancel this contract without incurring any expenses by notifying Galveston County of its intention to cancel by no later than two (2) business days after its candidates filing deadline of **February 16, 2021**. The Entity will be obligated to pay Galveston County a \$500 fee if cancelled after this grace period.

4. Special Provision: Bilingual Poll Worker Requirements. Galveston County is permanently enjoined from:

a) Failing to provide in Spanish "any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots," that they provide in English as required by Section 4(f)(4) of the Voting Rights Act, 43 U.S.C. 1973b(f)(4); and

b) Failing to ensure that poll workers provide and receive adequate training regarding (1) the use of providing provisional ballots under Section 302(a) of HAVA; and (2) the display of all HAVA-required signs under Section 302(b) of HAVA.

5. Fee Schedule of Galveston County: Galveston County agrees to perform these services at the following rates:

a) Provide to the Election Judges all necessary election supplies, which are to be returned to Galveston County after the polls close on Election Night.

Cost: \$50 per kit

b) Arrange for staff to receive the supplies and equipment being returned by the Election Judges on Election Night.

Cost: Overtime for staff and part time workers hired to provide this service will be evenly split between the entities contracting with Galveston County.

c) Provide all necessary voting machines and equipment for use at early voting and Election Day locations.

Cost: \$465 per Verity Touch, \$506 per Verity Controller and \$577 per Verity Touch with access.

d) Transport the voting machines and equipment to and from the voting locations.

Cost: \$125 delivery per location

e) Program the ballot and conduct the Logic and Accuracy Testing of the counting equipment.

Cost: Determined by the number of contests on the ballot: \$600 for up to ten contests, \$1,200 for up to 20, \$1,800 for up to 30, \$2,450 for up to 40 and \$3,000 for 41 or more contests.

- f) Provide a central counting station, supplies, equipment and the tabulating and supervisory personnel needed to tabulate. Prepare the unofficial tabulation results and unofficial/official canvass report.
Cost: \$400 for use of the equipment plus overtime for county employees doing the tabulation if applicable.
- g) Assist the Entity in the general overall supervision of the election and any subsequent runoff election.
Cost: Included in the 10% election fee
- h) Conduct early voting, Election Day Voting, and bilingual training.
Cost: \$50 per person per class
- i) Two or more electronic poll pads will be deployed (at the discretion of the Elections Division) to each polling location.
No Cost
- j) Galveston County will partner with the Entities to determine the polling locations within their jurisdictions.
- k) Hire judges, alternate judges, and clerks that are trained by Galveston County and are registered voters from within one of the jurisdictions holding an election.
Cost: Base cost of \$12 per hour per worker. Any worker who serves more than 40 hours in a given pay week will be compensated at time and a half for the hours served in excess of 40 hours.
- l) Elections Mobile App: Entities contracting elections with Galveston County will have their election information included on the Elections Mobile App.
Cost: \$500.
- m) The cost for all printed ballots (ballots by mail, sample ballots and test ballots) is \$.25 per sheet.
- n) Ballots by Mail: Galveston County will provide ballot by mail processing services to the Entity. ***The cost for this service is \$3.00 per ballot (\$3.50, if a multi-page ballot).***
- o) The Entity may have an observer present during the tabulation of the votes. The name and contact information of the observer must be provided to and approved by the Presiding Judge of the Central Count Station on the form prescribed by the Texas Secretary of State upon arrival at the location.

6. Compensation, Billing, and Payment. In accordance with Section 31.100(d) of the Texas Election Code the Entity will pay Galveston County the greater of Seventy-Five (\$75.00) Dollars or ten percent (10%) of the total amount of this contract for general supervision of the election. Pursuant to Texas Election Code §31.098, Galveston County may contract with third persons for election services and supplies agreed to herein and the Entity hereby agrees to pay for these third party costs when invoiced by Galveston County.

Galveston County will invoice the Entity for services rendered under this contract. The Entity will make payment to Galveston County in accordance with the terms and provisions of what is commonly referred to as the Texas Prompt Payment Act.

7. Voting System. The Hart Intercivic Verity equipment as approved by the Texas Secretary of State will be the voting system used in providing services under this contract.

8. Authorized Representatives. Galveston County's authorized representative for all purposes of this contract is its Chief Deputy Clerk for Elections.

The Entity's authorized representative for all purposes of this contract is:

Christine Brasher	_____	409-933-8695
Name (Print)	Signature	Phone #

9. General Provisions. As specified in Texas Election Code §31.096 this contract may not change:

- a) The authority with whom applications of candidates for a place on a ballot are filed;
- b) The authority with whom documents are filed under Texas Election Code S251.001 et. seq.; or
- c) The authority to serve as custodian of voted ballots or other election records.

As set forth in Texas Election Code §31.099 not later than the 10th day after the date this contract is executed Galveston County shall file a copy of this contract with the County Treasurer and the County Auditor.

10. WAIVER OF DAMAGES. The parties acknowledge that the Hart Intercivic Verity System and the programming of paper ballots is highly technical and that it is conceivable that despite the efforts of Galveston County it might fail during an election or might contain errors. The Entity agrees that should the electronic voting system fail, it will not make any claim against Galveston County or any of their full or part-time employees, independent contractors or agents for damages of any kind, including but not limited to any and all costs relating to an election contest and/or costs and damages incurred for having to conduct a second election caused as a result of such failure or error.

The Entity acknowledges that holding multiple simultaneous elections presents logistical problems and other problems over and above a single election. Galveston County and its employees and agents will attempt to help ensure that these simultaneous elections are conducted without error or mishap, but on occasion, errors or mishaps do occur. Accordingly, the Entity agrees that should an error or mishap occur that it will not make any claim against Galveston County, or their full or part-time employees, independent contractors or agents for damages of any kind including but not limited to any and all costs relating to an election contest and/or costs and damages incurred by the Entity for having to conduct a second election, as a result of such error or mishap.

If legal action is filed against the Entity involving its election and if Galveston County is named as a party to this legal action and the complaint is based solely on allegations made against

the Entity, the Entity shall be solely responsible for all costs and defense of that suit. In addition, the Entity shall be required to provide adequate legal counsel for Galveston County and, upon notice to the Entity, Galveston County shall be entitled to settle such claim or legal action upon terms it deems most advantageous to itself.

For purposes of implementing this contract, Galveston County and the Entity designate the following individuals to submit and/or receive information or notices to Galveston County or the Entity:

Galveston County:

Dwight D. Sullivan, County Clerk
Attention: Ernest Murrie, Chief Deputy Clerk for Elections
Galveston County Justice Center
600 59th Street, Suite 2001
Galveston, TX 77551-4180

P.O. Box 17253
Galveston, Texas 77552-7253
409-770-5108
Email: ernest.murrie@co.galveston.tx.us

Entity: College of the Mainland

Christine Brasher

1200 Amburn Rd.

Phone: 409-933-8695

Texas City, TX 77591

Email: cbrasher1@com.edu

This contract will be submitted to the Galveston County Commissioners' Court to be placed on the Consent Agenda as a Receive and File Item.

11. Galveston County Title VI Assurance Clause. Galveston County is committed to ensuring that no person, on the ground of race, color, national origin, religion, sex, age, disability or Veteran status, shall be subjected to discrimination, excluded from participation, or denied the benefits of, its programs and activities.

In accordance with this policy Galveston County requires its service providers and contractors to agree that during the performance of this contract the service provider or contractor for itself, its assignees and successors will abide by the following:

Compliance with Non-Discrimination Laws and Regulations. During the performance of this contract, contractor, for itself, its assignees and successors in interest (hereinafter referred to as "contractor") agrees as follows:

- 1) **Compliance with Regulations.** The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, DOT) Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are incorporated herein by reference and made a part of this contract.

- 2) **Nondiscrimination.** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the basis of race, color, national origin, religion, sex, age, disability or Veteran status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- 3) **Solicitations for Subcontractors, Including Procurement of Materials and Equipment.** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, religion, sex, age, disability or Veteran status.
- 4) **Information and Reports.** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by Galveston County or the Texas Department of Transportation to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to Galveston County or the Texas Department of Transportation as appropriate, and shall set forth what efforts it has made to obtain the information.
- 5) **Sanctions for Noncompliance.** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, Galveston County shall impose such contract sanctions as it or the Texas Department of Transportation may determine to be appropriate, including, but not limited to:
 - a) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - b) cancellation, termination, or suspension of the contract, in whole or in part.
- 6) **Incorporation of Provisions.** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as Galveston County or the Texas Department of Transportation may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request Galveston County to enter into such litigation to protect the interests of Galveston County, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Executed this 25th day of January, 2021.

Galveston County:

Dwight D. Sullivan
County Clerk

College of the Mainland:

Name: Kyle Dickson _____
(Please Print) (Signature)

- () City Manager () Mayor
() Superintendent () President
() City Secretary (x) Other - Chair, Board of Trustees
() Chair County Executive Committee

Received and Filed:

Galveston County

Hon. Mark Henry
County Judge
Attest:

Dwight D. Sullivan
County Clerk

Date: _____

Date Copy of Agreement Furnished
to County Treasurer: _____

Date Copy of Agreement Furnished
to County Auditor: _____



PRESIDENT'S OFFICE

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: January 25, 2021
Subject: Order Calling Bond Election

AGENDA ITEM DESCRIPTION:

Discussion and possible action for consideration and approval of the Order Calling Bond Election.

PURPOSE:

This order authorizes the College to hold an election to request voter approval to refund up to \$13,950,000 of the College's outstanding Maintenance Tax Notes, Series 2017. The election will be held on May 1, 2021.

FUNDING SOURCE:

FY21 operating budget (GL account 11-0-0000-5104-5504)

PROPOSED MOTION:

"I move the Board of Trustees approve the Order Calling Bond Election."

BACKGROUND

Under Texas law, the College is required to obtain voter approval to refund any debt obligation secured by the College's levy of maintenance and operations taxes with refunding bonds that will be secured by the College's levy of interest and sinking fund taxes. It is therefore necessary to call an election to be held within the District on May 1, 2021 pursuant to the applicable provisions of the Texas Election Code.

ATTACHMENTS:

1. Order Calling Bond Election

(c) Based upon market conditions as of the date of this Election Order, the maximum net effective interest rate for any series of the bonds is estimated to be 5.00%. Such estimated maximum interest rate is provided as a matter of information, but is not a limitation on the interest rate at which the bonds, or any series thereof, may be sold. In addition, the estimate contained in this subsection is (i) based on certain assumptions (including assumptions concerning prevailing market and economic conditions at the time(s) of issuance of the bonds) and derived from projections obtained from the College District's financial advisor, (ii) subject to change to the extent that actual facts, circumstances and conditions prevailing at the time that the bonds are issued differ from such assumptions and projections, (iii) provided solely in satisfaction of the requirements of Section 3.009, Election Code, and for no other purpose, without any assurance that such projections will be realized, and (iv) not intended to and does not give rise to a contract with voters or limit the authority of the Board to issue bonds in accordance with the Proposition submitted by this Election Order.

(d) The findings contained in this Section are only estimates provided for Texas statutory compliance and do not serve as a cap on any College District ad valorem debt service tax rate. The statements contained in these findings (i) are based on information available to the College District on the date of adoption of this Election Order, including projections obtained from the College District's consultants, (ii) necessarily consist of estimates and projections that are subject to change based on facts, circumstances and conditions at the time that bonds approved pursuant to this Election Order are issued and (iii) are not intended to limit the authority of the Board to issue bonds in accordance with other terms contained in this Election Order. Accordingly, actual tax rates, interest rates, maturity dates, aggregate outstanding indebtedness and interest on such debt will vary and will be established after the bonds are issued. To the extent of any conflict between this subsection and other terms of this Election Order, such other terms control.

Section 2. Election Ordered; Date. An election (the "Election") shall be held for and within the College District on Saturday, May 1, 2021 ("Election Day"), in accordance with the Texas Election Code (the "Code").

Section 3. Proposition. At the Election the following proposition (the "Proposition"), setting forth the purposes, the principal amount and the maximum maturity date for the bonds to be authorized, shall be submitted to the qualified voters of the College District in accordance with law:

COLLEGE OF THE MAINLAND PROPOSITION A

SHALL THE BOARD OF TRUSTEES (THE "BOARD") OF COLLEGE OF THE MAINLAND (THE "COLLEGE DISTRICT") BE AUTHORIZED TO ISSUE BONDS OF THE COLLEGE DISTRICT, IN ONE OR MORE SERIES OR INSTALLMENTS, IN THE AMOUNT OF \$13,950,000 FOR THE PURPOSE OF REFUNDING COLLEGE OF THE MAINLAND MAINTENANCE TAX NOTES, SERIES 2017, WHICH BONDS SHALL MATURE SERIALY OR OTHERWISE NOT MORE THAN 40 YEARS FROM THEIR DATE, AND SHALL BEAR INTEREST AT SUCH RATE OR RATES, NOT TO EXCEED THE MAXIMUM RATE NOW OR HEREAFTER AUTHORIZED BY LAW, AS SHALL BE DETERMINED BY THE BOARD OF TRUSTEES OF COLLEGE

DISTRICT WITHIN THE DISCRETION OF THE BOARD AT THE TIME OF ISSUANCE; AND SHALL THE BOARD OF TRUSTEES BE AUTHORIZED TO LEVY AND PLEDGE, AND CAUSE TO BE ASSESSED AND COLLECTED, ANNUAL AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN THE COLLEGE DISTRICT SUFFICIENT, WITHIN THE LIMITS PRESCRIBED BY LAW, TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS AND THE COSTS OF ANY CREDIT AGREEMENTS EXECUTED OR AUTHORIZED IN ANTICIPATION OF, IN RELATION TO, OR IN CONNECTION WITH SAID BONDS; SAID BONDS TO BE ISSUED AND SAID TAXES TO BE LEVIED, PLEDGED, ASSESSED, AND COLLECTED UNDER THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS INCLUDING THE TEXAS EDUCATION CODE?

Section 4. Official Ballot.

(a) Voting at the Election, and early voting therefor, shall be by the use of the lawfully approved Galveston County voting systems and ballots. To the extent required by law, at least one accessible voting system shall be provided in each polling place used in the Election. Such voting system shall comply with Texas and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Paper ballots may be used for early voting by mail.

(b) The preparation of the necessary equipment and the official ballots for the Election shall conform to the requirements of the Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid Proposition which shall be set forth on the ballots substantially in the following form:

COLLEGE OF THE MAINLAND PROPOSITION A

<input type="checkbox"/> FOR	THE ISSUANCE OF \$13,950,000 BONDS FOR THE PURPOSE OF REFUNDING COLLEGE OF THE MAINLAND MAINTENANCE TAX NOTES, SERIES 2017 AND LEVYING AND IMPOSITION OF TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS AND THE COSTS OF ANY CREDIT AGREEMENTS. REQUIRED STATEMENT FOR ALL SCHOOL DISTRICT BOND PROPOSITIONS PURSUANT TO SECTION 45.003, TEXAS EDUCATION CODE: THIS IS A PROPERTY TAX INCREASE.
<input type="checkbox"/> AGAINST	

Section 5. Persons Qualified to Vote. All resident, qualified electors of the College District shall be eligible to vote at the Election.

Section 6. Election Precincts, Voting Locations and Voting Hours on Election Day. The election precincts for the Election shall consist of the territory within the boundaries of the College District situated within one or more Galveston County election precincts, which bear the precinct numbers set forth in Exhibit A attached hereto and incorporated herein. The voting location for voting on Election Day for each election precinct shall be as set forth in Exhibit A, or

at such other locations as hereafter may be designated by the Galveston County Clerk and approved by the President of the College District. On Election Day the polls shall be open from 7:00 a.m. to 7:00 p.m.

Section 7. Early Voting Locations, Dates and Times. (a) Early voting by personal appearance for all election precincts at the times and on the days set forth in **Exhibit B**, or at such other locations as hereafter may be designated by the Galveston County Clerk and approved by the President of the College District.

(b) The Galveston County Clerk, Dwight D. Sullivan, is hereby designated as the Early Voting Clerk to perform those functions for College District voters who are qualified under state and federal law. Applications for ballots to be voted by mail should be directed to:

Dwight D. Sullivan
Galveston County Clerk
P.O. Box 17253
Galveston, Texas 77552-7253
Faxed to: 409-765-3160
Emailed to: Dwight.sullivan@co.galveston.tx.us

Section 8. Joint Election. The College District has agreed to participate in a joint election with other participating governmental entities in Galveston County who are also holding elections on Election Day and will contract with the Galveston County for election services. The Board authorizes the Chair of the Board, the President of the College District, or the respective designee of either of such parties, to negotiate and enter into one or more joint election agreements and/or similar contracts or agreements if desired or if required to comply with applicable law, as permitted and in accordance with the provisions of the Texas Election Code, as amended.

Section 9. Appointment of Election Officers. Prior to the Election Day, the election judges, alternate judges, clerks and other personnel necessary for conducting the Election will be appointed by the Galveston County Clerk, and the election judges and alternate judges may be changed and the polling places may be combined for some precincts, pursuant to decision of the Galveston County Clerk. The Galveston County Clerk shall also be responsible for establishing the central counting station for the ballots cast in such election and appointing the personnel necessary for such station. The Board hereby authorizes the Chair of the Board of Trustees or the President of the College District to appoint any such other officials not designated herein or appointed by Galveston County as are necessary and appropriate to conduct the Election in accordance with the Code.

Section 10. Notice of Election. Notice of the Election shall be given in accordance with applicable law and all such notices shall be given in English and Spanish. Without limiting the generality of the immediately preceding sentence, a voter information document for the Proposition, in substantially the form attached hereto as **Exhibit C**, shall also be disseminated in accordance with applicable law.

Section 11. Conduct of Election. The Election shall be held in accordance with the Code, except as modified by the Texas Education Code, and the Federal Voting Rights Act of

1965, as amended, including particularly Chapter 272 of the Code pertaining to bilingual requirements.

Section 12. Necessary Actions. The Chair and the Secretary of the Board of Trustees and the President of the College District, in consultation with the College District's attorney and bond counsel are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein. In addition, the Board authorizes the Chair, the President of the College District, or the respective designee of either of such parties to make such technical modifications to this Election Order, including the exhibits hereto, that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Board, as evidenced herein

Section 13. Severability. If any provision, section, subsection, sentence, clause or phrase of this Election Order, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, neither the remaining portions of this Election Order nor their application to other persons or sets of circumstances shall be affected thereby, it being the intent of the College District in adopting this Election Order that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, invalidity or unenforceability of any other portion hereof, and all provisions of this Election Order are declared to be severable for that purpose.

Section 14. Effective Date. This Election Order is effective immediately upon its passage and approval.

[signature page follows]

PASSED AND APPROVED _____, 2021.

Chair, Board of Trustees
College of the Mainland

ATTEST:

Secretary, Board of Trustees
College of the Mainland

(SEAL)

EXHIBIT A

**GALVESTON COUNTY
ELECTION DAY VOTING LOCATIONS
MAY 1, 2021
7:00 A.M. TO 7:00 P.M.**

[TO CONFIRM]

Joe Faggard Community Center
1750 Highway 87
Crystal Beach, TX 77650

Carver Park Community Center
6415 Park Ave.
Texas City, TX 77591

Galveston County Court House
722 Moody (2nd Floor)
Galveston, TX 77550

Seaside Baptist Church
16534 Termini-San Luis Pass Rd.
Jamaica Beach, TX 77554

Scott Building
4116 N 1/2
Galveston, TX 77550

Moody Methodist Church
2803 53rd St
Galveston, TX 77551

MUD 12 Building
2929 Hwy 6 Ste. 300
Bayou Vista, TX 77563

Greater St. Matthews Baptist Church
6333 Highway 6
Hitchcock, TX 77563

West County Building
11730 Highway 6
Santa Fe, TX 77510

Sant Fe ISD Museum
13304 Highway 6
Santa Fe, TX 77510

La Marque Community Room
1109 B Bayou Rd.
La Marque, TX 77568

Nessler Center
2010 Fifth Ave. North
Texas City, TX 77590

San Leon Volunteer Fire
12th St. & Ave. D
San Leon, TX 77539

Mid County Building
9850 Emmett Lowry Expressway
Texas City, TX 77591

Dickinson Community Center
2714 Highway 3
Dickinson, TX 77539

IBC Bank
2301 W FM 646
Dickinson, TX 77539

The Crossings
255 N. Egret Bay Blvd.
League City, TX 77573

Bacliff Volunteer Fire Department
600 Grand Avenue
Bacliff, TX 77518

League City Civic Center
2105 Dickinson Ave.
League City, TX 77573

Justice Center
600 59th Street
Galveston, Texas 77551

Friendswood ISD Admin.
402 Laurel Dr.
Friendswood, TX 77546

Kemah Community Center
800 Harris
Kemah, TX 77565

Calder Road Annex
174 Calder Rd.
League City, TX 77573

EXHIBIT B

**GALVESTON COUNTY
EARLY VOTING BRANCH LOCATIONS**

Dates & Times:

[TO CONFIRM]

Monday, April 19, - Friday, April 23, 2021.....8:00 a.m. – 5:00 p.m.

Monday, April 26, - Tuesday, April 27, 2021.....7:00 a.m. – 7:00 p.m.

Galveston County Justice Center
600 – 59th Street
2nd Floor Conference Room
Galveston, Texas

[TO CONFIRM]

Joe Faggard Community Center
1750 Highway 87
Crystal Beach, TX 77650

Rebecca Sealy Hospital
404 8th Street
Galveston, TX 77555

Galveston County Court House
722 Moody (2nd Floor)
Galveston, TX 77550

Santa Fe City Hall
12002 Highway 6
Santa Fe, TX 77510

Scott Building
4116 N 1/2
Galveston, TX 77550

Moody Methodist Church
2803 53rd St
Galveston, TX 77551

GISD Administration Building
3904 Ave. T
Galveston, TX

Seaside Baptist Church
16534 Termini-San Luis Pass Rd.
Jamaica Beach, TX 77554

MUD 12 Building
2929 Hwy 6 Ste. 300
Bayou Vista, TX 77563

Greater St. Matthews Baptist Church
6333 Highway 6
Hitchcock, TX 77563

West County Building
11730 Highway 6
Santa Fe, TX 77510

Sant Fe ISD Museum
13304 Highway 6
Santa Fe, TX 77510

Day Spring Church
2215 FM 646 Rd. North
Santa Fe, TX 77510

Carver Park Community Center
6415 Park Ave.
Texas City, TX 77591

La Marque Community Room
1109 B Bayou Rd.
La Marque, TX 77568

Calvary Baptist Church
517 18th Ave. North
Texas City, TX 77590

COM Main Campus
1200 Amburn Rd. (Fine Arts)
Texas City, TX 77591

San Leon Volunteer Fire
12th St. & Ave. D
San Leon, TX 77539

Dickinson Community Center
2714 Highway 3
Dickinson, TX 77539

Dominion Church
6400 Calder Road
Dickinson, TX 77539

The Crossings
255 N. Egret Bay Blvd.
League City, TX 77573

Hometown Hero's Park
2105 Dickinson Ave.
League City, TX 77573

Texas A&M Building 3035
2025 Seawolf Parkway, Suite 102
Galveston, Texas 77554

League City Intermediate
2588 Webster St. (Cafeteria)
League City, TX 77573

COM (North Building)
200 Parker Ct.
League City, TX 77573

Texas City Central Fire Station
1721 25th St.
Texas City, TX 77590

Nessler Center
2010 Fifth Ave. North
Texas City, TX 77590

Mid County Building
9850 Emmett Lowry Expressway
Texas City, TX 77591

Dickinson City Hall
4403 Highway 3
Dickinson, TX 77539

IBC Bank
2301 W FM 646
Dickinson, TX 77539

Bacliff Volunteer Fire Department
600 Grand Avenue
Bacliff, TX 77518

Bauerschlag Elementary
2051 League City Parkway
League City, TX 77573

Kemah Community Center
800 Harris
Kemah, TX 77565

Regal Estates
500 Enterprise Ave.
League City, TX 77573

League City Civic Center
400 W. Walker (Ballroom)
League City, TX 77573

Calder Road Annex
174 Calder Rd.
League City, TX 77573

Friendswood ISD Admin.
402 Laurel Dr.
Friendswood, TX 77546

Hope Lutheran
1804 S. Friendswood Drive
Friendswood, TX 77546

Stanfield Properties
807 S. Friendswood Dr.
Friendswood, TX 77546

Justice Center
600 59th Street
Galveston, Texas 77551

[insert amortization schedule]

(2) Assumed changes in estimated future appraised values within the College District: [].

(3) Assumed interest rate on the proposed debt obligations: [].

The estimates contained in this voter information document are (i) based on certain assumptions (including assumptions concerning prevailing market and economic conditions at the time(s) of issuance of the bonds) and derived from projections obtained from the College District's financial advisor, (ii) subject to change to the extent that actual facts, circumstances and conditions prevailing at the time that the bonds are issued differ from such assumptions and projections, (iii) provided solely in satisfaction of the requirements of Section 1251.052, Texas Government Code, and for no other purpose, without any assurance that such projections will be realized, and (iv) not intended to and does not give rise to a contract with voters or limit the authority of the College District to issue bonds in accordance with the Proposition submitted by the College District's Election Order.



JANUARY 2021 POLICY UPDATE

LOCAL POLICY CHANGES

FLD(LOCAL) *Student Rights and Responsibilities: Student Complaints.* In order to clarify the procedures for management of academic student complaints, the policy now includes a reference to a new regulation to guide students and employees toward a successful resolution of academic complaints such as academic suspension, academic standing, and programmatic issues.

LEGAL POLICY CHANGES EMPLOYEE POLICIES

DAA(LEGAL) *Employment Objectives: Equal Employment Opportunity.* College of the Mainland promotes inclusion and diversity and strongly prohibits discrimination on the basis of sex. COM policies have long reflected this commitment and changed its local policies to include language which prohibits discrimination based on sexual orientation and gender identity. The U.S. Supreme Court's decision in *Bostock v. Clayton County, Georgia* now guarantees those protections as reflected in the changes to this policy.

STUDENT AND INSTRUCTION POLICIES

FEB(LEGAL) *Financing Education: Work Student.* This policy now incorporates Administrative Code changes which include reference to the Mentorship Program under the Texas College Work-Study Program. Students who are enrolled at eligible institutions may be employed to mentor other students, counsel high school students, and support other student needs.

EFB(LEGAL) *Curriculum Design: Degrees and Certificates.* Beginning the 2021–22 academic year, Senate Bill 25 requires college districts to develop at least one Recommended Course Sequence for each undergraduate certificate or degree program offered. Website posting of Recommended Course Sequence offerings is also now required as reflected in the changes to **CRA(LEGAL) *Technology Resources: Website Postings.***

BUSINESS POLICIES

CAAB(LEGAL) *State and Federal Revenue Sources: Federal.* Updates to this legal policy reflect recent U.S. Office of Management and Budget (OMB) amendments to its guidance for grants and agreements.

CAI(LEGAL) *Appropriations and Revenue Sources: Ad Valorem Taxes.* This policy was updated in response to Senate Bill 2, effective January 1, 2021, which requires an officer or employee designated by the college district to submit the college district's Tax Rate Calculation forms to the county assessor-collector for each applicable county.

OTHER LEGAL POLICY UPDATES

Other legal policies have been updated including: **CIA, CKE, CS, EI, FAA, FEA, BBB, BDB, CC, CDA, CGE, and CHE.** The Office of the Staff Attorney is available to answer any questions regarding these changes along with any other policy or regulation inquiries. Please contact cbrasher1@com.edu for assistance.

For more information and to read the entire texts of these and other policies visit:

<https://pol.tasb.org/Home/Index/497>



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: January 25, 2021
Subject: Recommendation – Approval of COM Local Policy

Discussion and possible action on the proposed revisions to COM Policy *FLD (Local) Student Rights and Responsibilities; Student Complaints*.

Presented and recommended for approval to the Board of Trustees on January 25, 2021.

MINUTE ORDER

Motion to be acted upon: *“I move the Board of Trustees approve the adoption of COM Policy FLD (Local).”*

PURPOSE

Revision to *FLD (Local)* is made to its organization and to include a reference to *FLD (Regulation)* for addressing student academic complaints.

BACKGROUND

This Policy was last updated on 3/31/2020

ATTACHMENTS

- 1) COM Policy *FLD (Local)*–Draft
- 2) COM Policy *FLD (Local)*– Final

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

A complaint or grievance is defined as an unresolved issue concerning the application of College District policy, practice, or regulation. This concern could include misconduct or a condition the student believes to be unfair, inequitable, discriminatory, or a hindrance to the student’s educational progress. ~~This policy shall not apply to decisions regarding financial aid eligibility, challenges to existing policy, or those pertaining to academic or grading matters.~~

Guiding Principles

Informal Process

The College District encourages students to discuss their concerns with the appropriate instructor or other campus administrator who has the authority to address the concerns.

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged for most complaints but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

A student may initiate the formal process described below by timely filing a complaint. [See FLD(EXHIBIT) to file a written complaint]

Even after initiating the formal complaint process, students are encouraged to seek informal resolution of their concerns. A student whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

Freedom from Retaliation

Neither the Board nor any College District employee shall unlawfully retaliate against any student for bringing a concern or complaint.

Notice to Students

The College District shall inform students of this policy through appropriate College District publications.

Exclusions and Other Complaint Processes

Student complaints shall be filed in accordance with this policy, except as required by the policies or procedures listed below. Some of these policies require appeals to be submitted in accordance with FLD after the relevant complaint process:

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT COMPLAINTS

FLD
(LOCAL)

1. Complaints alleging discrimination or harassment based on race, color, sex, gender, national origin, disability, age, or religion. [See FFDA and FFDB]
2. Complaints concerning retaliation relating to discrimination and harassment. [See FFDA and FFDB]
3. Complaints concerning disciplinary decisions. [See FMA and FLB]
4. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CHA]
5. Complaints concerning financial aid eligibility. [See Financial Aid section in online Student Handbook]
6. Complaints concerning grade appeals. [See Grade Appeal Procedure in online Student Handbook]
- 4-7. Other academic student complaints such as academic suspension, academic standing, disagreements about absences, and programmatic issues shall follow the procedures found in FLD(Regulation).

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, electronic communication, including email and fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling
Conferences

The College District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student fails to appear at a scheduled conference, the College District official may issue a decision in the student's absence.

Response

At Levels One, Two, and Three, "response" shall mean a written communication to the student from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the student's email address of record, or sent by U.S. Mail to the student's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT COMPLAINTS

FLD
(LOCAL)

Days	<p>“Days” shall mean College District business days. In calculating timelines under this policy, the day a document is filed is “day zero.” The following day is “day one.”</p>
Adviser / Attorney	<p>Students are expected to act as their own advocates throughout the student complaint process. An attorney or other adviser of a student may be present during any scheduled conferences or proceeding. The role of the attorney or adviser shall be to provide advice and support to the student, but he or she cannot participate by speaking in meetings, asking questions, requesting information, or otherwise addressing College District officials involved in the conduct matter.</p> <p>If the student indicates an attorney will be present at any conference or proceeding with fewer than three days’ notice to the College District before a scheduled conference or hearing, the College District may reschedule the conference or hearing to a later date in order to include the College District’s counsel.</p>
Consolidating Complaints	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p>
Untimely Filings	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student, at any point during the complaint process. The student may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p>
Costs Incurred	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>
Complaint and Appeal Forms	<p>Complaints and appeals under this policy shall be submitted in writing on a form provided by the College District.</p> <p>Copies of any documents that support the complaint should be attached to the complaint form. If the student does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student unless the student did not know the documents existed before the Level One conference.</p>

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refileing is within the designated time for filing.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the student 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 shall file Level One complaints with the dean of students or designee. If the only administrator who has authority to remedy the alleged problem is the Level Two or Level Three administrator, the complaint may begin at Level Two or Level Three, respectively, 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 dean of students shall investigate as necessary and schedule a conference with the student within ten days after receipt of the written complaint. The dean of students may set reasonable time limits for the conference.

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

Level Two

If the student did not receive the relief requested at Level One or if the time for a response has expired, the student may request a conference with the vice president of student services to appeal the Level One decision.

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

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to

the vice president of student services. The student may request a copy of the Level One record.

The Level One record shall include:

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

If the student requests a conference, the Level Two administrator shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the student may provide information concerning any documents or information relied on by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

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

Level Three

If the student did not receive the relief requested at Level Two or if the time for a response has expired, the student may request a conference with the College President or designee to appeal the Level Two decision.

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

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

The Level Two record shall include:

1. The Level One record.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT COMPLAINTS

FLD
(LOCAL)

2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the Level Two administrator in reaching the Level Two decision.

If the student requests a conference, the College President shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level Two. At the conference, the student may provide information concerning any documents or information relied on by the administration for the Level Two decision. If a student fails to appear at the scheduled conference, the College President may issue a decision in the student's absence. The College President may set reasonable time limits for the conference.

The following provisions shall govern the review by the College President of an appeal under this policy:

1. A decision may be remanded for further consideration upon a finding that it was not made in accordance with applicable state or federal law, policy, or College District regulations; provided, however, that the decision should not be remanded if the procedural error was not material to the decision and therefore constituted harmless error;
2. A decision may be modified or reversed only upon a finding that the decision constituted an abuse of discretion or was made in violation of applicable state or federal law, or policy; provided, however, that the decision should not be modified or reversed if the violation of policy was not material to the decision and therefore constituted harmless error; or
3. A decision should be affirmed in the absence of a finding of abuse of discretion or material violation of applicable state or federal law or institutional policies or regulations.

Notwithstanding any provision herein to the contrary, any decision may be remanded by the College President for a resolution of the matter, which is mutually acceptable to the parties or which is, in the best judgment of the College President, a fair and equitable resolution.

The College President shall provide the student a written response within ten days following the conference or, if no conference was requested, within ten days of the filing of the appeal. The written response shall set forth the basis of the decision. In reaching a decision, the College President may consider the Level One and Level Two records, information provided at the Level Three

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT COMPLAINTS

FLD
(LOCAL)

conference, and any other relevant documents or information the College President believes will help resolve the complaint. The decision of the College President is final and without further appeal.

Upon conclusion of the Level Three appeal process, the College President shall provide notice to the Board.

Board Action

In accordance with law, the Board shall not be required to take any action concerning a grievance but is required to listen if the grievance is presented at a public meeting. Under the Texas Constitution, any student may present a grievance to the Board regardless of the scope of this policy. [See FLD]

Copies of written grievances and complaints and accompanying responses, documentation, and recordings shall be maintained in accordance with the College District's records retention regulations. [See CIA and FJ]

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT COMPLAINTS

FLD
(LOCAL)

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

A complaint or grievance is defined as an unresolved issue concerning the application of College District policy, practice, or regulation. This concern could include misconduct or a condition the student believes to be unfair, inequitable, discriminatory, or a hindrance to the student’s educational progress.

Guiding Principles

Informal Process

The College District encourages students to discuss their concerns with the appropriate instructor or other campus administrator who has the authority to address the concerns.

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged for most complaints but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

A student may initiate the formal process described below by timely filing a complaint. [See FLD(EXHIBIT) to file a written complaint]

Even after initiating the formal complaint process, students are encouraged to seek informal resolution of their concerns. A student whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

Freedom from Retaliation

Neither the Board nor any College District employee shall unlawfully retaliate against any student for bringing a concern or complaint.

Notice to Students

The College District shall inform students of this policy through appropriate College District publications.

Exclusions and Other Complaint Processes

Student complaints shall be filed in accordance with this policy, except as required by the policies or procedures listed below. Some of these policies require appeals to be submitted in accordance with FLD after the relevant complaint process:

1. Complaints alleging discrimination or harassment based on race, color, sex, gender, national origin, disability, age, or religion. [See FFDA and FFDB]

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT COMPLAINTS

FLD
(LOCAL)

2. Complaints concerning retaliation relating to discrimination and harassment. [See FFDA and FFDB]
3. Complaints concerning disciplinary decisions. [See FMA and FLB]
4. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CHA]
5. Complaints concerning financial aid eligibility. [See Financial Aid section in online Student Handbook]
6. Complaints concerning grade appeals. [See Grade Appeal Procedure in online Student Handbook]
7. Other academic student complaints such as academic suspension, academic standing, disagreements about absences, and programmatic issues shall follow the procedures found in FLD(Regulation).

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, electronic communication, including email and fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling
Conferences

The College District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student fails to appear at a scheduled conference, the College District official may issue a decision in the student's absence.

Response

At Levels One, Two, and Three, "response" shall mean a written communication to the student from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the student's email address of record, or sent by U.S. Mail to the student's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Days

"Days" shall mean College District business days. In calculating timelines under this policy, the day a document is filed is "day zero." The following day is "day one."

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT COMPLAINTS

FLD
(LOCAL)

Adviser / Attorney	<p>Students are expected to act as their own advocates throughout the student complaint process. An attorney or other adviser of a student may be present during any scheduled conferences or proceeding. The role of the attorney or adviser shall be to provide advice and support to the student, but he or she cannot participate by speaking in meetings, asking questions, requesting information, or otherwise addressing College District officials involved in the conduct matter.</p> <p>If the student indicates an attorney will be present at any conference or proceeding with fewer than three days' notice to the College District before a scheduled conference or hearing, the College District may reschedule the conference or hearing to a later date in order to include the College District's counsel.</p>
Consolidating Complaints	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p>
Untimely Filings	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student, at any point during the complaint process. The student may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p>
Costs Incurred	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>
Complaint and Appeal Forms	<p>Complaints and appeals under this policy shall be submitted in writing on a form provided by the College District.</p> <p>Copies of any documents that support the complaint should be attached to the complaint form. If the student does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student unless the student did not know the documents existed before the Level One conference.</p> <p>A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refileing is within the designated time for filing.</p>
Level One	<p>Complaint forms must be filed:</p>

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT COMPLAINTS

FLD
(LOCAL)

1. Within 15 days of the date the student 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 shall file Level One complaints with the dean of students or designee. If the only administrator who has authority to remedy the alleged problem is the Level Two or Level Three administrator, the complaint may begin at Level Two or Level Three, respectively, 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 dean of students shall investigate as necessary and schedule a conference with the student within ten days after receipt of the written complaint. The dean of students may set reasonable time limits for the conference.

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

Level Two

If the student did not receive the relief requested at Level One or if the time for a response has expired, the student may request a conference with the vice president of student services to appeal the Level One decision.

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

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the vice president of student services. The student may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT COMPLAINTS

FLD
(LOCAL)

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

If the student requests a conference, the Level Two administrator shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the student may provide information concerning any documents or information relied on by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

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

Level Three

If the student did not receive the relief requested at Level Two or if the time for a response has expired, the student may request a conference with the College President or designee to appeal the Level Two decision.

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

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

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the Level Two administrator in reaching the Level Two decision.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT COMPLAINTS

FLD
(LOCAL)

If the student requests a conference, the College President shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level Two. At the conference, the student may provide information concerning any documents or information relied on by the administration for the Level Two decision. If a student fails to appear at the scheduled conference, the College President may issue a decision in the student's absence. The College President may set reasonable time limits for the conference.

The following provisions shall govern the review by the College President of an appeal under this policy:

1. A decision may be remanded for further consideration upon a finding that it was not made in accordance with applicable state or federal law, policy, or College District regulations; provided, however, that the decision should not be remanded if the procedural error was not material to the decision and therefore constituted harmless error;
2. A decision may be modified or reversed only upon a finding that the decision constituted an abuse of discretion or was made in violation of applicable state or federal law, or policy; provided, however, that the decision should not be modified or reversed if the violation of policy was not material to the decision and therefore constituted harmless error; or
3. A decision should be affirmed in the absence of a finding of abuse of discretion or material violation of applicable state or federal law or institutional policies or regulations.

Notwithstanding any provision herein to the contrary, any decision may be remanded by the College President for a resolution of the matter, which is mutually acceptable to the parties or which is, in the best judgment of the College President, a fair and equitable resolution.

The College President shall provide the student a written response within ten days following the conference or, if no conference was requested, within ten days of the filing of the appeal. The written response shall set forth the basis of the decision. In reaching a decision, the College President may consider the Level One and Level Two records, information provided at the Level Three conference, and any other relevant documents or information the College President believes will help resolve the complaint. The decision of the College President is final and without further appeal.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT COMPLAINTS

FLD
(LOCAL)

Upon conclusion of the Level Three appeal process, the College President shall provide notice to the Board.

Board Action

In accordance with law, the Board shall not be required to take any action concerning a grievance but is required to listen if the grievance is presented at a public meeting. Under the Texas Constitution, any student may present a grievance to the Board regardless of the scope of this policy. [See FLD]

Copies of written grievances and complaints and accompanying responses, documentation, and recordings shall be maintained in accordance with the College District's records retention regulations. [See CIA and FJ]



PRESIDENT'S OFFICE

MEMORANDUM

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: January 25, 2021
Subject: TASB Legal Policy Update 40

Included for review and information are TASB issued updates to legal policies.

ATTACHMENT

- 1) TASB Update 40 – Legal Policy Packet

(LEGAL) Policy Comparison Packet

Each marked-up (LEGAL) policy in this collection reflects an automated comparison of the updated policy with its precursor, as found in the TASB Policy Service records.

The comparison is generated by an automated process that shows changes as follows.

- *Deletions* are shown in a red strike-through font: ~~deleted text~~.
- *Additions* are shown in a blue, bold font: **new text**.
- Blocks of text that have been *moved* without alteration are shown in green, with double underline and double strike-through formatting to distinguish the text's destination from its origin: ~~moved text~~ becomes moved text.
- *Revision bars* appear in the right margin, as above.

While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow.

For further assistance in understanding changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.



Community College Policy Reference Manual Update 40

Overview

The *Community College Policy Reference Manual (CCPRM)* provides the legal framework for key areas of college operations. The *CCPRM* includes (LEGAL) policies that reference relevant law and contain citations to the statutes, rules, and case law governing a particular topic. TASB Community College Services continually monitors changes in the legal landscape and prepares numbered updates with new or revised (LEGAL) policies that cite current legal requirements. The *CCPRM* serves as a reference document only and does not substitute for a locally developed policy manual and is not adopted by the board.

The Update 40 packet contains:

- **Instructions** providing specific information on which policies have been revised, added, or deleted at this Update.
- **Explanatory Notes** summarizing and pointing out changes occurring within each policy.
- **Updated policies** reflecting new or replacement materials included in this Update.

Revisions to legal policies incorporate clarification of existing materials and new materials arising from the 86th Regular Legislative Session and rule changes from the Texas Higher Education Coordinating Board and other state and federal agencies.

Local Manual Update

By the end of December, TASB Community College Services will issue localized updates to college districts with a local policy manual maintained by TASB. The localized update will address the issues raised within the reference manual update and will include college district-specific and adoptable (LOCAL) policy recommendations and language to ensure harmony with evolving law and practice.

Questions

Questions about the content of this Update may be addressed to a member of the Community College Services team: Amy Magee, J.D., Director or Scott Rizzo, PhD, Policy Specialist, at 800-580-1488 or colleges@tasb.org.

Disclaimer and Copyright

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

Entire localized update packet © 2020 Texas Association of School Boards, Inc. All rights reserved.

Instruction Sheet

Community College Policy Reference Manual Update 40

Community College Policy Reference Manual

Code	Type	Action To Be Taken	Note
ATTN	(NOTE)	No policy enclosed	See explanatory note
A25	(INDEX)	Replace cross-index	Revised cross-index
BBBB	(LEGAL)	Replace policy	Revised policy
BDB	(LEGAL)	Replace policy	Revised policy
CAAB	(LEGAL)	Replace policy	Revised policy
CAI	(LEGAL)	Replace policy	Revised policy
CC	(LEGAL)	Replace policy	Revised policy
CDA	(LEGAL)	Replace policy	Revised policy
CGE	(LEGAL)	Replace policy	Revised policy
CHE	(LEGAL)	Replace policy	Revised policy
CIA	(LEGAL)	Replace policy	Revised policy
CKE	(LEGAL)	Replace policy	Revised policy
CRA	(LEGAL)	Replace policy	Revised policy
CS	(LEGAL)	Replace policy	Revised policy
DAA	(LEGAL)	Replace policy	Revised policy
EFB	(LEGAL)	Replace policy	Revised policy
EI	(LEGAL)	Replace policy	Revised policy
FAA	(LEGAL)	Replace policy	Revised policy
FEA	(LEGAL)	Replace policy	Revised policy
FEB	(LEGAL)	Replace policy	Revised policy

Explanatory Notes

Community College Policy Reference Manual Update 40

Community College Policy Reference Manual

ATTN(NOTE)

GENERAL INFORMATION ABOUT THIS UPDATE

Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 86th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

A25(INDEX)

CROSS-INDEX

The cross-index has been updated to incorporate recommended course sequences at EFB and the mentorship program at FEB.

BBBB(LLEGAL)

ELECTIONS: ETHICS

A statutory citation has been updated in this policy due to Administrative Code renumbering.

BDB(LLEGAL)

BOARD MEETINGS: PUBLIC PARTICIPATION

A citation to a recent Attorney General opinion has been added addressing Reasonable Rules for conducting a public comment period.

CAAB(LLEGAL)

STATE AND FEDERAL REVENUE SOURCES: FEDERAL

This legally referenced policy has been updated to reflect recent U.S. Office of Management and Budget (OMB) amendments to its guidance for grants and agreements.

CAI(LLEGAL)

APPROPRIATIONS AND REVENUE SOURCES: AD VALOREM TAXES

This policy was updated in response to SB 2, effective January 1, 2021, which requires an officer or employee designated by the college district to submit the college district's Tax Rate Calculation forms to the county assessor-collector for each applicable county.

CC(LLEGAL)

ANNUAL OPERATING BUDGET

Effective January 1, 2021, SB 2 requires a college district's governing body to include the forms used by the college district in the appendix to its budget.

CDA(LLEGAL)

ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS

This legally referenced policy has been updated at Form and Availability and Posting to reflect recent changes to Administrative Code rules related to the Annual Local Debt Report.

CGE(LLEGAL)

SAFETY PROGRAM: MEDICAL TREATMENT

This legally referenced policy has been updated to reflect recent Administrative Code changes related to the Administration of Epinephrine. The administration of epinephrine is also addressed in the FAQ [What Do Colleges Need to Know About Epinephrine Auto-Injectors?](#), available on [TASB College eLaw](#).

CHE(LLEGAL)

SITE MANAGEMENT: MAIL AND DELIVERY

This legally referenced policy has been updated at Political Advertising to reflect the renumbering of the Administrative Code provision. Additional changes were made to align more closely with the Administrative Code.

Explanatory Notes

Community College Policy Reference Manual Update 40

Community College Policy Reference Manual

CIA(LEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT: RECORDS MANAGEMENT

In the Note, the cross references to additional records retention provisions have been replaced with a global reference to policies containing retention provisions found in specific laws.

CKE(LEGAL) INSURANCE AND ANNUITIES MANAGEMENT: WORKERS' COMPENSATION

A paragraph at Leaves of Absence that described a court decision related to employees who violate absence policies has been replaced with a reference to related provisions in policy DEC.

CRA(LEGAL) TECHNOLOGY RESOURCES: WEBSITE POSTINGS

Beginning the 2021–22 academic year, SB 25 requires college districts to develop at least one recommended course sequence for each undergraduate certificate or degree program they offer.

CS(LEGAL) INFORMATION SECURITY

This legally referenced policy has been updated to include additional statutory information addressing the Biennial Information Security Plan. Additionally, citations were updated throughout.

DAA(LEGAL) EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

This legally referenced policy has been updated to include the U.S. Supreme Court decision in *Bostock v. Clayton County, Georgia* that states Title VII prohibits discrimination based on sexual orientation and gender identity.

EFB(LEGAL) CURRICULUM DESIGN: DEGREES AND CERTIFICATES

Beginning the 2021–22 academic year, SB 25 requires college districts to develop at least one Recommended Course Sequence for each undergraduate certificate or degree program they offer.

EI(LEGAL) TESTING PROGRAMS

The TSI Assessment Time Periods section has been removed from this policy to align more closely with the Administrative Code.

FAA(LEGAL) EQUAL EDUCATIONAL OPPORTUNITY: SERVICE ANIMALS

The U.S. Department of Housing and Urban Development provided new guidance related to a Fair Housing Act Assistance Animal. The new guidance prohibits housing providers from reassessing requests granted before this guidance was issued.

FEA(LEGAL) FINANCING EDUCATION: FINANCIAL AID AND SCHOLARSHIPS

This policy has been revised at Contents of Disclosures to reflect recent changes to the Administrative Code clarifying that student debt letters are not required to include private loan information.

FEB(LEGAL) FINANCING EDUCATION: WORK STUDY

This legally referenced policy has been updated in response to recent amendments to the Administrative Code that incorporate an existing Mentorship Program into provisions addressing the Texas College Work-Study Program.

Political Advertising

An officer or employee of a political subdivision, including a college district, may not knowingly spend or authorize the spending of public funds for political advertising. The prohibition does not apply to a communication that factually describes the purposes of a measure if the communication does not advocate the passage or defeat of such measure.

An officer or employee of a political subdivision may not spend or authorize the spending of public funds for a communication describing a measure if the communication contains information that:

1. The officer or employee knows is false; and
2. Is sufficiently substantial and important as to be reasonably likely to influence a voter to vote for or against the measure.

It is an affirmative defense to prosecution for an offense under this section or the imposition of a civil penalty for conduct under this section that an officer or employee of a political subdivision reasonably relied on a court order or an interpretation of this section in a written opinion issued by a court of record, the attorney general, or the Ethics Commission.

On written request of the governing body of a political subdivision that has ordered an election on a measure, the Ethics Commission shall prepare an advance written advisory opinion as to whether a particular communication relating to a measure does or does not comply with this section.

Election Code 255.003

Definition

"Political advertising" is a communication that supports or opposes a political party, a public officer, a measure, or a candidate for nomination or election to a public office or office of a political party, and:

1. Is published in a newspaper, magazine, or other periodical in return for consideration;
2. Is broadcast by radio or television in return for consideration;
3. Appears in a pamphlet, circular, flier, billboard, or other sign, bumper sticker, or similar form of written communication; or
4. Appears on an internet website.

The term does not include an individual communication made by email but does include mass emails involving an expenditure of funds beyond the basic cost of hardware messaging software and bandwidth.

Election Code 251.001(16); 1 TAC 20.1(~~13~~11)

Newsletters

A newsletter of a public officer of a political subdivision is not political advertising if:

1. It includes no more than two pictures of a public officer per page and if the total amount of area covered by the pictures is no more than 20 percent of the page on which the pictures appear;
2. It includes no more than eight personally phrased references, such as the public officer's name, "I," "me," "the city council member," on a page that is 8 1/2" x 11" or larger, with a reasonable reduction in the number of such personally phrased references in pages smaller than 8 1/2" x 11"; and
3. When viewed as a whole and in the proper context:
 - a. Is informational rather than self-promotional;
 - b. Does not advocate passage or defeat of a measure; and
 - c. Does not support or oppose a candidate for nomination or election to a public office or office of political party, a political party, or a public officer.

1 TAC 26.2

Influencing Elections

Restrictions

*Support of a
Candidate*

A state agency, including a college district, may not use any money under its control, including appropriated money, to finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branch of state government or of the government of the United States. This prohibition extends to the direct or indirect employment of a person to perform an action described above.

A state officer or employee may not use a state-owned or state-leased motor vehicle for the above purpose.

Gov't Code 556.004(a)-(b)

*Election
Interference*

A state officer or employee may not use official authority or influence or permit the use of a program administered by the state agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose. For purposes of this prohibition, a state officer or employee does not interfere with or affect the results of an election or nomination if the individual's conduct is permitted by a law relating to the individual's office or employment and is not otherwise unlawful. *Gov't Code 556.004(c), (e)*

<i>Political Expenditures</i>	A state employee may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of anything of value to a person or political organization for a political purpose. <i>Gov't Code 556.004(d)</i>
<i>Use of Student Service Fee</i>	Government Code Chapter 556 does not prohibit the payment of reasonable dues to an organization that represents student interests before the legislature or the U.S. Congress from that portion of mandatory student service fees that is allocated to the student government organization at an institution of higher education. A mandatory student service fee may not be used to influence the outcome of an election. [See FD] <i>Gov't Code 556.002(b)</i>
Termination of Employment	A state employee who violates Section Government Code 556.004(c) or (d) is subject to immediate termination of employment. <i>Gov't Code 556.007</i>
Compensation Prohibited	A state agency may not use appropriated money to compensate a state officer or employee who violates Section 556.004(a), (b), or (c) or who is subject to termination under Section Government Code 556.007 . <i>Gov't Code 556.008</i>
Information on Restrictions	A state agency shall provide each officer and employee of the agency a copy of Government Code 556.004- .008 and require a signed receipt on delivery. A new copy and receipt are required if one of those provisions is changed. A state agency shall maintain receipts collected from current officers and employees under this section in a manner accessible for public inspection. <i>Gov't Code 556.009</i>
Nepotism	A candidate shall not take any affirmative action to influence an employee or another officer of the governmental body to which the candidate seeks election, if the office the candidate seeks is one office of a multimember governmental body, regarding the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of another individual related to the candidate within a degree described by Government Code 573.002. [See DBE(EXHIBIT)] The prohibition does not apply to a candidate's actions taken regarding a bona fide class or category of employees or prospective employees. <i>Gov't Code 573.042</i>

**United States
Constitution**

A governmental entity, including a college district, shall take no action abridging the freedom of speech or the right of the people to petition the governing board of the entity for redress of grievances. *U.S. Const. Amend. I, XIV*

The governing board may confine its meetings to specified subject matter and may hold nonpublic sessions to transact business. But when the governing board sits in public meetings to conduct public business and hear the views of citizens, it may not discriminate between speakers on the basis of the content of their speech or the message it conveys. *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819 (1995); *City of Madison v. Wis. Emp. Rel. Comm'n*, 429 U.S. 167 (1976); *Pickering v. Bd. of Educ.*, 391 U.S. 563 (1968)

A governing board may create a limited public forum for the purpose of hearing comments from the public so long as:

1. The governing board does not discriminate against speech on the basis of viewpoint;
2. Any restrictions are reasonable in light of the purpose served by the forum; and
3. The governing board provides alternative paths for expressing categories of protected speech that are excluded from the forum.

Fairchild v. Liberty Indep. Sch. Dist., 597 F.3d 747 (5th Cir. 2010)

Texas Constitution

The citizens shall have the right, in a peaceable manner, to assemble together for their common good; and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance. *Tex. Const. Art. I, Sec. 27*

Response to
Complaints

The governing board of a community college is not required to negotiate or even respond to complaints. However, the board must stop, look, and listen and must consider the petition, address, or remonstrance. *Prof'l Ass'n. of Coll. Educators v. El Paso County Cmty District*, 678 S.W.2d 94 (Tex. App.—El Paso 1984, writ ref'd n.r.e.) [See BD regarding the Open Meetings Act]

Public Comment

A governmental body, including a college district, shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body's consideration of the item.

Gov't Code 551.007(b)

Meeting Notice	The term “public comment” provides sufficient notice, under the Open Meetings Act (OMA), of the subject matter of public comment sessions where the general public addresses the board about its concerns and where the board does not comment or deliberate except as authorized by Government Code 551.042. The term “public comment” is not adequate notice if, prior to the meeting, the board is aware, or reasonably should have been aware, of specific topics to be raised. <i>Gov’t Code 551.042; Atty. Gen. Op. JC-169 (2000)</i>
Reasonable Rules	A governmental body may adopt reasonable rules regarding the public’s right to address the body under this section, including rules that limit the total amount of time that a member of the public may address the body on a given item. [See DGBA, FLD, and GB regarding grievance procedures] <i>Gov’t Code 551.007(c-); Atty. Gen. Op. KP-300 (2020)</i>
Additional Time for Translation	If a governmental body does not use simultaneous translation equipment in a manner that allows the body to hear the translated public testimony simultaneously, a rule adopted that limits the amount of time that a member of the public may address the governmental body must provide that a member of the public who addresses the body through a translator must be given at least twice the amount of time as a member of the public who does not require the assistance of a translator in order to ensure that non-English speakers receive the same opportunity to address the body. <i>Gov’t Code 551.007(d)</i>
Public Criticism	A governmental body may not prohibit criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. This restriction does not apply to public criticism that is otherwise prohibited by law. <i>Gov’t Code 551.007(e)</i>
Disruption	A person commits an offense if, with intent to prevent or disrupt a lawful meeting, the person substantially obstructs or interferes with the ordinary conduct of the meeting by physical action or verbal utterance and thereby curtails the exercise of others’ First Amendment rights. <i>Penal Code 42.05; <u>Morehead v. State</u>, 807 S.W.2d 577 (Tex. Crim. App. 1991)</i>

Perkins Grants

Except as provided in 20 U.S.C. 2352(b) and (c) and 20 U.S.C. 2353, each eligible agency, including the Coordinating Board, shall distribute the portion of the funds made available under 20 U.S.C. 2322(a)(1) to carry out 20 U.S.C. 2352 for any fiscal year to eligible institutions or consortia of eligible institutions within the state.

Each eligible institution or consortium of eligible institutions shall be allocated an amount that bears the same relationship to the portion of funds made available under 20 U.S.C. 2322(a)(1) to carry out 20 U.S.C. 2352 for any fiscal year as the sum of the number of individuals who are Federal Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled in programs meeting the requirements of 20 U.S.C. 2355 offered by such institution or consortium in the preceding fiscal year bears to the sum of the number of such recipients enrolled in such programs within the state for such year.

20 U.S.C. 2352(a)(1)–(2)

**Retirement
Contributions**

If an employer, including a college district, applies for money provided by the United States or an agency of the United States and if any of the money will pay part or all of any employee's salary, the employer shall apply for any legally available money to pay state contributions required by Government Code 825.404 or 830.201 in accordance with Government Code 825.406.

An employer who fails to comply with Government Code 825.406 may not, after the failure, apply for or spend any money from a federal or private grant. The attorney general shall bring a writ of mandamus against the employer to compel compliance.

A person commits an offense if the person is an administrator of an employer and knowingly fails to comply with Government Code 825.406.

Gov't Code 825.406 [See CAM]

**Requests for Federal
Financial Assistance**

The governing body of a local government, including a college district, by order or resolution may request that the governor or the designated state agency act on behalf of the local government in any matter relating to:

1. A request for federal financial assistance; or
2. An agreement, assurance of compliance, requirement, or enforcement action relating to the request.

[Gov't Code 742.004](#)

A governing body of a local government that has requested that the governor or the designated state agency act on behalf of the local

government under Section 742.004(a) shall submit to the governor or the designated state agency each application for federal financial assistance. The governor or the designated state agency shall approve or disapprove the application.

The governing body of a local government by order or resolution may revoke the request and the authority delegated by the request to the governor or designated state agency.

Gov't Code 742.004-005

Administration of Federal Awards

The U.S. Office of Management and Budget (OMB), in [2 C.F.R. Part 200](#), establishes uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities, as described in 2 C.F.R. 200.101 ~~(Applicability)~~. Federal awarding agencies must not impose additional or inconsistent requirements, except as provided in 2 C.F.R. 200.102 ~~(Exceptions)~~ and ~~200.210 (Information contained in a federal award)~~, and [200.211](#), or unless specifically required by federal statute, regulation, or Executive Order. *2 C.F.R. 200.100(a)(1)*

The non-federal entity is responsible for complying with all requirements of the federal award. For all federal awards, this includes the provisions of the Federal Funding Accountability and Transparency Act (FFATA), which includes requirements on executive compensation, and also requirements implementing the Act for the non-federal entity at 2 C.F.R. Part 25 ~~Financial Assistance Use of Universal Identifier and Central Contractor Registration and 2 C.F.R. Part 170 Reporting Subaward and Executive Compensation Information.~~ ~~and 2 C.F.R. Part 170.~~ See also statutory requirements for whistleblower protections at 10 U.S.C. 2409, 41 U.S.C. 4712, and 10 U.S.C. 2324, 41 U.S.C. 4304 and 4310~~1~~. *2 C.F.R. 200.300(b)*

“Non-federal entity” [\(NFE\)](#) means a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization that carries out a federal award as a recipient or subrecipient. *2 C.F.R. 200.691*

Financial Management

Each state must expend and account for the federal award in accordance with state laws and procedures for expending and accounting for the state's own funds. In addition, the state's and the other non-federal entity'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 financial management system of each non-federal entity must provide for the following [(see also 2 C.F.R. 200.333 ~~(Retention requirements for records)~~, 200.334 ~~(Requests for transfer of records)~~, 200.335 ~~(Methods for collection, transmission and storage of information)~~, 200.336 ~~(Access to records)~~, and 200.337 ~~(Restrictions on public access to records)~~]:

1. Identification, in its accounts, of all federal awards received and expended and the federal programs under which they were received. Federal program and federal award identification must include, as applicable, the ~~Catalog of Federal Domestic Assistance (CFDA)~~ [Listings](#) title and number, federal award identification number and year, name of the federal agency, and name of the pass-through entity, if any.
2. Accurate, current, and complete disclosure of the financial results of each federal award or program in accordance with the reporting requirements set forth in 2 C.F.R. 200.327 ~~(Financial reporting)~~ and 200.328 ~~(Monitoring and reporting program performance)~~. [328 and 200.329. If a federal awarding agency requires reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient must not be required to establish an accrual accounting system. This recipient may develop accrual data for its reports on the basis of an analysis of the documentation on hand. Similarly, a pass-through entity must not require a subrecipient to establish an accrual accounting system and must allow the subrecipient to develop accrual data for its reports on the basis of an analysis of the documentation on hand.](#)
3. Records that identify adequately the source and application of funds for federally funded activities. These records must contain information pertaining to federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest and be supported by source documentation.
4. Effective control over, and accountability for, all funds, property, and other assets. The non-federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes. [See 2 C.F.R. 200.303 ~~(Internal controls)~~].
5. Comparison of expenditures with budget amounts for each federal award.

6. Written procedures to implement the requirements of 2 C.F.R. 200.305 ~~(Payment)~~.
7. Written procedures for determining the allowability of costs in accordance with 2 C.F.R. Part 200, Subpart E ~~(Cost principles of this part~~ and the terms and conditions of the federal award).

2 C.F.R. 200.302

Internal Controls

The non-federal entity must:

1. Establish and maintain effective internal control over the federal award that provides reasonable assurance that the non-federal entity is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal 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 ~~(COSO)~~ of the Treadway Commission. (COSO).
2. Comply with the U.S. Constitution, federal statutes, regulations, and the terms and conditions of the federal awards.
3. Evaluate and monitor the non-federal entity'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 non-federal entity considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and ~~obligations of~~ responsibility over confidentiality.

2 C.F.R. 200.303

Advanced Payment

The non-federal entity must be paid in advance, provided it maintains or demonstrates the willingness to maintain both written procedures that minimize the time elapsing between the transfer of funds and disbursement by the non-federal entity, and financial management systems that meet the standards for fund control and accountability as established in ~~this part.~~ 2 C.F.R. Part 200. Advance payments to a non-federal entity must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the non-federal entity in

carrying out the purpose of the approved program or project. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the non-federal entity for direct program or project costs and the proportionate share of any allowable indirect costs. The non-federal entity must make timely payment to contractors in accordance with the contract provisions.

Standards governing the use of banks and other institutions as depositories of advance payments under federal awards are as follows:

1. The federal awarding agency and pass-through entity must not require separate depository accounts for funds provided to a non-federal entity or establish any eligibility requirements for depositories for funds provided to the non-federal entity. However, the non-federal entity must be able to account for ~~the receipt, obligation, and expenditure of funds~~ funds received, obligated, and expended.
2. Advance payments of federal funds must be deposited and maintained in insured accounts whenever possible.

The non-federal entity must maintain advance payments of federal awards in interest-bearing accounts, unless the following apply:

1. The non-federal entity receives less than ~~\$120~~250,000 in federal awards per year.
2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on federal cash balances.
3. The depository would require an average or minimum balance so high that it would not be feasible within the expected federal and non-federal cash resources.
4. A foreign government or banking system prohibits or precludes interest-bearing accounts.

Interest earned amounts up to \$500 per year may be retained by the non-federal entity for administrative expense. Any additional interest earned on federal advance payments deposited in interest-bearing accounts must be remitted annually as described by 2 C.F.R. 200.305(b)(9).

2 C.F.R. 200.305(b)(1), (7)–(9)

Budgets and
Program Plans

Recipients are required to report deviations from budget or project scope or objective, and request prior approvals from federal awarding agencies for budget and program plan revisions, in accordance with 2 C.F.R. 200.308. *2 C.F.R. 200.308(b)*

Cost Principles

The cost principles described by 2 C.F.R. Part 200, Subpart E must be used in determining the allowable costs of work performed by the non-federal entity under federal awards. These principles also must be used by the non-federal entity as a guide in the pricing of fixed-price contracts and subcontracts where costs are used in determining the appropriate price. The principles do not apply to:

1. Arrangements under which federal financing is in the form of loans, scholarships, fellowships, traineeships, or other fixed amounts based on such items as education allowance or published tuition rates and fees.
2. For institutions of higher education, capitation awards, which are awards based on case counts or number of beneficiaries according to the terms and conditions of the federal award.
3. Fixed amount awards. ~~[See also Subpart A—(Acronyms and definitions), 200.45 (Fixed amount awards) and 200.201 (Use of grant agreements) (including fixed amount awards), cooperative agreements, and contracts]~~ [See also 2 C.F.R. 200.1 Definitions and 200.201.](#)
4. Federal awards to hospitals ~~[(see Appendix IX to 2 C.F.R. Part 200—Hospital Cost Principles)].~~
5. Other awards under which the non-federal entity is not required to account to the federal government for actual costs incurred.

The application of these cost principles is based on the fundamental premises that:

1. The non-federal entity is responsible for the efficient and effective administration of the federal award through the application of sound management practices.
2. The non-federal entity assumes responsibility for administering federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the federal award.
3. The non-federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order

to assure proper and efficient administration of the federal award.

4. The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-federal entity. However, the accounting practices of the non-federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles and must provide for adequate documentation to support costs charged to the federal award.
5. In reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-federal entity, the reasonableness and equity of such treatments should be fully considered. ~~[See 2 C.F.R. 200.56~~[the definition of](#) indirect (facilities & administrative (F&A)) costs~~]~~ [in 2 C.F.R. 200.1.](#)
6. For non-federal entities that educate and engage students in research, the dual role of students as both trainees and employees, including pre- and post-doctoral staff, contributing to the completion of federal awards for research must be recognized in the application of these principles.
7. The non-federal entity may not earn or keep any profit resulting from federal financial assistance, unless explicitly authorized by the terms and conditions of the federal award. ~~[See also 2 C.F.R. 200.307-(Program income)].~~

~~2 C.F.R. 200.400-~~ [200.401\(a\)](#)

Cost Sharing	Cost sharing related to federal awards is subject to 2 C.F.R. 200.306. 2 C.F.R. 200.306
Program Income	Non-federal entities are encouraged to earn income to defray program costs where appropriate. Such income is subject to 2 C.F.R. 200.307. 2 C.F.R. 200.307
Period of Performance	A non-federal entity may charge to the federal award only allowable costs incurred during the period of performance (except as described in 2 C.F.R. 200.461 (Publication and Printing Costs)) and any costs incurred before the federal awarding agency or pass-through entity made the federal award that were authorized by the federal awarding agency or pass-through entity. If a federal awarding agency or pass-through entity approves an extension, or if a re-

recipient extends under 2 C.F.R. 200.308(e)(2), the period of performance will be amended to end at the completion of the extension. If a termination occurs, the period of performance will be amended to end upon the effective date of termination. If a renewal award is issued, a distinct period of performance will begin. 2 C.F.R. 200.309

Conflict of Interest The non-federal entity must disclose in writing any potential conflict of interest to the federal awarding agency or pass-through entity in accordance with applicable federal awarding agency policy. 2 C.F.R. 200.112

Procurement The non-federal entity 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. Such 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 which employs or is about to employ any of the parties indicated herein, 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 non-federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-federal entities 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 non-federal entity. 2 C.F.R. 200.318(c)(1)

Restricted Contracts Federal awarding agencies and recipients are subject to the regulations implementing Never Contract with the Enemy in 2 C.F.R. Part 183. The regulations in 2 C.F.R. Part 183 affect covered contracts, grants and cooperative agreements that are expected to exceed \$50,000 within the period of performance, are performed outside the United States and its territories, and are in support of a contingency operation in which members of the Armed Forces are actively engaged in hostilities. 2 C.F.R. 200.215

Property Standards Subject to the requirements and conditions set forth in 2 C.F.R. 200.311, title to real property, ~~equipment, intangible property, and other property~~ acquired or improved under a federal award will vest upon acquisition in the non-federal entity.

Real Property

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 non-federal entity must not dispose of or encumber its title or other interests.

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

1. Retain title after compensating the federal awarding agency as described by 2 C.F.R. 200.311(c)(1).
2. Sell the property and compensate the federal awarding agency as described by 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 non-federal entity is entitled to be paid as described by 2 C.F.R. 200.311(c)(3).

2 C.F.R. 200.311

Equipment

Subject to the requirements and conditions set forth in this section, title to equipment acquired under a federal award will vest upon acquisition in the non-federal entity. Unless a statute specifically authorizes the federal agency to vest title in the non-federal entity 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 non-federal entity 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 2 C.F.R. 200.313(b), (c), and (e).

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).

2 C.F.R. 200.313(a), (d)

Supplies

Title to supplies will vest in the non-federal entity 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 program and the supplies are not needed for any other federal award, the non-federal entity 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).

As long as the federal government retains an interest in the supplies, the non-federal entity must not use supplies acquired under a federal award to provide services to other organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by federal statute.

2 C.F.R. 200.314

Federally Owned
Property

Title to federally owned property remains vested in the federal government. The non-federal entity 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 property is no longer needed, the non-federal entity 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 non-federal entity 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 federally owned property acquired under the federal award remains with the federal government.

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

Intangible
Property~~310-~~

Title to intangible property acquired under a federal award vests upon acquisition in the non-federal entity. The non-federal entity 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).

The non-federal entity may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a federal award. The federal awarding agency re-

serves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes, and to authorize others to do so.

The non-federal entity is subject to applicable regulations governing patents and inventions, including governmentwide regulations issued by the U.S. Department of Commerce at 37 C.F.R. Part 401.

2 C.F.R. 200.315

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 non-federal entity 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 non-federal entity 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-

*Insurance
Coverage*

The non-federal entity must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with federal funds as provided to property owned by the non-federal entity. Federally owned property need not be insured unless required by the terms and conditions of the federal award. 2 C.F.R. 200.310

Procurement
Generally

The non-federal entity must have and use ~~its own~~ documented procurement procedures, ~~which reflect applicable~~ consistent with state, local, and tribal laws and regulations, ~~provided that the procurements conform to applicable federal law~~ and the standards of this section, for the acquisition of property or services required under a federal award or subaward. The non-federal entity's documented procurement procedures must conform to the procurement standards identified in this- 2 C.F.R. ~~Part-200.317~~ through 200.327. 2 C.F.R. 200.318(a)

*Eligible
Contractors*

The non-federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. ~~{See also 2 C.F.R. 200.213-(Suspension and Debarment)}~~ 214. 2 C.F.R. 200.318(h)

Contracting with Certain Businesses	The non-federal entity must take all necessary affirmative steps, including those described by 2 C.F.R. 200.321, to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. <i>2 C.F.R. 200.321(a)</i>
<i>Competition</i>	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 . <i>2 C.F.R. 200.319(a)</i>
<i>Methods of Procurement</i>	The non-federal entity must have and use one documented procurement procedures, consistent with the standards of 2 C.F.R. 200.320 and 2 C.F.R. 200.317, 200.318, and 200.319 for any of the 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	<p>When the value of the procurement for property or services under a federal award does not exceed the simplified acquisition threshold (SAT) or a lower threshold established by a non-federal entity, formal procurement methods are not required. The non-federal entity 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 SAT include:</p> <ol style="list-style-type: none">1. Micro-purchases: The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. To the maximum extent practicable, the non-federal entity should distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-federal entity 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 non-federal entity. The micro-purchase method is subject to the requirements of 2 C.F.R. 200.320(a)(1).2. Small purchases: 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 non-federal entity. The small purchases method is subject to the requirements of 2 C.F.R. 200.320(a)(2).

<u>Formal Procurement Methods</u>	<p data-bbox="560 281 818 321"><u>2 C.F.R. 200.320(a)</u></p> <p data-bbox="560 338 1442 751"><u>When the value of the procurement for property or services under a federal financial assistance award exceeds the SAT, or a lower threshold established by a non-federal entity, 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 the noncompetitive procurement procedures below. 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 non-federal entity determines to be appropriate:</u></p> <ol data-bbox="560 772 1442 1234" style="list-style-type: none"><li data-bbox="560 772 1442 1050"><u>1. 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. The sealed bid method is subject to the requirements of 2 C.F.R. 200.320(b)(1).</u><li data-bbox="560 1066 1442 1234"><u>2. 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. Proposals are awarded in accordance with the requirements described by 2 C.F.R. 200.320(b)(2).</u>
<u>Noncompetitive Procurement</u>	<p data-bbox="560 1255 818 1295"><u>2 C.F.R. 200.320(b)</u></p> <p data-bbox="560 1310 1442 1409"><u>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:</u></p> <ol data-bbox="560 1430 1442 1837" style="list-style-type: none"><li data-bbox="560 1430 1442 1535"><u>1. The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold;</u><li data-bbox="560 1556 1442 1596"><u>2. The item is available only from a single source;</u><li data-bbox="560 1617 1442 1715"><u>3. The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;</u><li data-bbox="560 1736 1442 1837"><u>4. The federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-federal entity; or</u>

5. After solicitation of a number of sources, competition is determined inadequate.

2 C.F.R. 200.320(c)

Domestic
Preference

As appropriate and to the extent consistent with law, the non-federal entity 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 ~~procurement by micro-purchases, procurement by small purchase procedures, procurement by sealed bids, procurement by competitive proposals, and procurement by noncompetitive proposals. 2 C.F.R. 200.320~~ but not limited to iron, aluminum, steel, cement, and other manufactured products. The requirements of 2 C.F.R. 300.022 must be included in all subawards including all contracts and purchase orders for work or products under this award.

“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.

“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

Contract
Provisions

The non-federal entity's contracts must contain the applicable provisions described in Appendix II to 2002 C.F.R. Part 200—~~Contract Provisions for non-federal Entity Contracts Under Federal Awards.~~ 2 C.F.R. 200.326327

Time and
Materials
Contracts

The non-federal entity may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a non-federal entity is the sum of:

1. The actual cost of materials; and
2. Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-federal entity awarding such a contract must

assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

2 C.F.R. 200.318(j)

*Contract Cost
and Price*

The non-federal entity 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 non-federal entity must make independent estimates before receiving bids or proposals.

The non-federal entity 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 non-federal entity under [2 C.F.R. Part 200](#), Subpart E—~~Cost Principles of this part~~. The non-federal entity 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.~~323~~324

Cost
Effectiveness

The non-federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the federal government, the non-federal entity 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 applied to documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.](#)

The non-federal entity is encouraged to use federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

The non-federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

2 C.F.R. 200.318(d)–(g)

[Procurement of Certain Services and Equipment](#)

[Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract, or extend or renew a contract, to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services, as described by 2 C.F.R. 200.316, as a substantial or essential component of any system, or as critical technology as part of any system. 2 C.F.R. 200.318\(a\)](#)

Procurement of Recovered Materials

A non-federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines. 2 C.F.R. 200.322323

Bonding Requirements

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-federal entity in accordance with 2 C.F.R. 200.325326. 2 C.F.R. 200.325326

Oversight

By Non-Federal
Entities

Non-federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. *2 C.F.R. 200.318(b)*

By Other
Governmental
Entities

The non-federal entity must make available, upon request of the federal awarding agency or pass-through entity, technical specifications on proposed procurements where the federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-federal entity desires to have the review accomplished after a solicitation has been developed, the federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

The non-federal entity 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 non-federal entity'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.

The non-federal entity is exempt from the pre-procurement review if the federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of 2 C.F.R. Part 200.

The non-federal entity may request that its procurement system be reviewed by the federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur

where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis.

The non-federal entity may self-certify its procurement system. Such self-certification must not limit the federal awarding agency's right to survey the system. Under a self-certification procedure, the federal awarding agency may rely on written assurances from the non-federal entity that it is complying with these standards. The non-federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

2 C.F.R. 200.324~~324~~[325](#)

*Settlement of
Contractual and
Administrative
Issues*

The non-federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-federal entity of any contractual responsibilities under its contracts. The federal awarding agency will not substitute its judgment for that of the non-federal entity unless the matter is primarily a federal concern. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction. *2 C.F.R. 200.318(k)*

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 non-federal entity. 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 non-federal entity's non-federally funded activities and in accordance with non-federal entity's written travel reimbursement policies. Notwithstanding the provisions of 2 C.F.R. 200.444, travel costs of officials covered by that section are allowable with the prior written approval of the federal awarding agency or pass-through entity when they are specifically related to the federal award. Charges for travel costs are subject to 2 C.F.R. 200.475. 2 C.F.R. 200.475(a)

Records
*Records
Retention*
Generally

Financial records, supporting documents, statistical records, and all other non-federal entity records pertinent to a federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the federal awarding agency or pass-through entity in the case

	<p>of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-federal entities with the exception of those situations described by 2 C.F.R. 200.333334. 2 C.F.R. 200.333334</p>
Procurement	<p>The non-federal entity 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. 2 C.F.R. 200.318(i)</p>
<i>Methods for Collection, Transmission, and Storage of Information</i>	<p>In accordance with the May 2013 Executive Order on Making Open and Machine-Readable the New Default for Government Information, The federal awarding agency and the non-federal entity should, whenever practicable, collect, transmit, and store federal award-related information in open and machine-readable formats rather than in closed formats or on paper <u>in accordance with applicable legislative requirements. A machine-readable format is a format in a standard computer language (not English text) that can be read automatically by a web browser or computer system.</u> The federal awarding agency or pass-through entity must always provide or accept paper versions of federal award-related information to and from the non-federal entity upon request. If paper copies are submitted, the federal awarding agency or pass-through entity must not require more than an original and two copies. When original records are electronic and cannot be altered, there is no need to create and retain paper copies. When original records are paper, electronic versions may be substituted through the use of duplication or other forms of electronic media provided that they are subject to periodic quality control reviews, provide reasonable safeguards against alteration, and remain readable. 2 C.F.R. 200.335336</p>
<i>Access to Records</i>	<p>The federal awarding agency, Inspector General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of the non-federal entity which are pertinent to the federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-federal entity's personnel for the purpose of interview and discussion related to such documents. The rights of access are not limited to the required retention period but last as long as the records are retained. 2 C.F.R. 200.336(a), (c)</p>
By Governmental Entities	<p><u>Only under extraordinary and rare circumstances would such access include review of the true name of victims of a crime. Routine</u></p>

monitoring cannot be considered extraordinary and rare circumstances that would necessitate access to this information. When access to the true name of victims of a crime is necessary, appropriate steps to protect this sensitive information must be taken by both the non-federal entity and the federal awarding agency.

2 C.F.R. 200.337

By the Public

No federal awarding agency may place restrictions on the non-federal entity that limit public access to the records of the non-federal entity pertinent to a federal award, except for protected personally identifiable information (PII) or when the federal awarding agency can demonstrate that such records will be kept confidential and would have been exempted from disclosure pursuant to the Freedom of Information Act, 5 U.S.C. 552, or controlled unclassified information pursuant to Executive Order 13556 if the records had belonged to the federal awarding agency. The Freedom of Information Act (FOIA), 5 U.S.C. 552, does not apply to those records that remain under a non-federal entity's control except as required under 2 C.F.R. 200.315 (~~Intangible Property~~). Unless required by federal, state, ~~and~~ local, ~~and~~ tribal statute, non-federal entities are not required to permit public access to their records. The non-federal entity's records provided to a federal agency generally will be subject to FOIA and applicable exemptions. 2 C.F.R. 200.~~337~~338

Performance
Reports

*Monitoring
Required*

The non-federal entity is responsible for oversight of the operations of the federal award supported activities. The non-federal entity must monitor its activities under federal awards to assure compliance with applicable federal requirements and performance expectations are being achieved. Monitoring by the non-federal entity must cover each program, function, or activity. [See also 2 C.F.R. 200.~~331~~ Requirements for Pass-through entities]332. 2 C.F.R. 200.~~328~~329(a)

Reporting
Generally

The federal awarding agency must use OMB-approved common information collections, as applicable, when providing financial and performance reporting information. As appropriate and in accordance with above-mentioned information collections, the federal awarding agency must require the recipient to relate financial data and accomplishments to performance goals and objectives of the federal award. Also, in accordance with above-mentioned common information collections, and when required by the terms and conditions of the federal award, recipients must provide cost information to demonstrate cost-effective practices (e.g., through unit-cost data). In some instances (e.g., discretionary research awards), this will be limited to the requirement to submit technical performance reports (to be evaluated in accordance with federal awarding

*Nonconstruction
Performance
Reports*

agency policy). Reporting requirements must be clearly articulated such that, where appropriate, performance during the execution of the federal award has a standard against which non-federal entity performance can be measured. 2 C.F.R. 200.329(b)

The federal awarding agency must use standard, governmentwide OMB-approved data elements for collection of performance information, including performance progress reports, Research Performance Progress ~~Report, or such future collections as may be approved by OMB and listed on the OMB website~~ Reports.

The non-federal entity must submit performance reports at the interval required by the federal awarding agency or pass-through entity to best inform improvements in program outcomes and productivity. Intervals must be no less frequent than annually nor more frequent than quarterly except in unusual circumstances, for example where more frequent reporting is necessary for the effective monitoring of the federal award or could significantly affect program outcomes. ~~Annual reports must be due~~ Reports submitted annually by the non-federal entity and/or pass-through entity must be due no later than 90 calendar days after the reporting period; Reports submitted quarterly or ~~semiannual~~ semiannually reports must be due no later than 30 calendar days after the reporting period. Alternatively, the federal awarding agency or pass-through entity may require annual reports before the anniversary dates of multiple year federal awards. The final performance report ~~will~~ submitted by the non-federal entity and/or pass-through entity must be due no later than 120 calendar days after the period of performance end date. A subrecipient must submit to the pass-through entity, no later than 90 calendar days after the period of performance end date; all final performance reports as required by the terms and conditions of the federal award. See also 2 C.F.R. 200.344. If a justified request is submitted by a non-federal entity, the federal agency may extend the due date for any performance report.

~~The non-federal entity must submit performance reports using OMB-approved governmentwide standard information collections when providing performance information.~~ As appropriate in accordance with above-mentioned ~~information collections~~ performance reporting, these reports will contain, for each federal award, brief information on the following unless other ~~collections~~ data elements are approved by OMB in the agency information collection request:

1. A comparison of actual accomplishments to the objectives of the federal award established for the period. Where the accomplishments of the federal award can be quantified, a computation of the cost (for example, related to units of accomplishment) may be required if that information will be useful.

Where performance trend data and analysis would be informative to the federal awarding agency program, the federal awarding agency should include this as a performance reporting requirement.

2. The reasons why established goals were not met, if appropriate.
3. Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

2 C.F.R. 200.~~328(b)~~[329\(c\)](#)

Reporting

[Construction Performance Reports](#)

For the most part, onsite technical inspections and certified percentage of completion data are relied on heavily by federal awarding agencies and pass-through entities to monitor progress under federal awards and subawards for construction. The federal awarding agency may require additional performance reports only when considered necessary. 2 C.F.R. 200.~~328(e)~~[329\(d\)](#)

Significant Developments

Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, the non-federal entity must inform the federal awarding agency or pass-through entity as soon as the following types of conditions become known:

1. Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the federal award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.
2. Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

2 C.F.R. 200.~~328(d)~~[329\(e\)](#)

Site Visits

The federal awarding agency may make site visits as warranted by program needs. 2 C.F.R. 200.~~328(e)~~[329\(f\)](#)

Waiver

The federal awarding agency may waive any performance report required by 2 C.F.R. Part 200 if not needed. 2 C.F.R. 200.~~328(f)~~[329\(g\)](#)

[Real Property Reports](#)

[The federal awarding agency or pass-through entity must require a non-federal entity to submit reports at least annually on the status of real property in which the federal government retains an interest in accordance with 2 C.F.R. 200.330. 2 C.F.R. 200.330](#)

Audits	<p>A non-federal entity that expends \$750,000 or more during the non-federal entity's fiscal year in federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of 2 C.F.R. Part 200, Subpart F. A non-federal entity that expends less than \$750,000 during the non-federal entity's fiscal year in federal awards is exempt from federal audit requirements for that year, except as noted in 2 C.F.R. 200.503-Relation to Other Audit Requirements, but records must be available for review or audit by appropriate officials of the federal agency, pass-through entity, and Government Accountability Office (GAO). 2 C.F.R. 200.501(a), (d)</p>
Collection of Amounts Due	<p>Any funds paid to the non-federal entity in excess of the amount to which the non-federal entity is finally determined to be entitled under the terms of the federal award constitute a debt to the federal government. If not paid within 90 calendar days after demand, the federal awarding agency may reduce the debt by:</p> <ol style="list-style-type: none"><li data-bbox="560 884 1442 947">1. Making an administrative offset against other requests for reimbursements;<li data-bbox="560 974 1442 1037">2. Withholding advance payments otherwise due to the non-federal entity; or<li data-bbox="560 1064 1442 1096">3. Other action permitted by federal statute. <p>Except where otherwise provided by statutes or regulations, the federal awarding agency will charge interest on an overdue debt in accordance with the Federal Claims Collection Standards, 31 C.F.R. Parts 900 through 999. The date from which interest is computed is not extended by litigation or the filing of any form of appeal.</p> <p>2 C.F.R. 200.345346</p>
Mandatory Disclosure	<p>The non-federal entity or applicant for a federal award 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. Non-federal entities that have received a federal award including the term and condition outlined in Appendix XII to 2 C.F.R. Part 200 are required to report certain civil, criminal, or administrative proceedings to the System for Award Management (SAM) (currently Federal Awardee Performance and Integrity Information System or FAPIIS). Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. 200.338 (Remedies for noncompliance), including suspension or debarment.339. (See also 2 C.F.R. Part 180 and, 31 U.S.C. 3321}, and 41 U.S.C. 2313) 2 C.F.R. 200.113</p>

- Noncompliance
- If a non-federal entity 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. ~~200.207 (Specific conditions)~~.[208](#). If the federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing 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 non-federal entity 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. ~~200.338~~[339](#)

Opportunities to Object

Upon taking any remedy for non-compliance, the federal awarding agency must provide the non-federal entity an opportunity to object and provide information and documentation challenging the suspension or termination action, in accordance with written processes and procedures published by the federal awarding agency. The federal awarding agency or pass-through entity must comply with any requirements for hearings, appeals, or other administrative proceedings to which the non-federal entity is entitled under any statute or regulation applicable to the action involved. 2 C.F.R. ~~200.341~~[342](#)

Suspension and Debarment

Non-federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 C.F.R. Part 180. ~~These~~[The](#) regulations [in 2 C.F.R. Part 180](#) 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. ~~200.213~~[214](#)

Termination of
Federal Award

The federal award may be terminated in whole or in part as follows:

1. By the federal awarding agency or pass-through entity, if a non-federal entity fails to comply with the terms and conditions of a federal award;
2. By the federal awarding agency or pass-through entity ~~for cause~~, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities;
3. By the federal awarding agency or pass-through entity with the consent of the non-federal entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated; ~~or~~
4. By the non-federal entity upon sending to the federal awarding agency or pass-through entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the federal awarding agency or pass-through entity determines in the case of partial termination that the reduced or modified portion of the federal award or subaward will not accomplish the purposes for which the federal award was made, the federal awarding agency or pass-through entity may terminate the federal award in its entirety; or

~~2 C.F.R. 200.339(a)~~

5. By the federal awarding agency or pass-through entity pursuant to termination provisions included in the federal award.

When a federal award is terminated or partially terminated, both the federal awarding agency or pass-through entity and the non-federal entity remain responsible for compliance with the requirements in 2 C.F.R. 200.344 and 200.345.

2 C.F.R. 200.340(a), (d)

U.S. Education
Department
General
Administrative
Regulations

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

*Direct Grant
Programs*

The regulations in 34 C.F.R. Part 75 apply to each direct grant program of the U.S. Department of Education. *34 C.F.R. 75.1(a)*

*State-
administered
Programs*

The regulations in 34 C.F.R. Part 76 apply to each state-administered program of the U.S. Department of Education. *34 C.F.R. 76.1(a)*

<i>General Education Provision Act</i>	The regulations in 34 C.F.R. Part 81 govern the enforcement of legal requirements under applicable programs administered by the U.S. Department of Education and implement Part E of the General Education Provisions Act (GEPA). <i>34 C.F.R. 81.1</i>
U.S. Department of Agriculture	Title 2 C.F.R. Part 400 adopts the OMB guidance in 2 C.F.R. Part 200, Subparts A–F, as supplemented by 2 C.F.R. Part 400, as U.S. Department of Agriculture (USDA) policies and procedures for uniform administrative requirements, cost principles, and audit requirements for federal awards. It thereby gives regulatory effect for the USDA to the OMB guidance, as supplemented by 2 C.F.R. Part 400. <i>2 C.F.R. 400.1</i>
U.S. Department of Health and Human Services	The U.S. Department of Health and Human Services (HHS) adopts the OMB Guidance in 2 C.F.R. Part 200, and has codified the text, with HHS-specific amendments in 45 C.F.R. Part 75. Thus, 2 C.F.R. Part 300 gives regulatory effect to the OMB guidance and supplements the guidance as needed for HHS. <i>2 C.F.R. 300.1</i>
U.S. Department of Justice	The U.S. Department of Justice adopts the OMB Guidance in 2 C.F.R. Part 200, except as otherwise may be provided by 2 C.F.R. Part 2800. Unless expressly provided otherwise, any reference in 2 C.F.R. Part 2800 to any provision of law not in 2 C.F.R. Part 2800 shall be understood to constitute a general reference and thus to include any subsequent changes to the provision. <i>2 C.F.R. 2800.101</i>
U.S. Department of Labor	The U.S. Department of Labor (DOL) adopts the OMB Guidance in the uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities, 2 C.F.R. Part 200, Subparts A–F, as supplemented by 2 C.F.R. Part 2900, as the DOL policies and procedures for financial assistance administration. Part 2900 satisfies the requirements of 2 C.F.R. 200.110(a) and gives regulatory effect to the OMB guidance as supplemented by Part 2900. The DOL also has programmatic and administrative regulations located in 20 and 29 C.F.R. <i>2 C.F.R. 2900.4</i>

**Tax Bonds and
Maintenance Tax**

The governing board of each junior college district shall be authorized to issue negotiable coupon bonds for the construction and equipment of school buildings and the purchase of the necessary sites therefor, and levy and pledge annual ad valorem taxes sufficient to pay the principal of and interest on said bonds as they come due, and levy annual ad valorem taxes for the further maintenance of its public junior college or junior colleges; provided that the annual bond tax shall never exceed \$.50 on the \$100 valuation of taxable property in the district, and the annual bond tax, if any, together with the annual maintenance tax shall never exceed the aggregate of \$1 on the \$100 valuation of taxable property in the district. [See CAD] *Education Code 130.122(a)*

Tax Rate Calculation

After the assessor for the taxing unit, including a college district, submits the appraisal roll for the taxing unit to the governing body of the taxing unit as required by Tax Code 26.04(b), an officer or employee designated by the governing body shall calculate the no-new-revenue tax rate and the voter-approval tax rate for the taxing unit in accordance with Tax Code 26.04.

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.

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 taxing unit, 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 taxing unit is located.

Tax Code 26.04(c), (d-1), (d-3)

Notice

By August 7 or as soon thereafter as practicable, the designated officer or employee shall submit the no-new-revenue tax rate and the voter-approval tax rate in accordance with Tax Code 26.04 to the governing body. The designated officer or employee shall post prominently on the home page of the taxing unit's internet website in the form prescribed by the comptroller:

1. The no-new-revenue tax rate, the voter-approval tax rate, and an explanation of how they were calculated;
2. The estimated amount of interest and sinking fund balances and the estimated amount of maintenance and operation or general fund balances remaining at the end of the current fiscal year that are not encumbered with or by corresponding existing debt obligations; and

3. A schedule of the taxing unit's debt obligations as prescribed by Tax Code 26.04(e)(3).

Tax Code 26.04(e)

Tax Rate Adoption

The governing body of each taxing unit shall adopt a tax rate for the current tax year and shall notify the assessor for the taxing unit of the rate adopted. The governing body must adopt a tax rate before the later of September 30 or the 60th day after the date the certified appraisal roll is received by the taxing unit, except that the governing body must adopt a tax rate that exceeds the voter-approval tax rate not later than the 71st day before the next uniform election date prescribed by Election Code 41.001 that occurs in November of that year. The tax rate consists of two components, each of which must be approved separately. The components are:

1. The rate that, if applied to the total taxable value, will impose the total amount described by Tax Code 26.04(e)(3)(c), less any amount of additional sales and use tax revenue that will be used to pay debt service; and
2. The rate that, if applied to the total taxable value, will impose the amount of taxes needed to fund maintenance and operation expenditures of the taxing unit for the next year.

A taxing unit may not impose property taxes in any year until the governing body has adopted a tax rate for that year, and the annual tax rate shall be set by ordinance, resolution, or order, depending on the method prescribed by law for adoption of a law by the governing body. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget.

Tax Code 26.05(a)–(b)

**No-New-Revenue
Tax Rate**

The vote on the ordinance, resolution, or order setting a tax rate that exceeds the no-new-revenue tax rate must be a record vote, and at least 60 percent of the members of the governing body must vote in favor of the ordinance, resolution, or order. A motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the no-new-revenue tax rate must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the no-new-revenue tax rate) percent increase in the tax rate." *Tax Code 26.05(b)*

Maintenance and
Operations Tax
Rate

If the ordinance, resolution, or order sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the taxing unit that exceeds the amount of taxes imposed for that purpose in the preceding year, the taxing unit must include in the ordinance, resolution, or order in type larger than the type used in any other portion of the document the following statement: "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE."; and if the tax rate exceeds the no-new-revenue maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)." *Tax Code 26.05(b)*

Internet Posting

The taxing unit must include on the home page of the internet website of the taxing unit the following statement: "(Insert name of unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and if the tax rate exceeds the no-new-revenue maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)." *Tax Code 26.05(b)*

**Tax Rate Exceeding
the Voter-Approval
or No-New-Revenue
Tax Rate**

The governing body of a taxing unit other than a school district may not adopt a tax rate that exceeds the lower of the voter-approval tax rate or the no-new-revenue tax rate calculated as provided by Tax Code Chapter 26 until the governing body has held a public hearing on the proposed tax rate and has otherwise complied with Tax Code 26.06 and 26.065. The governing body of a taxing unit shall reduce a tax rate set by law or by vote of the electorate to the lower of the voter-approval tax rate or the no-new-revenue tax rate and may not adopt a higher rate unless it first complies with Tax Code 26.06.

The governing body of a taxing unit other than a school district may not hold a public hearing on a proposed tax rate or a public meeting to adopt a tax rate until the fifth day after the date the chief appraiser of each appraisal district in which the taxing unit participates has delivered the notice required by Tax Code 26.04(e-2) and complied with Tax Code 26.17(f).

Notwithstanding Tax Code 26.05(a), the governing body of a taxing unit other than a school district may not adopt a tax rate until the chief appraiser of each appraisal district in which the taxing unit participates has complied with Tax Code 26.05(d-1).

Tax Code 26.05(d)-(d-2)

Public Hearing

The public hearing required above may not be held before the fifth day after the notice of the public hearing is given. The hearing must be on a weekday that is not a public holiday. The hearing must be held inside the boundaries of the unit in a publicly owned building or, if a suitable publicly owned building is not available, in a suitable building to which the public normally has access. At the hearing, the governing body must afford adequate opportunity for proponents and opponents of the tax increase to present their views.

The notice of a public hearing shall be in the size and form prescribed by Tax Code 26.06(b)-(b-4). In addition, the notice must include at the end of the notice the information prescribed by Tax Code 26.062. The notice of a public hearing may be delivered by mail to each property owner in the taxing unit, or may be published in a newspaper. If the notice is published in a newspaper, it may not be in the part of the paper in which legal notices and classified advertisements appear. If the taxing unit publishes the notice in a newspaper, the taxing unit must also post the notice prominently on the home page of the internet website of the taxing unit from the date the notice is first published until the second public hearing is concluded.

The governing body may vote on the proposed tax rate at the public hearing. If the governing body does not vote on the proposed tax rate at the public hearing, the governing body shall announce at the public hearing the date, time, and place of the meeting at which it will vote on the proposed tax rate.

Tax Code 26.06(a)-(d), .062

Adoption of Tax
Rate After Hearing

A meeting to vote on the tax increase may not be held later than the seventh day after the date of the public hearing. The meeting must be held inside the boundaries of the taxing unit in a publicly owned building or, if a suitable publicly owned building is not available, in a suitable building to which the public normally has access.
Tax Code 26.06(e)

Supplemental
Notice

In addition to the notice required under Tax Code 26.06, the governing body of a taxing unit required to hold a public hearing by Tax Code 26.05(d) shall give notice of the hearing in the manner provided by this section.

The taxing unit shall post notice of the public hearing prominently on the home page of the internet website of the taxing unit continuously for at least seven days immediately before the public hearing on the proposed tax rate increase and at least seven days immediately before the date of the vote proposing the increase in the tax rate.

If the taxing unit has free access to a television channel, the taxing unit shall request that the station carry a 60-second notice of the public hearing at least five times a day between the hours of 7:00 a.m. and 9:00 p.m. for at least seven days immediately before the public hearing on the proposed tax rate increase and at least seven days immediately before the date of the vote proposing the increase in the tax rate.

The notice of the public hearing required by Tax Code 26.065(b) must contain a statement that is substantially the same as the statement required by Tax Code 26.06(b).

This section does not apply to a taxing unit if the taxing unit:

1. Is unable to comply with the requirements of this section because of the failure of an electronic or mechanical device, including a computer or server; or
2. Is unable to comply with the requirements of this section due to other circumstances beyond its control.

A person who owns taxable property is not entitled to an injunction restraining the collection of taxes by the taxing unit in which the property is taxable if the taxing unit has, in good faith, attempted to comply with the requirements of this section.

Tax Code 26.065

**Tax Rate Below the
Voter-Approval or
No-New-Revenue
Tax Rate**

This section applies only to the governing body of a taxing unit other than a school district that proposes to adopt a tax rate that does not exceed the lower of the no-new-revenue tax rate or the voter-approval tax rate calculated as provided by Tax Code Chapter 26.

The notice of the meeting at which the governing body of the taxing unit will vote on the proposed tax rate must contain a statement in the form prescribed by Tax Code 26.061(b). In addition to including the information described by Tax Code 26.061(b), the notice must include the information described by Tax Code 26.062.

The notice required under this section must be provided in the manner required under Tax Code 26.06(c).

Tax Code 26.061

**Failure to Timely
Adopt a Tax Rate**

If the governing body of a taxing unit does not adopt a tax rate before the date required by Tax Code 26.05(a), the tax rate for the taxing unit for that tax year is the lower of the no-new-revenue tax rate calculated for that tax year or the tax rate adopted by the taxing unit for the preceding tax year. A tax rate established by this provision is treated as an adopted tax rate. Before the fifth day after the establishment of a tax rate by this provision, the governing body of the taxing unit must ratify the applicable tax rate in the manner required by Tax Code 26.05(b). *Tax Code 26.05(c)*

**Election to Repeal
Increase**

If the governing body of a special taxing unit, including a community college, adopts a tax rate that exceeds the taxing unit's voter-approval tax rate, the registered voters of the taxing unit at an election held for that purpose must determine whether to approve the adopted tax rate. When increased expenditure of money by a taxing unit is necessary to respond to a disaster, including a tornado, hurricane, flood, wildfire, or other calamity, but not including a drought, that has impacted the taxing unit and the governor has declared any part of the area in which the taxing unit is located as a disaster area, an election is not required under this section to approve the tax rate adopted by the governing body for the year following the year in which the disaster occurs.

The governing body shall order that the election be held in the taxing unit on the uniform election date prescribed by Election Code 41.001 that occurs in November of the applicable tax year. The order calling the election may not be issued later than the 71st day before the date of the election. At the election, the ballots shall be prepared to permit voting for or against the proposition: "Approving the ad valorem tax rate of \$_____ per \$100 valuation in (name of taxing unit) for the current year, a rate that is \$_____ higher per \$100 valuation than the voter-approval tax rate of (name of taxing unit), for the purpose of (description of purpose of increase). Last year, the ad valorem tax rate in (name of taxing unit) was \$_____ per \$100 valuation." The ballot proposition must include the adopted tax rate, the difference between the adopted tax rate and the voter-approval tax rate, and the taxing unit's tax rate for the preceding tax year in the appropriate places.

If a majority of the votes cast in the election favor the proposition, the tax rate for the current year is the rate that was adopted by the governing body. If the proposition is not approved, the taxing unit's tax rate for the current tax year is the taxing unit's voter-approval tax rate.

Tax Code 26.07(b)–(e)

Call for Election An election ordered by an authority of a political subdivision shall be ordered not later than the 62nd day before election day. *Election Code 3.005(a)*

Exception 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. [See BBB] *Election Code 3.003, .005(c), 41.002*

Notice to County Clerk and Voter Registrar The governing body of a political subdivision, including a college district, [that orders an election](#) shall deliver notice of the election to the county clerk and voter registrar of each county in which the political subdivision is located not later than the 60th day before election day. *Election Code 4.008(a)*

Proposition In addition to any other requirement imposed by law for a proposition, including a provision prescribing the proposition language [see BBB], a proposition submitted to the voters for approval of the reduction of a tax shall specifically state the amount of tax rate reduction or the tax rate for which approval is sought. *Election Code 52.072(e)*

Dissemination of Tax Information

Posting of Information Online Each taxing unit shall maintain an internet website or have access to a generally accessible internet website that may be used for the purposes of this section. Each taxing unit shall post or cause to be posted on the internet website the following information in a format prescribed by the comptroller:

1. The name of each member of the governing body of the taxing unit;
2. The mailing address, email address, and telephone number of the taxing unit;
3. The official contact information for each member of the governing body of the taxing unit, if that information is different from the information described by item 2;
4. The taxing unit's budget for the preceding two years;
5. The taxing unit's proposed or adopted budget for the current year;
6. The change in the amount of the taxing unit's budget from the preceding year to the current year, by dollar amount and percentage;
7. In the case of a taxing unit other than a school district, the amount of property tax revenue budgeted for maintenance and operations for the preceding two years and the current year;

8. In the case of a taxing unit other than a school district, the amount of property tax revenue budgeted for debt service for the preceding two years and the current year;
9. The tax rate for maintenance and operations adopted by the taxing unit for the preceding two years;
10. In the case of a taxing unit other than a school district, the tax rate for debt service adopted by the taxing unit for the preceding two years;
11. The tax rate for maintenance and operations proposed by the taxing unit for the current year;
12. In the case of a taxing unit other than a school district, the tax rate for debt service proposed by the taxing unit for the current year; and
13. The most recent financial audit of the taxing unit.

Tax Code 26.18

Tax Information to
County

The county assessor-collector for each county shall post on the internet website maintained by the county the following information for the most recent five tax years for each taxing unit all or part of the territory of which is located in the county: the adopted tax rate, the maintenance and operations rate, the debt rate, the no-new-revenue tax rate, the no-new-revenue maintenance and operations rate, and the voter-approval tax rate.

A taxing unit all or part of the territory of which is located in a county shall provide the information described above pertaining to the taxing unit to the county assessor-collector annually following the adoption of a tax rate by the taxing unit for the current tax year.

Tax Code 26.16(a)–(b)

Property Tax
Database

In accordance with Tax Code 26.17, the chief appraiser of each appraisal district shall create and maintain a property tax database.

The officer or employee designated by the governing body of each taxing unit in which the property is located to calculate the no-new-revenue tax rate and the voter-approval tax rate for the taxing unit must electronically incorporate into the database:

1. The information described by Tax Code 26.17(b)(5), (6), (7), (12), and (13), as applicable, as the information becomes available; and

2. The tax rate calculation forms prepared under Tax Code 26.04(d-1) at the same time the designated officer or employee submits the tax rates to the governing body of the taxing unit under Tax Code 26.04(e).

Tax Code 26.17(a), (e)

**Branch Campus
Maintenance Tax**

In accordance with Education Code 130.253, the governing body of a school district or a county may levy a junior college district branch campus maintenance tax at a rate not to exceed five cents on each \$100 valuation of all taxable property in its jurisdiction.

The proceeds of the junior college district branch campus maintenance tax may be used only as follows:

1. To operate and maintain a branch campus and support its programs and services in the area of the political subdivision that levied the tax; and
2. Under an agreement by the applicable junior college district and the political subdivision levying the tax, to make lease payments to the political subdivision for facilities used exclusively by the branch campus that are owned by the political subdivision.

Education Code 130.253(a), (k)

**Local Steering
Committee**

A local group of citizens interested in establishing a branch campus maintenance tax jurisdiction shall appoint a steering committee of at least seven citizens to provide leadership on behalf of the tax effort. The steering committee shall be composed of a cross-section of the population of the area, with representation from major civic groups and business and industry. A chair, co-chair, and secretary shall be appointed, along with any other officers who may be of assistance to the committee. Where the proposed branch campus maintenance tax jurisdiction is to be located in an independent school district, the district board of trustees may serve as the steering committee.

The steering committee shall:

1. Serve as liaison between the local community, the college district which would operate the branch campus, and the Coordinating Board;
2. Be responsible for conducting a feasibility study and a survey of the needs and potential of the area for a branch campus;
3. Provide information to the community, which at a minimum, describes the nature and purpose of a branch campus;

4. Summarize and evaluate the results of the feasibility study and survey and formulate conclusions for submission to the commissioner;
5. Prepare and circulate a petition to obtain not fewer than five percent of the qualified voters of the proposed branch maintenance tax jurisdiction; and
6. Present the appropriately signed petition as set out in 19 Administrative Code 8.30(a) to appropriate authorities for certification in compliance with Education Code 130.087.

19 TAC 8.93

Application
Procedures

The steering committee and the community college district that is planning the branch campus shall jointly file a letter of intent with the commissioner as soon as practical. The staff of the Coordinating Board shall offer advice and technical assistance to the steering committee under the direction of the commissioner on procedures and requirements. *19 TAC 8.94*

Local Feasibility
Study and Survey

A local feasibility study consisting of a survey of need, potential student clientele, financial ability of the jurisdiction, and other pertinent data must be carried out under the auspices of the steering committee and the college which shall operate the branch campus. This feasibility study may be conducted either by the steering committee or by professionals.

The Coordinating Board staff shall offer advice and technical assistance to the steering committee under the direction of the commissioner. When the feasibility study is conducted by a professional individual or research organization, the steering committee shall fully advise the commissioner prior to initiating the study.

The feasibility study shall be made in consultation with the Coordinating Board staff and, upon completion, be submitted to the commissioner. The commissioner, in consultation with Coordinating Board staff, shall determine if further documentation or clarification is needed to supplement the information presented in the feasibility study.

The feasibility study shall be reviewed by the Coordinating Board, along with other information it deems appropriate, in determining whether the criteria as set out in 19 Administrative Code 8.89 (relating to Standards and Board Procedure for Approval) have been met.

19 TAC 8.95

Petition

In counties with a population of more than 150,000, the steering committee shall be responsible for the circulation of a petition for authorization of an election to levy a public community college branch campus maintenance tax. At a minimum, the petition shall include the maintenance tax limits that shall appear on the ballot in the event an election is authorized. For counties with a population of 150,000 or less or an independent school district within a county with a population of 150,000 or less, no petition to propose an election for a branch campus maintenance tax is required to be submitted to the Coordinating Board.

The petition must incorporate all requirements as set forth in Election Code Chapter 277. After the petition has been circulated among the electorate and has been signed by not less than five percent of the qualified electors of the proposed branch maintenance tax jurisdiction, the petition shall be presented to the appropriate authorities who have the duty of verifying the legality of the petition.

Upon submission of a petition for an election to authorize a branch campus maintenance tax to a governing body of an independent school district or county, the governing body may propose an election and submit to the commissioner a feasibility study and survey. Upon approval by the commissioner, the governing body may enter an order for an election.

The governing body of a county with a population of 150,000 or less or an independent school district within a county with a population of 150,000 or less, on completion and approval of the feasibility study and survey by the commissioner, on its own motion and without presentation and approval of a certified petition to the Coordinating Board may order an election to authorize a branch campus maintenance tax. The governing body of an independent school district or county, notwithstanding 19 Administrative Code 8.98(b), shall present a certified petition to the commissioner who shall then present it to the Coordinating Board for approval or disapproval.

After the petition and any additional documentation or information are presented to the commissioner, a minimum of 45 days must elapse between the date on which the petition and supporting documents are received by the commissioner and the quarterly meeting of the Coordinating Board when the Coordinating Board will consider the petition.

19 TAC 8.96-.98

Coordinating Board
Approval

Education Code 130.253 requires the Coordinating Board to determine that:

1. The branch campus maintenance tax rate does not exceed five cents on each \$100 valuation of all taxable property;
2. A certified petition has been submitted by the appropriate authorities to the Coordinating Board; and
3. The proposed tax is feasible and desirable.

Education Code 130.253(c); 19 TAC 8.99(a)

Criteria

The Coordinating Board shall apply the following criteria when considering the appropriateness for the levying of a branch campus maintenance tax:

1. Demographic and economic characteristics of the jurisdiction seeking to establish the maintenance tax, such as:
 - a. Population trends by age group;
 - b. Economic development trends and projection; and
 - c. Employment trends and projection (i.e., supply-demand data).
2. Potential student clientele, including:
 - a. Educational levels by age group; and
 - b. College-bound data (i.e., trends by age group).
3. The financial status of the proposed jurisdiction to be taxed and the state as a whole, including:
 - a. Any projected growth or decline in the tax base; and
 - b. Trends in state appropriations for community/junior colleges and other institutions of higher education.
4. Projected programs and services for the proposed jurisdiction based on economic and population trends.
5. Proximity and impediments to programs and services to existing institutions of higher education such as:
 - a. Identification of institutions that could be affected by a new branch campus;
 - b. Documentation of existing programs and services:
 - (1) On the campuses of nearby institutions of higher education;
 - (2) Available to citizens within a 50-mile radius of the proposed jurisdiction; and

- (3) Offered in the proposed jurisdiction by existing institutions of higher education.
- c. Financial limitations on existing institutions of higher education inhibiting the offering of programs and services in the proposed jurisdiction;
- d. Availability of facilities, libraries, and equipment for institutions to offer classes in the proposed jurisdiction;
- e. Distance and traffic patterns to existing institutions of higher education;
- f. Effect on enrollments of existing institutions of higher education; and
- g. Effect on financing of existing institutions of higher education.

Education Code 130.253(c); 19 TAC 8.99(b)

Public Hearings

A Coordinating Board committee may conduct one or more public hearings in the proposed jurisdiction to:

1. Assess public sentiment regarding the levying of a branch campus maintenance tax;
2. Determine whether programs in the proposed jurisdiction would create unnecessary duplication or seriously harm programs in existing community/junior college districts or other institutions of higher education in the area; and
3. Assess the potential impact of the proposed jurisdiction on existing community/junior colleges or other institutions of higher education in the area and on the state of Texas.

Education Code 130.253(c); 19 TAC 8.99(c)

Recommendation

After the self-study has been reviewed and, if applicable, a site visit conducted by a Coordinating Board committee and Coordinating Board staff, a report from the Coordinating Board staff shall be submitted to the commissioner indicating whether the criteria as set out above have been met. The report shall include a recommendation for approval or denial of the request for approval to hold an election to levy a branch campus maintenance tax, but shall not be binding on the commissioner or the Coordinating Board.

Coordinating Board action on the request for approval to hold an election to levy a branch campus maintenance tax shall be taken at the next quarterly Coordinating Board meeting. In making its decision, the Coordinating Board shall consider the needs of the community/junior college, the needs of the community or communities

served by the branch campus maintenance tax jurisdiction, and the welfare of the state as a whole. A resolution shall be entered in the minutes of the board and conveyed in writing by the commissioner to the governing board of the community/junior college district.

Education Code 130.253(c); 19 TAC 8.99(d), .100

Election

If the Coordinating Board approves the establishment of the branch campus maintenance tax, the governing body of the school district or county shall enter an order for an election to be held in the territory under its jurisdiction not less than 20 days nor more than 60 days after the date on which the order is entered to determine whether the branch campus maintenance tax may be levied. In the case of the joint school district or joint county elections, by mutual agreement of the governing bodies, the elections shall be held on the same date throughout the jurisdictions.

The president of the governing board of the school district or the county judge, as applicable, shall give notice of the election in the manner provided by law for notice by the county judge of general elections.

A majority of the electors in the proposed branch campus maintenance tax jurisdiction voting in the election shall determine the question of the creation of the branch campus maintenance tax jurisdiction submitted in the order.

19 TAC 8.101-.102

Resubmission of
Applications

Should an election to create a branch campus maintenance tax jurisdiction fail, a period of 12 months must elapse before resubmission of the proposition to the Coordinating Board. The Coordinating Board shall require a strong showing of need and unusual circumstances before approving resubmission before the 12 months have elapsed. *19 TAC 8.103*

Authorized Expenditures

The legislature shall have no power to authorize any political corporation or subdivision of the state, including a college district, to lend its credit or to grant public money or thing of value in aid of, or to any individual, association, or corporation whatsoever, or to become a stockholder in such corporation, association, or company. *Tx. Const. Art. III, Sec. 52; Brazoria County v. Perry, 537 S.W.2d 89 (Tex. App.—Houston [1st Dist.] 1976, no writ)*

The legislature shall have no power to grant, or to authorize any county or municipal authority to grant, any extra compensation, fee, or allowance to a public officer, agent, servant, or contractor after service has been rendered or a contract entered into and performed in whole or in part; nor pay, nor authorize the payment of, any claim created against any county or municipality of the state, under any agreement or contract, made without authority of law. *Tx. Const. Art. III, Sec. 53; Harlingen Indep. Sch. Dist. v. C.H. Page and Bro., 48 S.W.2d 983 (Comm. App. 1932)*

Commitment of Current Revenue

If a contract for the acquisition, including lease, of real or personal property retains to the governing body of a local government, including a college district, the continuing right to terminate the contract at the expiration of each budget period of the local government during the term of the contract, is conditioned on a best efforts attempt by the governing body 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 the local government's current revenue only. *Local Gov't Code 271.903*

Preparation

The operating budgets shall:

1. Include general revenue, local funds, and estimated institutional funds;
2. Include detail by department for current and prior year;
3. Include a summary by functional categories for current and prior year;
4. Include a summary of the instructional budget by college or school for the current and preceding year;
5. Include a summary by amount and method of finance for each listed informational item in the general appropriation act; and
6. Be prepared within the limits of revenue available.

19 TAC 13.45

Advocacy
Expenditures

The proposed budget of a political subdivision, including a college district, must include, in a manner allowing for as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year, a line item indicating expenditures for directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in Government Code 305.002. *Gov't Code ~~140.0045~~[2254.030\(d\)](#)*

Adoption

The governing board of each institution, including each college district, shall approve on or before September 1 of each year an itemized budget covering the operation of the institution for the fiscal year beginning on September 1 of each year.

Copies of each such budget, including current operating funds, shall be furnished to the Coordinating Board and Legislative Budget Board electronically and bound paper copies to the governor's Office of Budget and Policy (OBP) and Legislative Reference Library by December 1 of each fiscal year. Additional copies shall be delivered to the Coordinating Board as required.

The governing board of the institution shall retain five copies of the budget for distribution to legislators or other state officials on request.

Copies shall be maintained in the institution's library.

Education Code 51.0051; 19 TAC 13.42(a), .43

Tax Information

The governing body of a taxing unit, including each college district, shall include as an appendix to the taxing unit's budget for a fiscal year the tax rate calculation forms used by the designated officer or employee of the taxing unit to calculate the no-new-revenue tax rate and the voter-approval tax rate of the taxing unit for the tax year in which the fiscal year begins. Tax Code 26.04(e-5)

**Posting of Budget
Information Online**

Each taxing unit, including each college district, shall maintain an internet website or have access to a generally accessible internet website that may be used for the purposes of this section. Each taxing unit shall post or cause to be posted on the internet website in a format prescribed by the comptroller the information described by Tax Code 26.18, including:

1. The taxing unit's budget for the preceding two years;
2. The taxing unit's proposed or adopted budget for the current year;

3. The change in the amount of the taxing unit's budget from the preceding year to the current year, by dollar amount and percentage;
4. In the case of a taxing unit other than a school district, the amount of property tax revenue budgeted for maintenance and operations for the preceding two years and the current year; and
5. In the case of a taxing unit other than a school district, the amount of property tax revenue budgeted for debt service for the preceding two years and the current year.

Tax Code 26.18 [See CAI]

Certain Donations

Funds, other property, or services may be donated to the Texas Military Department, a unit of the Texas National Guard, or a unit in the Texas State Guard by a political subdivision, including a college district. *Gov't Code 437.111(b), .252, .304(a)*

Financial Accounting and Reporting

The college district shall submit its audited annual financial report to the Coordinating Board by January 1st of each year. *19 TAC 13.62*

Financial Reports

Each community college shall provide to the Coordinating Board financial data related to the operation of each community college using the specific content and format prescribed by the Coordinating Board. Each community college shall provide the report no later than January 1st of each year. *General Appropriations Act, 86th Leg., R.S., H.B. 1, III-213.*

Annual Financial Statement

The governing body of a junior college district shall prepare an annual financial statement showing for each fund subject to the authority of the governing body during the fiscal year:

1. The total receipts of the fund, itemized by source of revenue, including taxes, assessments, service charges, grants of state money, gifts, or other general sources from which funds are derived;
2. The total disbursements of the fund, itemized by the nature of the expenditure; and
3. The balance in each fund at the close of the fiscal year.

Local Gov't Code 140.005

Publication and Filing

The presiding officer of a governing body shall submit the financial statement to a newspaper in each county in which the district or any part of the district is located. If a district is located in more than one county, the financial statement may be published in a newspaper that has general circulation in the district. If a newspaper is not published in the county, the financial statement may be published in a newspaper in an adjoining county.

A statement shall be published not later than two months after the date the fiscal year ends.

Local Gov't Code 140.006

Annual Local Debt Report

A political subdivision, including a college district, shall annually compile and report certain financial information in the manner prescribed by this section. The Annual Local Debt Report to be compiled and reported by a political subdivision must include the following financial information:

1. Regarding total authorized debt obligations:
 - a. The amount of all authorized debt obligations;
 - b. The principal of all outstanding debt obligations;

- c. The combined principal and interest required to pay all outstanding debt obligations on time and in full;
 - d. The amount of all authorized debt obligations secured by property taxes;
 - e. The principal of all outstanding debt obligations secured by property taxes;
 - f. The combined principal and interest required to pay all outstanding debt obligations secured by property taxes on time and in full;
 - g. The combined principal and interest required to pay all outstanding debt obligations on time and in full for all obligations secured by property taxes expressed as a per capita amount; and
 - h. The current credit rating on total debt obligations given by any nationally recognized credit rating organization.
2. Regarding each authorized debt obligation:
- a. The principal of each outstanding debt;
 - b. The combined principal and interest required to pay each outstanding debt obligation on time and in full;
 - c. The issued and unissued amounts, the spent and unspent amounts, the maturity date and the stated purpose for which each debt obligation was authorized; and
 - d. The current credit rating on each debt obligation given by any nationally recognized credit rating organization.
3. Any other information considered relevant or necessary to explain the above required data elements, such as explanations of payment sources for different kinds of debt or projections of per capita amounts of ad valorem taxation-secured obligations as of the last day of the maximum term of the most recent debt obligation issued by the political subdivision.

Local Gov't Code 140.008(b); 34 TAC 10.2

Form

[The comptroller shall provide a location on the comptroller's internet website where a political subdivision may submit the financial information described in 34 Administrative Code 10.2 and any other related information required or requested by the comptroller for the Annual Local Debt Report. The comptroller shall prescribe the form and manner in which financial information, financial documents, and related information must be submitted under 34 Administrative Code Chapter 10, Subchapter A. These instructions and other information related to local government debt reporting will be](#)

~~provided on the comptroller's internet website. The comptroller shall provide an Annual Local Debt Report Form for use by a political subdivision. Copies of the form may be obtained from the Comptroller of Public Accounts, P.O. Box 13528, Austin, Texas 78711-3528. The form may be viewed or downloaded from the .⁴ Copies may also be requested by calling (844) 519-5676 or by emailing staff at transparency@cpa.texas.gov.~~

~~.~~²

~~34 TAC 10.3(a)~~

Availability and
Posting

On an annual basis, and within 180 days of the end of the most recently completed fiscal year, a political subdivision shall, in accordance with the reporting requirements set forth under Local Government Code 140.008, either:

1. Submit ~~via upload to the comptroller's internet website the completed~~an Annual Local Debt Report ~~Form provided to the comptroller as described in 34 Administrative Code 10.3, in the form and in the manner prescribed~~ by the comptroller and, if the political subdivision maintains an internet website, continually maintain a link from its website to the location on the comptroller's website where the political subdivision's financial information may be viewed; or
2. Post its contact information and the information required in an Annual Local Debt Report on the political subdivision's own internet website and make the report available for inspection by any person in accordance with other law.

~~The governing body of a political subdivision that elects to post its annual debt information on its own internet website as described above shall take action to ensure that:~~

- ~~3. This information is made available for inspection by any person and posted continuously on the political subdivision's website until the political subdivision posts the next year's annual debt information; and~~
- ~~4. The contact information for the political subdivision's main office is posted continuously on the website and such information includes a physical address, mailing address, main telephone number, and an email address.~~

For fiscal year ~~2016~~2019 and fiscal year ~~2017~~2020, a political subdivision shall submit to the comptroller or post the annual debt information described ~~above~~in 34 Administrative Code 10.4(a) by the later of 180 days after the end of the respective fiscal year or 180 days after the effective date of ~~this rule.~~Section 10.4, as amended.

[A political subdivision that elects to post a report of its financial information on its own internet website as described in 34 Administrative Code 10.4\(a\)\(2\) shall provide upon request an electronic link to the location on the political subdivision's website where the information can be viewed to facilitate compliance with the requirements of Section 10.4\(a\) and to enable the comptroller to maintain a searchable database of local debt information that is comprehensive, accurate, and complete.](#)

Local Gov't Code 140.008(c)–(d), (f); 34 TAC 10.4

State Expenditure Database

A state agency, including a college district, is required to cooperate with and provide information to the comptroller as necessary to implement and administer the state expenditure database. A state agency is not required to record information or expend resources for the purpose of computer programming or other additional actions necessary to make information reportable under this section.

~~Gov't Code 403.024(g)–(h)~~

Each state agency that maintains a generally accessible internet site or for which a generally accessible internet site is maintained shall include a link on the agency's internet site to the state expenditure database.

Gov't Code [403.024\(g\)–\(h\)](#), 2054.126

Publication of Financial Transactions

Each institution of higher education, including each college district, shall post on the institution's internet website a copy of the institution's financial transactions to the extent necessary to provide, for each payment drawn from money appropriated from the state general revenue fund or received as student tuition or fee payments:

1. The amount of the payment;
2. The date of the payment;
3. A brief description of the purpose of the payment; and
4. The name of the payee.

An institution of higher education may comply by providing on the institution's internet website an easily noticeable direct link, the purpose of which is clearly identifiable, to an internet website maintained by the comptroller that provides information concerning the institution that is similar to the information required above.

Education Code 51.9741

¹ <https://comptroller.texas.gov/transparency/local/hb1378/apply.php>

² Comptroller's internet website: <https://comptroller.texas.gov/transparency/>

Administration of Epinephrine

Definitions

Anaphylaxis

[Authorized Health-care Provider](#)

Campus

Epinephrine Auto-Injector

[Unassigned Epinephrine Auto-Injector](#)

Policy Permitted

[Contents](#)

"Anaphylaxis" means a sudden, severe, and potentially life-threatening allergic reaction that occurs when a person is exposed to an allergen. *Education Code 51.881(2); 25 TAC 40.3(1)*

[An "authorized health-care provider" means a physician, as defined in Education Code 51.881, or person who has been delegated prescriptive authority by a physician under Occupations Code Chapter 157 as described in Health and Safety Code 773.0145. 25 TAC 40.3\(2\)](#)

"Campus" means an educational unit under the management and control of an institution of higher education and may include, in addition to the main campus, off-campus and secondary locations, such as branch campuses, teaching locations, ~~and~~ regional centers, [and where students are housed.](#) *Education Code 51.881(3); 25 TAC 40.3(3)*

"Epinephrine auto-injector" means a disposable medical drug delivery device that contains a premeasured single dose of epinephrine that is intended to be used to treat anaphylaxis. *Education Code 51.881(4)*

["Unassigned epinephrine auto-injector" means an epinephrine auto-injector prescribed by an authorized health-care provider in the name of the institution of higher education issued with a non-patient-specific standing delegation order for the administration of an epinephrine auto-injector, and issued by an authorized health-care provider. 25 TAC 40.3\(6\)](#)

~~Each~~[An](#) institution of higher education may adopt and implement a [written](#) policy regarding the maintenance, storage, administration, and disposal of [unassigned](#) epinephrine auto-injectors ~~on~~[at each](#) institution's campus. *Education Code 51.882(a); 25 TAC 40.2*

[Each institution of higher education that adopts a policy must require that the institution's ~~campus~~campuses have personnel or volunteers authorized and trained to administer an epinephrine auto-injector present.](#)

If a policy is adopted, the policy must provide that personnel or volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on the institution's campus and may provide that personnel or volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis at an off-campus event or while in transit to or from an off-campus event sponsored by the institution of higher education.

~~The commissioner of state health services with advice from the advisory committee shall adopt rules regarding the maintenance, storage, administration, and disposal~~ In development of an epinephrine auto-injector ~~on the campus of~~ policy, an institution of higher education that adopted a policy. ~~The rules must establish:~~ shall include:

1. ~~The number of~~ A designated campus department to coordinate and manage policy implementation that includes:
 - a. Conducting an assessment;
 - b. Training of institution personnel;
 - ~~a.c.~~ Acquiring or purchasing, storing, and using unassigned epinephrine auto-injectors ~~available at each campus;~~ and
 - ~~b.d.~~ The process for each institution of higher education to check the inventory of Disposing of expired unassigned epinephrine auto-injectors ~~at regular intervals for expiration and replacement;~~ and;
2. ~~The amount of training required for personnel or volunteers to administer an epinephrine auto-injector.~~

~~Each institution of higher education that adopts a policy:~~

2. ~~Must require that the institution's campuses have personnel or volunteers authorized and~~ Personnel who can be trained to administer unassigned epinephrine auto-injectors;
3. Locations of unassigned epinephrine auto-injectors;
- ~~3.4.~~ Procedures for notifying local emergency medical services when a person is suspected of experiencing anaphylaxis and when an epinephrine auto-injector ~~present~~ is administered; and
4. ~~Shall include the policy in the institution's student handbook or similar publication and publish the policy on the institution's internet website.~~
5. ~~An~~ A plan to replace, as soon as reasonably possible, any unassigned epinephrine auto-injector that is used or close to expiration.

Education Code 51.882(b), (d); 25 TAC 40.5(c)

Submission to
DSHS

Each institution of higher education that adopts a policy shall submit to the Texas Department of State Health Services (DSHS) a copy of the policy and any amendment to the policy adopted by the

institution. DSHS shall maintain a record of the most recent policy and amendments submitted by each institution and shall make that information available to the public on request.

Education Code 51.882(a)–(d), (f); 25 TAC 40.5(e)

Publication

Each institution of higher education that adopts a policy shall include the policy in the institution's student handbook or similar publication and publish the policy on the institution's internet website. The policy and the locations of the unassigned epinephrine auto-injector must be publicly available. Education Code 51.882(d); 25 TAC 40.5(d)

Availability of
Epinephrine Auto-
Injectors

An institution of higher education shall obtain a prescription from an authorized health-care provider each year to stock, possess, and maintain at least one unassigned adult epinephrine auto-injector pack (two doses) on each institution's campus as described in Education Code 51.885 and Health and Safety Code 773.0145. The number of additional adult packs may be determined by an individual campus assessment led by an authorized health-care provider, based on available resources. 25 TAC 40.5(a)

Assessment

An institution performing an assessment may consider:

1. Consultation with campus police, office of risk management, office of food services, office of housing, office of health services, or any department involved with student well-being;
2. Campus geography, including high risk areas; and
3. Student population size.

25 TAC 40.5(b)

Prescription

A physician may prescribe, as described by Education Code 51.885, epinephrine auto-injectors in the name of an institution of higher education that adopts a policy. The physician shall provide the institution with a standing order for the administration of an epinephrine auto-injector to a person reasonably believed to be experiencing anaphylaxis.

Notwithstanding any other provisions of law, supervision or delegation by a physician is considered adequate if the physician periodically reviews the order and is available through direct telecommunication as needed for consultation, assistance, and direction.

Education Code 51.885(a), (c)

Report

Not later than the tenth business day after the date a personnel member or volunteer administers an epinephrine auto-injector in accordance with the policy, the institution of higher education shall

report to the physician who prescribed the epinephrine auto-injector and the commissioner of state health services. The report must include the following information:

1. The age of the person who received the administration of the epinephrine auto-injector;
2. Whether the person who received the administration of the epinephrine auto-injector was a student, a personnel member, or a visitor;
3. The physical location where the epinephrine auto-injector was administered;
4. The number of doses of epinephrine auto-injector administered;
5. The title of the person who administered the epinephrine auto-injector; and
6. Any other information required by the commissioner of state health services.

[Notifications to the commissioner of DSHS shall be submitted on the designated electronic form available on DSHS's School Health Program website.](#)¹

Education Code 51.883; [25 TAC 40.7\(b\)-\(c\)](#)

Employee Training

Each institution of higher education that adopts a policy is responsible for training personnel or volunteers in the administration of an epinephrine auto-injector. The training must:

1. Include information on:
 - a. Recognizing the signs and symptoms of anaphylaxis;
 - b. Administering an epinephrine auto-injector;
 - c. Implementing emergency procedures, if necessary, after administering an epinephrine auto-injector; and
 - d. Properly disposing of used or expired epinephrine auto-injectors; and
2. Be provided in a formal training session or through online education and be completed annually.

[Training shall be consistent with the most recent Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs published by the federal Centers for Disease Control and Prevention.](#)

Each institution ~~of higher education that adopts a policy shall~~ shall maintain training records and each public institution shall make available upon request a list of those institution personnel or institution volunteers trained and authorized to administer the unassigned epinephrine auto-injector on the ~~training required under this section~~campus.

Education Code 51.884; 25 TAC 40.6

~~Prescription~~

~~A physician may prescribe, as described by Education Code 51.885, epinephrine auto injectors in the name of an institution of higher education that adopts a policy. The physician shall provide the institution with a standing order for the administration of an epinephrine auto injector to a person reasonably believed to be experiencing anaphylaxis.~~

~~Notwithstanding any other provisions of law, supervision or delegation by a physician is considered adequate if the physician periodically reviews the order and is available through direct telecommunication as needed for consultation, assistance, and direction.~~

~~Education Code 51.885(a), (c)~~

Storage

The supply of epinephrine auto-injectors at a campus must be stored in a secure location and be easily accessible to personnel or volunteers authorized and trained to administer an epinephrine auto-injector. The unassigned epinephrine auto-injector must be stored in accordance with the manufacturer's guidelines. *Education Code 51.882(e); 25 TAC 40.5(d)*

Funding

An institution of higher education may accept gifts, grants, donations, and federal funds to implement this section. *Education Code 51.886*

Immunity from
Discipline

A person who in good faith takes, or fails to take, any action under ~~this subchapter~~25 Administrative Code Chapter 40, Subchapter A or Education Code Chapter 51, Subchapter Y-1 is immune from civil or criminal liability or disciplinary action resulting from that act or failure to act, including:

1. Issuing an order for epinephrine auto-injectors;
2. Supervising or delegating the administration of an epinephrine auto-injector;
3. Possessing an epinephrine auto-injector;
4. Maintaining an epinephrine auto-injector;
5. Storing an epinephrine auto-injector;
6. Disposing of an epinephrine auto-injector;

7. Prescribing an epinephrine auto-injector;
8. Dispensing an epinephrine auto-injector;
9. Administering, or assisting in administering, an epinephrine auto-injector;
10. Providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans; or
11. Undertaking any other act permitted or required under this subchapter.

This immunity is in addition to other immunity or limitations of liability provided by law.

Education Code 51.888(a)-(b); 25 TAC 40.8

Records Retention

Records relating to implementing and administrating the institution of higher education unassigned epinephrine auto-injector policy shall be retained per the record retention schedule for records of institutions of higher education found in 13 Administrative Code 6.10. [See also CIA] 25 TAC 40.7(a)

¹ DSHS's School Health Program website: <https://dshs.texas.gov/>

**Use of College
District Mail System**

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

Intercampus Mail
Delivery

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

1. The letters relate to the current business of the college district to an extent sufficient to satisfy the "letters of the carrier" exception; or
2. The carriage of the letters is without any compensation, direct or indirect, to the college district so as to satisfy the "private hands" exception.

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

Political Advertising

An officer or employee of a state agency or political subdivision, including a college district, may not knowingly use or authorize the use of an internal mail system for the distribution of political advertising. The prohibition does not apply to the use of an internal mail system to distribute political advertising that is delivered to the premises of a state agency or political subdivision through the United States Postal Service or the use of an internal mail system by a state agency to distribute political advertising that is the subject of or related to an investigation, hearing, or other official proceeding of the agency. *Election Code 255.0031*

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

- ~~1. In return for consideration,~~ Is published in a newspaper, magazine, or other periodical ~~or~~ in return for consideration;
- ~~2.~~ Is broadcast by radio or television; ~~in return for consideration;~~
- ~~3.~~ Appears in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or
- ~~3.~~ Appears on an internet website.

~~*Election Code 251.001(16); 1-TAC 20.1(13)*~~

~~"Political advertising"~~ The term does not include an individual communication made by email but does include mass emails involving

an expenditure of funds beyond the basic cost of hardware messaging software and bandwidth.

[Election Code 251.001\(16\)](#); 1 TAC 20.1(~~13~~11)

Note: For ~~records~~[record](#) retention [requirements](#) under ~~the Public Information Act~~[specific statutes or rules](#), see [GCB](#).
For ~~records retention under Title IX~~, see [DIAA](#) and [FFDA](#)[the applicable policy code](#).

**Local Government
Record**

A “local government record” means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information-recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a local government, including a college district, or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business.

The term does not include:

1. Extra identical copies of documents created only for convenience of reference or research by officers or employees of the local government.
2. Notes, journals, diaries, and similar documents created by an officer or employee of the local government for the officer's or employee's personal convenience.
3. Blank forms.
4. Stocks of publications.
5. Library and museum materials acquired solely for the purposes of reference or display.
6. Copies of documents in any media furnished to members of the public to which they are entitled under Government Code Chapter 552 (Public Information Act) or other state law.
7. Any records, correspondence, notes, memoranda, or documents, other than a final written agreement described by Government Code 2009.054(c), associated with a matter conducted under an alternative dispute resolution procedure in which personnel of a state department or institution, local government, special district, or other political subdivision of the state participated as a party, facilitated as an impartial third party, or facilitated as the administrator of a dispute resolution system or organization.

Local Gov't Code 201.003(8)

**Board's
Responsibilities**

The governing body of a local government, including a college district, shall:

1. Establish, promote, and support an active and continuing program for the efficient and economical management of all local government records;
2. Cause policies and procedures to be developed for the administration of the program under the direction of the records management officer;
3. Facilitate the creation and maintenance of local government records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the local government and designed to furnish the information necessary to protect the legal and financial rights of the local government, the state, and persons affected by the activities of the local government;
4. Facilitate the identification and preservation of local government records that are of permanent value;
5. Facilitate the identification and protection of essential local government records; and
6. Cooperate with the State Library and Archives Commission in its conduct of statewide records management surveys.

Local Gov't Code 203.021

**Custodians of
Records**

Custodians of records in each local government, including each college district, shall:

1. Cooperate with the records management officer in carrying out the policies and procedures established by the local government for the efficient and economical management of records and in carrying out the requirements of Local Government Code Title 6, Subtitle C;
2. Adequately document the transaction of government business and the services, programs, and duties for which the custodians and their staff are responsible; and
3. Maintain the records in the custodians' care and carry out the preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the local government's records management program and the requirements of Subtitle C and rules adopted under it.

State law relating to the duties, other responsibilities, or record-keeping requirements of a custodian of local government records do not exempt the custodian or the records in the custodian's care from the application of Subtitle C and rules adopted under it and may not be used by the custodian as a basis for refusal to participate in the records management program of the local government

whose establishment is required by Local Government Code Chapter 203.

Local Gov't Code 203.022

**Records
Management Officer**

The governing body of each local government shall designate a records management officer by:

Designation

1. Designating an individual; or
2. Designating an office or position, the holder of which shall be the records management officer.

The name, office, or position of the records management officer shall be entered on the minutes of the governing body. The name or the name and office or position of the records management officer shall be filed by the records management officer with the director and librarian within 30 days after the date of the designation.

The designation of a new individual or a new office or position shall be entered on the minutes and reported by the records management officer to the director and librarian in the same manner as the original designation. If the order designating a records management officer designates an office or position rather than an individual, a new holder of that office or position must file the holder's name with the director and librarian within 30 days after the date of assuming the office or position.

Local Gov't Code 203.025(a)-(e)

Duties

The records management officer in each local government shall:

1. Assist in establishing and developing policies and procedures for the records management program for the local government.
2. Administer the records management program and provide assistance to custodians for the purposes of reducing costs and improving the efficiency of recordkeeping.
3. In cooperation with the custodians of the records, prepare the records control schedules and amended schedules required by Local Government Code 203.041 and the list of obsolete records as provided by Local Government Code 203.044.
4. In cooperation with custodians, identify and take adequate steps to preserve local government records of permanent value.
5. In cooperation with custodians, identify and take adequate steps to protect essential local government records.

6. In cooperation with custodians, ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with the policies and procedures of the local government's records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it.
7. Disseminate to the governing body and custodians information concerning state laws, administrative rules, and policies of the government relating to local government records.
8. In cooperation with custodians, establish procedures to ensure that the handling of records in any context of the records management program by the records management officer or those under the officer's authority is carried out with due regard for the duties and responsibilities of custodians that may be imposed by law and the confidentiality of information in records to which access is restricted by law.

Local Gov't Code 203.023

Duties of Local Governments

Each local government shall:

1. Submit to the director and librarian the name of the local government's records management officer identified under Local Government Code 203.001 or designated under Local Government Code 203.025 and the name of the new officer in the event of a change;
2. File a plan or an ordinance or order establishing a records management program and any amendments to the plan or ordinance or order with the director and librarian as required by Local Government Code 203.005 and 203.026;
3. Notify the commission at least ten days before destroying a local government record that does not appear on a records retention schedule issued by the commission; and
4. File with the director and librarian a written certification as provided by Local Government Code 203.041 that the local government has prepared a records control schedule that:
 - a. Establishes a retention period for each local government record as required by Local Government Code Chapter 203, Subchapter C; and
 - b. Complies with a local government records retention schedule distributed by the director and librarian under Government Code 441.158 and any other state and federal requirements.

Gov't Code 441.149169

- Retention Schedules** On or before January 4, 1999, the records management officer shall:
1. Prepare a records control schedule listing the following records and establishing a retention period for each as provided by Local Government Code 203.042:
 - a. All records created or received by the local government or elective county office;
 - b. Any record no longer created or received by the local government or elective county office that is still in its possession and for which the retention period on a records retention schedule issued by the commission has not expired; and
 - c. Any record no longer created or received by the local government or elective county office that is still in its possession and for which the retention period on a records retention schedule issued by the commission has expired but which will not be destroyed as provided by Local Government Code 203.044; and
 2. File with the director and librarian a written certification of compliance that the local government or the elective county office has adopted records control schedules that comply with the minimum requirements established on records retention schedules issued by the commission.

At the discretion of the records management officer the records control schedule may also list and provide retention periods for material that is excluded from the definition of a local government record by Local Government Code 201.003(8) and exempted records described by Local Government Code 202.001(b) if in the officer's opinion the inclusion of the material or records is necessary to ensure the periodic destruction of the material or records in the interest of efficient records management.

The records management officer shall review the records control schedules of the local government or elective county office and prepare amendments to the schedules as needed to reflect new records created or received by the government or office or revisions to retention periods established in a records retention schedule issued by the commission. The records management officer shall file with the director and librarian a written certification of compliance that the local government or the elective county office has amended the records control schedules to comply with the minimum requirements established on records retention schedules issued by the commission.

The governing body shall require in the ordinance or order establishing the records management program the review or approval of a records control schedule or amended schedule by the officers of the local government as it considers necessary. The records control schedule or amended schedule for an elective county office need only be approved by the elected official in charge of that office.

Records control schedules may be prepared on an office-by-office basis or on a department-by-department basis within each office.

A local government that intends to retain all records permanently or that destroys only those records for which no retention periods have been established in a records retention schedule established under Government Code 441.158 is not required to prepare a records control schedule.

Local Gov't Code 203.041

The records retention schedules adopted in 1 Administrative Code 7.125 shall be considered minimum requirements and shall in no way affect the authority of the governing bodies of local governments to establish longer periods of time for which records of their government are to be retained. The applicable records retention schedules adopted by the State Library and Archives Commission include:

1. Local Schedule GR—Records Common to all Governments;
2. Local Schedule EL—Records of Elections and Voter Registration;
3. Local Schedule TX—Records of Property Taxation; and
4. Local Schedule JC—Records for Public Junior Colleges.

13 TAC 7.123(b), .125

Note: [Local government records retention schedules](#)¹ are available on the Texas State Library and Archives Commission website.

**Destruction of
Records**

Records That May
Be Destroyed

A local government record may be destroyed if:

1. The record is listed on a valid records control schedule and either its retention period has expired or it has been micro-filmed or stored electronically in accordance with the requirements of Local Government Code Chapters 204 and 205;

2. The record appears on a list of obsolete records as provided by Local Government Code 203.044; or
3. The record is not listed on a records retention schedule issued by the commission and the local government provides notice to the commission at least ten days before destroying the record as required by Government Code 441.169.

The following records may be destroyed without meeting the above conditions:

1. Records the destruction or obliteration of which is directed by an expunction order issued by a court pursuant to state law.
2. Records defined as exempt from scheduling or filing requirements by rules adopted by the commission or listed as exempt in a records retention schedule issued by the Commission.

Local Gov't Code 202.001

Exceptions

A local government record the subject matter of which is known by the custodian to be in litigation may not be destroyed until the litigation is settled. A local government record subject to a request under Government Code Chapter 552 may not be destroyed until the request is resolved. *Local Gov't Code 202.002*

Manner of
Destruction

A local government record may be destroyed by burning, shredding, pulping, or burial in a landfill or by sale or donation for recycling purposes except that records, including extra identical copies of a local government record, to which public access is restricted under Government Code Chapter 552 or other state law may be destroyed only by burning, pulping, or shredding.

A local government that sells or donates records for recycling purposes shall establish procedures for ensuring that the records are rendered unrecognizable as local government records by the recycler.

The director and librarian may approve other methods of destruction that render the records unrecognizable as local government records.

Local Gov't Code 202.003, .006

**Alienation of
Records**

A local government record may be sold or donated, loaned, transferred, or otherwise passed out of the custody of a local government to any public institution of higher education, public museum, public library, or other public entity with the approval of the local government's records management officer and after the expiration

of the record's retention period under the local government's records control schedule.

A local government record may not be sold or donated (except for the purposes of recycling), loaned, transferred, or otherwise passed out of the custody of a local government to any private college or university, private museum or library, private organization of any type, or an individual, except with the consent of the director and librarian and after the expiration of its retention period under the local government's records control schedule.

A records management officer or custodian may temporarily transfer a local government record to a person for the purposes of microfilming, duplication, conversion to electronic media, restoration, or similar records management and preservation procedures.

Local Gov't Code 202.004

Right of Recovery

In accordance with Local Government Code 202.005, the governing body may demand and receive from any person any local government record in private possession created or received by the local government the removal of which was not authorized by law.

Local Gov't Code 202.005(a)

Preservation of Records

A governmental body, including a college district board of trustees, ~~shall~~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 local government records or public information. *Gov't Code 552.004(a)*

Microfilming

Any local government record may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of Local Government Code Chapter 204 and rules adopted under it by the State Library and Archives Commission.

Local Gov't Code 204.002-.003

Electronic Storage

Any local government record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of Local Government Code Chapter 205 and rules adopted under it by the State Library and Archives Commission. *Local Gov't Code 205.002-.003*

Penalties

Destruction or
Alienation of Record

An officer or employee of a local government commits an offense if the officer or employee knowingly or intentionally violates this subtitle or rules adopted under it by destroying or alienating a local government record in contravention of Local Government Code Title 6, Subtitle C or by intentionally failing to deliver records to a successor in office as provided by Local Government Code 201.006(a).

Local Gov't Code 202.008

Federal
Investigations and
Bankruptcy

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under U.S.C. Title 11 (bankruptcy), or in relation to or contemplation of any such matter or case, shall be fined, imprisoned not more than 20 years, or both. *18 U.S.C. 1519*

**Chapter 176
Disclosures**

A records administrator shall:

1. Maintain a list of local government officers of the local governmental entity and shall make that list available to the public and any vendor who may be required to file a conflict of interest questionnaire under Local Government Code 176.006 [see CFE]; and
2. Maintain the statements and questionnaires that are required to be filed under Local Government Code Chapter 176 [see BBFA, CFE, and DBD] in accordance with the local governmental entity's records retention schedule.

Local Gov't Code 176.0065

Records
Administrator

"Records administrator" means the director, county clerk, municipal secretary, superintendent, or other person responsible for maintaining the records of the local governmental entity or another person designated by the local governmental entity to maintain statements and questionnaires filed under Local Government Code Chapter 176 and perform related functions. *Local Gov't Code 176.001(5)*

¹ Local Government Retention Schedules:
<https://www.tsl.texas.gov/slr/recordspubs/localretention.html>

Options

A political subdivision, including a college district, shall extend workers' compensation benefits to its employees by:

1. Becoming a self-insurer;
2. Providing insurance under a workers' compensation insurance policy; or
3. Entering into an interlocal agreement with other political subdivisions providing for self-insurance.

Labor Code 504.011

Employee

In Labor Code Chapter 504, unless a different meaning is plainly required by the context, "employee" means a person in the service of a political subdivision, including a college district, who has been employed as provided by law, or a person for whom optional coverage is provided under Labor Code 504.012 or 504.013. A person is not an employee and is not entitled to compensation under Chapter 504 if the person:

1. Is in the service of a political subdivision and is paid on a piecework basis other than by the hour, day, week, month, or year; or
2. Performs services that may benefit a political subdivision, or is employed by or under contract with a performer providing those services, but does not receive payment from the political subdivision for the performance of the services, if the services are performed in connection with the operation or production of a musical, vocal, or theatrical performance, or another entertainment event.

Labor Code 504.001, ~~(2)~~.014

Notice to TDI

A political subdivision, including a college district, shall notify the Texas Department of Insurance (TDI) of the method by which its employees will receive benefits, the approximate number of employees covered, and the estimated amount of payroll. *Labor Code 504.018(a)*

Notice to Employees

A political subdivision shall notify its employees of the method by which the employees will receive benefits and the effective date of the coverage. *Labor Code 504.018(b)*

Employers shall post notices in the workplace to inform employees about workers' compensation issues as required by 28 Administrative Code 110.101. These notices shall be posted in the personnel office, if the employer has a personnel office, and in the workplace where each employee is likely to see the notice on a regular basis. The notices shall be printed with a title in at least 26-point bold

type, subject in at least 18-point bold type, and text in at least 16-point normal type, and shall include English, Spanish, and any other language common to the employer's employee population. The text for the notices shall be the text provided by TDI on the sample notice without any additional words or changes. 28 TAC 110.101(e)

Report to Carrier

First Report of
Injury

The employer, including a college district, shall report to the employer's insurance carrier each death, each occupational disease of which the employer has received notice of injury or has knowledge, and each injury that results in more than one day's absence from work for the injured employee. The term "knowledge" includes receipt of written or oral information regarding diagnosis of an occupational disease, or diagnosis of an occupational disease through direct examination or testing by a doctor employed by the employer.

TDI shall prescribe the form, format, and manner of the employer's first report of injury (report). The report shall contain the information required by 28 Administrative Code 120.1(a) (relating to Employer's Record of Injuries), any additional information prescribed by TDI in accordance with the Labor Code 402.00128(b)(10), and the information necessary for an insurance carrier to electronically transmit a first report of injury to TDI. The report shall be filed with the insurance carrier not later than the eighth day after having received notice of or having knowledge of an occupational disease or death, or not later than the eighth day after the employee's absence from work for more than one day due to a work-related injury. A report is filed when personally delivered, mailed, reported via tele-claims, electronically submitted, or sent via facsimile.

The employer shall maintain a record of the date the report of injury is filed with the insurance carrier.

Labor Code 409.005-.006; 28 TAC 120.2(a)-(c), (f)

Copy to Employee

The employer shall provide a written copy of the report and a written copy of the Notice of Injured Employee Rights and Responsibilities in the Texas Workers' Compensation System (Notice of Rights and Responsibilities) adopted by the Public Counsel of the Office of Injured Employee Counsel to the injured employee by personal delivery, mail, electronic submission or facsimile at the time that the report is made with the insurance carrier. The Notice of Rights and Responsibilities shall be in English and Spanish, or in English and any other language common to the employee. The written report may be the report specified in 28 Administrative Code 120.2(b), or at a minimum shall contain the information listed in 28 Administrative Code 120.1(a).

The employer shall maintain a record of the date the copy of the report of injury and the date the Notice of Rights and Responsibilities were provided to the employee.

Labor Code 409.005(c), (g); 28 TAC 120.2(d), (f)

Notice of Modified
Duty Program

The employer shall, on the written request of the employee, a doctor, the insurance carrier, or TDI, notify the employee, the employee's treating doctor if known to the employer, and the insurance carrier of the existence or absence of opportunities for modified duty or a modified duty return-to-work program available through the employer. If those opportunities or that program exists, the employer shall identify the employer's contact person and provide other information to assist the doctor, the employee, and the insurance carrier to assess modified duty or return-to-work options.
Labor Code 409.005(j)

Supplemental
Report of Injury

As provided in 28 Administrative Code 129.4 relating to adjustment of temporary income benefit amount, the employer shall file the supplemental report of injury, in the form, format and manner prescribed by TDI. The report shall be filed with the employer's carrier and provided to the employee within ten days after:

1. The end of each pay period in which the employee has a change in earnings, including reporting all post-injury earnings as that term is used in 28 Administrative Code Chapter 129 [see Offsetting Paid Leave Against Workers' Compensation Income Benefits, below], as a result of the injury; or
2. The employee resigns or is terminated.

The employer's duty to file supplemental reports continues until the employee reaches maximum medical improvement (MMI) or is no longer employed by the employer and the employer has made the required report. The employer may contact the insurance carrier for information regarding the employee's MMI status.

For injuries requiring a First Report of Injury, above, unless the information required in this subsection is provided on the first report, the employer shall file the supplemental report with the employer's carrier and provide a copy to the employee within three days after:

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

The employer shall file the supplemental report of injury with the carrier by personal delivery, telephone, facsimile or electronic

transmission. The employer shall provide a copy of the report to the employee by facsimile or electronic transmission if the employee has identified a personal facsimile number or a personal email address to be used and the employer has the means of sending such a transmission. Otherwise the report shall be provided by personal delivery or sent by mail.

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

Labor Code 409.005(i); 28 TAC 120.3

**Injury and
Occupational
Disease Report**

An employer that has workers' compensation insurance coverage (subscriber) shall file a report of injury with TDI pursuant to Labor Code 411.032. A subscribing employer's report of injury filed in accordance with Labor Code 409.005 and applicable TDI rules satisfies that employer's requirement to file an injury and occupational disease report under Labor Code 411.032, unless TDI requests that the employer file a report with TDI for a specific injury. *28 TAC 160.3(a)*

Wage Reports

The employer is required to timely file a complete wage statement in the form and manner prescribed by TDI. The term "filed" means "received."

The wage statement shall be filed with the carrier, the claimant, and the claimant's representative, if any, within 30 days of the earliest of:

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

A subsequent wage statement shall be filed with the carrier, the claimant, and the claimant's representative, if any, within seven days of a change in any wage information provided on the previous wage statement, such as because the employer has discontinued providing a nonpecuniary wage that was originally continued after the injury. A wage statement shall be filed with TDI within seven days of receiving a request from TDI.

28 TAC 120.4(a)

Record of Injuries

An employer shall keep a record of all injuries and fatal injuries to employees as reported to an employer, or otherwise made known to an employer. The record shall include:

1. The name, address, date of birth, sex, wage, length of service, social security number, and occupation of the employee;

2. The reported cause and nature of the injury, the part of the body affected, and a description of any equipment involved;
3. The date, time, and location where the injury occurred;
4. The name of the employee's immediate supervisor;
5. The names of any witnesses (if known);
6. The name and address of the treating health-care provider, if known; and
7. Any voluntary benefits paid by the employer under the Texas Workers' Compensation Act.

These records shall be open to inspection by TDI, upon at least five working days' notice to the employer, at a reasonable time and place. The employer shall retain a record of an injury until the expiration of five years from the last day of the year in which the injury occurred.

28 TAC 120.1(a)–(c)

**Ombudsman
Program**

The Office of Injured Employee Counsel shall maintain an ombudsman program as provided by Labor Code Chapter 404, Subchapter D to assist injured employees and persons claiming death benefits in obtaining benefits under the Texas Workers' Compensation Act.

Each employer, including each college district, shall notify its employees of the ombudsman program. This notice shall be posted in the personnel office, if the employer has a personnel office, and in the workplace where each employee is likely to see the notice on a regular basis. This notice of the Ombudsman Program shall be publicly posted in English, Spanish, and any other language that is common to the employer's employees. The notice shall be printed with a title in at least 15-point bold type and text in at least 14-point normal type. The text of the notice shall be as described by 28 Administrative Code 276.5(c) without any additional words or changes.

Labor Code 404.151(a), .153(a); 28 TAC 276.5(a)–(c)

**First Responder
Liaison**

An employer that employs first responders or supervises volunteer first responders shall notify the first responders of the first responder liaison. The notice shall be posted in the personnel office and in the workplace where employees or volunteers are likely to read the notice on a regular basis. The notice shall be printed with a title in at least 15-point bold type and text in at least 14-point normal type, in English and Spanish or in English and any other language common to the employer's affected employee population.

The text of the notice shall be [that](#) contained in 28 Administrative Code 276.5(d)(3) without any additional words or changes.

"First responder" means:

1. An individual employed by a political subdivision of this state who is:
 - a. A peace officer under Code of Criminal Procedure Article 2.12;
 - b. A person licensed under Health and Safety Code Chapter 773, as an emergency care attendant, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-paramedic, or licensed paramedic; or
 - c. A firefighter subject to certification by the Texas Commission on Fire Protection under Government Code Chapter 419, whose principal duties are firefighting and aircraft crash and rescue; or
2. An individual covered under Labor Code 504.012(a) who is providing volunteer services to a political subdivision of this state as:
 - a. A volunteer firefighter, without regard to whether the volunteer firefighter is certified under Government Code Chapter 419, Subchapter D; or
 - b. An emergency medical services volunteer, as defined by Health and Safety Code 773.003.

Labor Code 404.153(a-1), 504.055(a); 28 TAC 276.5(d)

Reports of Safety Violations

TDI shall maintain a 24-hour toll-free telephone service in English and Spanish for reports of violations of occupational health or safety law. Each employer, including each college district, shall notify its employees of this service.

These notices shall be posted in the personnel office, if the employer has a personnel office, and in the workplace where each employee is likely to see the notice on a regular basis. The notices shall be printed with a title in at least 26-point bold type, subject in at least 18-point bold type, and text in at least 16-point normal type, and shall include English, Spanish, and any other language common to the employer's employee population. The text for the notices shall be the text provided by TDI on the sample notice without any additional words or changes.

An employer may not suspend or terminate the employment of or otherwise discriminate against an employee for using the telephone service to report in good faith an alleged violation of an occupational health or safety law.

Labor Code 411.081-.082; 28 TAC 110.101(e)

**Relation to Paid
Leave**

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

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

PIE shall include, but not be limited to, the documented weekly amount of:

1. The value of any full days of accrued sick leave or accrued annual leave that the employee voluntarily elects to use after the date of injury; and
2. The value of any partial days of accrued sick leave or accrued annual leave that the employee has voluntarily elected to use after the date of injury that, when combined with the employee’s TIBs, exceeds AWW.

28 TAC 129.2

Offsetting Paid
Leave Against
Workers’
Compensation
Income Benefits

The governing body of a political subdivision, including a college district board of trustees, by majority vote, may provide that while an employee of the political subdivision is receiving workers’ compensation benefits, the employee may elect to receive previously accrued sick leave benefits, whether statutory or contractual, in an amount equal to the difference between the workers’ compensation benefits and the weekly compensation that the employee was receiving before the injury that resulted in the claim. Sick leave benefits that are received shall be deducted proportionately from the employee’s sick leave balance. *Labor Code 504.052*

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

**Prohibited
Discrimination**

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

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

Labor Code 451.001

A person who violates the discrimination prohibition is liable for reasonable damages incurred by the employee as a result of the violation. An employee discharged in violation of the discrimination prohibition is entitled to reinstatement in the former position of employment. *Labor Code 451.002(a)-(b)*

A first responder who alleges a violation of Labor Code 451.001 by a state or local governmental entity, including a college district that employs the first responder, may sue the governmental entity for the relief provided by Labor Code Chapter 451. Sovereign or governmental immunity from suit is waived and abolished to the extent of liability created by Chapter 451. To the extent a person has official or individual immunity from a claim for damages, this section does not affect that immunity.

"First responder" means a public safety employee or volunteer whose duties include responding rapidly to an emergency. The term includes:

1. A peace officer whose duties include responding rapidly to an emergency;
2. Fire protection personnel under Government Code 419.021;
3. A volunteer firefighter who is certified by the Texas Commission on Fire Protection or by the State Firemen's and Fire Marshalls' Association of Texas or a member of an organized volunteer fire-fighting unit as described by Government Code 615.003;
4. An individual certified as emergency medical services personnel by the Department of State Health Services;
5. An emergency response operator or emergency services dispatcher who provides communication support services for an agency by responding to requests for assistance in emergencies; and

6. Other emergency response personnel employed by an agency.

Labor Code 451.0025; Gov't Code 421.095(1)

Leaves of Absence

The employer shall not terminate an employee who is on an unpaid leave of absence and receiving workers' compensation benefits, except when the termination is for a legitimate reason independent from the employee's workers' compensation claim. [\[See DEC\]](#) *Atty. Gen. Op. JM-227 (1984)*

~~An employer that terminates an employee for violating a reasonable absence control policy cannot be liable for prohibited discrimination as long as the rule is uniformly enforced. Continental Coffee Products Co. v. Gazarez, 937 S.W.2d 444 (Tex. 1996)~~

Note: The following is an index of website posting requirements that are addressed in the legally 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, postings required under special circumstances, or postings required under administrative procedures of an agency.

Required Internet Postings

A college district that maintains an internet website shall post the following:

1. The college district's Compact With Texans under Government Code 2114.006. [See AFA]
2. On the first frame of the homepage and in a font that is larger than the font of the majority of the text on the home page, an accessible link to the college district's online resumes maintained on the Coordinating Board's internet website under Education Code 51A.003. [See AFA]
3. The cost of attendance for a first-time entering full-time student in accordance with the uniform standards prescribed by the commissioner, under Education Code 61.0777 and 19 Administrative Code 21.2222. [See AFA]
4. In a prominent location that is not more than three hyperlinks from the website's home page, a link to the postsecondary and career information posted on the Texas Education Agency's internet website, under Education Code 7.040. [See AFA]
5. Each elected officer, under Government Code 2051.152. [See BB]
6. The date and location of the next board member election, under Government Code 2051.152. [See BBB]
7. An election notice, under Election Code 85.007. [See BBB]
8. For at least one year before the election day, the requirements and deadline for filing for candidacy, under Government Code 2051.152. [See BBB]
9. Conflicts disclosure statements and questionnaires, under Local Government Code 176.009. [See BBFA, CFE]
10. Notice of a board meeting and, if the college district contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the agenda for a board meeting, under Government Code 551.056. [See BD]

11. Any written agenda and related supplemental written materials for a board meeting, as well as a broadcast of the board meeting followed by an archived version of that broadcast, if the junior college district has a total student enrollment of more than 20,000 in any semester of the preceding academic year, under Government Code 551.1282. [See BD]
12. During the 21 days before the election, prominently and together with the notice of the election, the contents of the proposition, and any sample ballot prepared for the election, a debt obligation election order, under Election Code 4.003. [See CAD]
13. In a political subdivision with at least 250 registered voters, a voter information document, under Government Code 1251.052. [See CAD]
14. Prominently on the home page in the form prescribed by the comptroller, tax rate, estimated interest and fund balance, and debt obligation information, under Tax Code 26.04. [See CAI]
15. On the home page the prescribed statement if the college district proposes to increase the amount of taxes to fund maintenance and operation expenditures, under Tax Code 26.05. [See CAI]
16. Notice of a required public hearing on a tax rate increase, under Tax Code 26.06 and 26.065. [See CAI]
17. Information about the college district, including the board, the budget, and the tax rate, in a format prescribed by the comptroller, under Tax Code 26.18. [See CAI, BB, CC, CDC, and GC]
18. The current version of the guidelines and criteria governing tax abatement agreements, under Tax Code 312.002. [See CAIB]
19. If the website is generally accessible, a link to the state expenditure database, under Government Code 2054.126. [See CDA]
20. A copy of the college district's financial transactions, under Education Code 51.9741. [See CDA]
21. An annual debt obligation report or link to where the information is located and the contact information for the college district's main office, under Local Government Code 140.008. [See CDA]

22. The internal audit plan and annual report, under Government Code 2102.009. [See CDC]
23. If adopted, the college district's policy regarding the maintenance, storage, administration, and disposal of epinephrine auto-injectors on the institution's campus, under Education Code 51.882. [See CGE]
24. A college district shall report its energy usage information on a publicly accessible internet website with an interface designed for ease of navigation, if available, under Government Code 2265.001. [See CH]
25. In a prominent location, the code of conduct for the college district's officers, employees, and agents under, 20 U.S.C. 1094. [See DBD]
26. Information regarding college district employees and employee compensation, as provided by Government Code 659.026. [See DEA]
27. Information regarding a gift, grant, donation, or other consideration from a person that the person designated to be used as a salary supplement, and related conflict of interest provisions, as provided by Government Code 659.0201. [See DEA]
28. The campus expression policies, under Education Code 51.9315. [See DGC, FLA, and GD]
29. Prominently displayed, the contact information required to be listed for the Title IX coordinator and the notice of nondiscrimination, under 34 C.F.R. 106.8(b)(2). [See DIAA and FFDA]
30. All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, under 34 C.F.R. 106.45(b)(10). [See DIAA and FFDA]
31. On a web page dedicated solely to the policy that is easily accessible through a clearly identifiable link on the homepage, the policy on sexual harassment, sexual assault, dating violence, and stalking, under Education Code 51.282(b) and 19 Administrative Code 3.4(b). [See DIAA and FFDA]
32. A report concerning the reports of sexual harassment, sexual assault, dating violence, or stalking received by the college district, under Education Code 51.253(c)-(d) and 19 Administrative Code 3.6(c)-(d). [See DIAA and FFDA]

33. The end-of-course student evaluations of faculty according to a plan developed under Education Code 51.974(h) and 19 Administrative Code 4.227(10) and 4.228(e). [See DLA]
34. The International Standard Book Number (ISBN) and retail price information of required and recommended college textbooks and supplemental materials for each course listed in the institution's course schedule used for preregistration and registration purposes as provided by 20 U.S.C. 1015b. [See EDA]
35. Information about each undergraduate classroom course offered for credit not later than the seventh day after the first day of classes for the semester or other academic term during which the course is offered as provided by Education Code 51.974 and 19 Administrative Code 4.227 to 4.228. [See EFA]
- [36. The recommended course sequences for each undergraduate certificate or degree program, under Education Code 51.96852. \[See EFB\]](#)
- ~~36-37.~~ [37.](#) The college district's policy to grant undergraduate course credit to entering freshmen students who have successfully completed the International Baccalaureate Diploma Program, who have achieved required scores on one or more examinations in the Advanced Placement Program or the College-Level Examination Program, or who have successfully completed one or more courses offered through concurrent enrollment in high school and at an institution of higher education with the application materials, under Education Code 51.968. [See EGA]
- ~~37-38.~~ [38.](#) Guidelines addressing the practices of the college district regarding the transfer of course credit, under Education Code 61.830. [See EGA]
- ~~38-39.~~ [39.](#) A list of work-study employment opportunities accessible through a clearly identifiable link that appears in a prominent place on the financial aid page, under Education Code 56.080 and 19 Administrative Code 4.229 and 22.129. [See FEB]
- ~~39-40.~~ [40.](#) The name of and contact information for the college district's liaison officer for students who are or were in foster care and information regarding support services and other resources available to the students, under Education Code 51.9356. [See FF]
- ~~40-41.~~ [41.](#) The mental health resources available to students at the college district on a dedicated website, under Education Code 51.9193. [See FFCA]

~~41.42.~~ In a prominent location, a report on hazing committed on or off campus by an organization registered with or recognized by the college district, under Education Code 51.936. [See FLBC]

~~42.43.~~ The college district's contact information, under Government Code 2051.151 and 2051.152(a) and Tax Code 26.18. [See GC]

Optional Internet Postings

A college district that maintains an internet website may broadcast an open meeting over the internet, under Government Code 551.128. [See BD]

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 governmental entity, including a college district, shall include a notice [as provided by Government Code Chapter 2051, Subchapter D](#) on each geospatial data product that:

1. Is created or hosted by the governmental entity;
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 governmental entity 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

Information Security Oversight

The head of each state institution of higher education is ultimately responsible for the security of state information resources. The head of each state institution of higher education or his or her designated representative(s), shall:

1. Designate an Information Security Officer ([ISO](#)) who has the explicit authority and the duty to administer the information security requirements of this chapter institution wide;
2. Allocate resources for ongoing information security remediation, implementation, and compliance activities that reduce risk to a level acceptable to the institution head;
3. Ensure that senior institution of higher education officials and information-owners, in collaboration with the information resources manager and information security officer, support the provision of information security for the information systems that support the operations and assets under their direct or indirect (e.g., cloud computing or outsourced) control;
4. Ensure that the institution of higher education has trained personnel to assist the institution of higher education in complying with the requirements of this chapter and related policies;
5. Ensure that senior institution of higher education officials support the institution of higher education's ISO in developing, at least annually, a report on the institution of higher education's information security program, as specified in 1 Administrative Code 202.71(b)(11) and 202.73(a);
6. Approve high level risk management decisions as required by 1 Administrative Code 202.75(4);
7. Review and approve at least annually the institution of higher education's information security program required under 1 Administrative Code 202.74; and
8. Ensure that information security management processes are part of the institution of higher education's strategic planning and operational processes.

*1 TAC 202.70***Information Security Officer**

Each institution of higher education shall have a designated ~~Information Security Officer (ISO)~~ [ISO](#) and shall provide that its ISO reports to executive level management, has authority for information security for the entire institution, possesses training and experience required to administer the functions described under 1 Administrative Code Chapter 202, and whenever possible, has information security duties as that official's primary duty.

The ISO shall be responsible for:

1. Developing and maintaining an institution-wide information security plan as required by Government Code 2054.133;
2. Developing and maintaining information security policies and procedures that address the requirements of this chapter and the institution's information security risks;
3. Working with the business and technical resources to ensure that controls are utilized to address all applicable requirements of this chapter and the institution's information security risks;
4. Providing for training and direction of personnel with significant responsibilities for information security with respect to such responsibilities;
5. Providing guidance and assistance to senior institution of higher education officials, information owners, information custodians, and end users concerning their responsibilities under 1 Administrative Code Chapter 202;
6. Ensuring that annual information security risk assessments are performed and documented by information-owners;
7. Reviewing the institution's inventory of information systems and related ownership and responsibilities;
8. Developing and recommending policies and establishing procedures and practices, in cooperation with the institution's Information Resources Manager (IRM), information-owners and custodians, necessary to ensure the security of information and information resources against unauthorized or accidental modification, destruction, or disclosure;
9. Coordinating the review of the data security requirements, specifications, and, if applicable, third-party risk assessment of any new computer applications or services that receive, maintain, and/or share confidential data;
10. Verifying that security requirements are identified and risk mitigation plans are developed and contractually agreed and obligated prior to the purchase of information technology hardware, software, and systems development services for any new high impact computer applications or computer applications that receive, maintain, and/or share confidential data;
11. Reporting, at least annually, to the state institution of higher education head the status and effectiveness of security controls; and

12. Informing the parties in the event of noncompliance with this chapter and/or with the institution's information security policies.

The ISO, with the approval of the state institution of higher education head, may issue exceptions to information security requirements or controls in 1 Administrative Code Chapter 202. Any such exceptions shall be justified, documented, and communicated as part of the risk assessment process.

Gov't Code 2054.136; 1 TAC 202.71

Information Security Program

Each institution of higher education shall develop, document, and implement an institution of higher education-wide information security program, approved by the institution of higher education's head or delegate under 1 Administrative Code 202.70, that includes protections, based on risk, for all information and information resources owned, leased, or under the custodianship of any department, operating unit, or employee of the institution of higher education including outsourced resources to another institution of higher education, contractor, or other source (e.g., cloud computing). The program shall include:

1. Periodic assessments of the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information and information systems that support the operations and assets of the institution of higher education;
2. Policies, controls, standards, and procedures that:
 - a. Are based on the risk assessments required by 1 Administrative Code 202.75;
 - b. Cost-effectively reduce information security risks to a level acceptable to the institution head;
 - c. Ensure that information security is addressed throughout the life cycle of each institution of higher education information resource; and
 - d. Ensure compliance with the requirements of 1 Administrative Code Chapter 202, Subchapter C; minimally acceptable system configuration requirements, as determined by the institution of higher education; and the control catalog published by the Department of Information Resources (DIR).
3. Strategies to address risk to high-impact information resources;

4. Plans for providing information security for networks, facilities, and systems or groups of information systems, based on risk;
5. A process for planning, implementing, evaluating, and documenting remedial action to address any deficiencies in the information security policies, procedures, and practices of the institution of higher education; and
6. A process to justify, grant, and document any exceptions to specific program requirements in accordance with requirements and processes defined in 1 Administrative Code Chapter 202.

State institutions of higher education are responsible for:

1. Defining all information classification categories except the confidential information category, which is defined in 1 Administrative Code Subchapter A, and establishing the controls for each;
2. Administering an ongoing information security awareness education program for all users; and
3. Introducing information security awareness and informing new employees of information security policies and procedures during the onboarding process.

Government Code 2054.133; 1 TAC 202.07474

Online and Mobile Applications

~~Each institution of higher education shall adopt and implement a policy for internet website and mobile application security procedures. Before deploying an internet website or mobile application that processes confidential information for an institution of higher education, the developer of the website or application for the institution must submit to the institution's ISO the information required under policies adopted by the institution to protect the privacy of individuals by preserving the confidentiality of information processed by the website or application. At a minimum, the institution's policies must require the developer to submit information describing:~~

- ~~4. The architecture of the website or application;~~
- ~~5. The authentication mechanism for the website or application; and~~
- ~~6. The administrator level access to data included in the website or application.~~

~~Before deploying an internet website or mobile application described above, an institution of higher education must subject the~~

~~website or application to a vulnerability and penetration test conducted internally or by an independent third party.~~

~~Each institution of higher education shall submit to the department the adopted policies. DIR shall review the policies and make recommendations for appropriate changes.~~

~~Gov't Code 2054.517~~

**Staff
Responsibilities**

Information owners, custodians, and users of information resources shall, in consultation with the institution's IRM and ISO, be identified, and their responsibilities defined and documented by the state institution of higher education. The distinctions below among owner, custodian, and user responsibilities should guide determination of these roles. *1 TAC 202.72*

Information Owner

The owner or his or her designated representative(s) are responsible for:

1. Classifying information under their authority, with the concurrence of the state institution of higher education head or his or her designated representative(s), in accordance with institution of higher education's established information classification categories.
2. Approving access to information resources and periodically reviewing access lists based on documented risk management decisions.
3. Formally assigning custody of information or an information resource.
4. Coordinating data security control requirements with the ISO.
5. Conveying data security control requirements to custodians.
6. Providing authority to custodians to implement security controls and procedures.
7. Justifying, documenting, and being accountable for exceptions to security controls. The information owner shall coordinate and obtain approval for exceptions to security controls with the institution of higher education information security officer.
8. Participating in risk assessments as provided under 1 Administrative Code 202.75.

1 TAC 202.72(1)

Information
Custodian

Custodians of information resources, including third-party entities providing outsourced information resources services to state institutions of higher education, shall:

1. Implement controls required to protect information and information resources required by this chapter based on the classification and risks specified by the information owner(s) or as specified by the policies, procedures, and standards defined by the institution of higher education information security program;
2. Provide owners with information to evaluate the cost-effectiveness of controls and monitoring;
3. Adhere to monitoring techniques and procedures, approved by the ISO, for detecting, reporting, and investigating incidents;
4. Provide information necessary to provide appropriate information security training to employees; and
5. Ensure information is recoverable in accordance with risk management decisions.

1 TAC 202.72(2)

User

The user of an information resource has the responsibility to:

1. Use the resource only for the purpose specified by the institution or information-owner;
2. Comply with information security controls and institutional policies to prevent unauthorized or accidental disclosure, modification, or destruction; and
3. Formally acknowledge that they will comply with the security policies and procedures in a method determined by the institution head or his or her designated representative.

Institution information resources designated for use by the public shall be configured to enforce security policies and procedures without requiring user participation or intervention. Information resources must require the acceptance of a banner or notice prior to use.

1 TAC 202.72(3)–(4)

Security Controls

Mandatory Controls

Mandatory security controls shall be defined by DIR in a Control Standards document published on DIR’s website. The controls shall include minimum information security requirements for all state information and information systems and standards to be

used by all institutions of higher education to provide levels of information security according to risk levels.

A review of the institution's information security program for compliance with these standards will be performed at least biennially, based on business risk management decisions, by individual(s) independent of the information security program and designated by the institution of higher education head or his or her designated representative(s).

1 TAC 202.~~076~~76(a)–(c)

Optional Controls

The head of an institution of higher education may employ standards for the cost-effective information security of information and information resources within or under the supervision of that institution of higher education that are more stringent than the standards DIR prescribes if the more stringent standards:

1. Contain at least the applicable standards issued by the department; and
2. Are consistent with applicable federal law, policies, and guidelines issued under state rule, industry standards, best practices, or are deemed necessary to adequately protect the information held by the institution of higher education.

1 TAC 202.~~076~~76(e)

Risk Management

A risk assessment of the institution's information and information systems shall be performed and documented. The inherent impact will be ranked, at a minimum, as either "High," "Moderate," or "Low."

The frequency of the future risk assessments will be documented. Risk assessment results, vulnerability reports, and similar information shall be documented and presented to the ISO or his or her designated representative(s).

Approval of the security risk acceptance, transference, or mitigation decisions shall be the responsibility of:

1. The ISO or his or her designee(s), in coordination with the information owner, for systems identified with Low or Moderate residual risk.
2. The state institution of higher education head for all systems identified with a residual High Risk.

Gov't Code 2054.515; 1 TAC 202.~~075~~75

Reporting

To the Institution

The ISO shall report, at least annually, to the institution of higher education head on the adequacy and effectiveness of information security policies, procedures, and practices, and compliance with the requirements of 1 Administrative Code Chapter 202 and:

1. Effectiveness of current information security program and status of key initiatives;
2. Residual risks identified by the institution of higher education risk management process; and
3. Institution of higher education information security requirements and requests.

1 TAC 202.~~073~~73(a)

To DIR

Urgent Incident Report

Each state institution of higher education shall assess the significance of a security incident based on the business impact on the affected resources and the current and potential technical effect of the incident (e.g., loss of revenue, productivity, access to services, reputation, unauthorized disclosure of confidential information, or propagation to other networks). Security incidents shall be promptly reported to immediate supervisors and the institution of higher education's ISO. Security incidents shall be promptly reported to DIR in the form and manner specified by DIR where the security incident is assessed to:

1. Propagate to other state systems;
2. Result in criminal violations that shall be reported to law enforcement in accordance with state or federal information security or privacy laws; or
3. Involve the unauthorized disclosure or modification of confidential information, e.g., sensitive personal information as defined in Business and Commerce Code 521.002(a)(2) and other applicable laws that may require public notification.

If the security incident is assessed to involve suspected criminal activity (e.g., violations of Penal Code Chapter 33 (Computer Crimes) or Chapter 33A, Penal Code (Telecommunications Crimes)), the institution of higher education shall contact law enforcement, as required, and the security incident shall be investigated, reported, and documented in accordance with the legal requirements for handling of evidence.

Depending on the criticality of the incident, it will not always be feasible to gather all the information prior to reporting. In such cases, incident response teams should continue to report information to the department as it is collected. DIR shall instruct state institutions

of higher education as to the manner in which they shall report such information to DIR. Supporting vendors or other third parties that report security incident information to an institution of higher education shall submit such reports to the institution of higher education in the form and manner specified by DIR, unless otherwise directed by the institution of higher education. Institutions of higher education shall ensure that compliant reporting requirements are included in any contract where incident reporting may be necessary.

1 TAC 202.~~073~~73(b)(1)

Monthly Incident Report

Summary reports of security-related events shall be sent to DIR on a monthly basis no later than nine calendar days after the end of the month. Institutions of higher education shall submit summary security incident reports in the form and manner specified by DIR. Supporting vendors or other third parties that report security incident information to an institution of higher education shall submit such reports to the institution of higher education in the form and manner specified by DIR, unless otherwise directed by the institution of higher education. 1 TAC 202.~~073~~73(b)(2)

Biennial Information Security Plan

Each state institution of higher education shall submit to the department a biennial information security plan not later than June 1 of each even-numbered year, in accordance with Government Code 2054.133.

Each information security plan is confidential and exempt from disclosure under Government Code Chapter 552.

Gov't Code 2054.133;~~(c)-(d)~~; 1 TAC 202.~~073~~73(b)(3)

Financial Information Security Program

A financial institution, as defined below, shall develop, implement, and maintain a comprehensive information security program that is written in one or more readily accessible parts and contains administrative, technical, and physical safeguards that are appropriate to its size and complexity, the nature and scope of its activities, and the sensitivity of any customer information at issue. Such safeguards shall include the elements set forth below at Elements and shall be reasonably designed to achieve the objectives set forth below at Objectives. 15 U.S.C. 6801(b); 16 C.F.R. 314.3(a); ~~15 U.S.C. 6801(b)~~

Objectives

The objectives are to:

1. Ensure the security and confidentiality of customer information;
2. Protect against any anticipated threats or hazards to the security or integrity of such information; and

3. Protect against unauthorized access to or use of such information that could result in substantial harm or inconvenience to any customer.

16 C.F.R. 314.3(b)

Elements

To develop, implement, and maintain the information security program, the financial institution shall:

1. Designate an employee or employees to coordinate the program;
2. Identify reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of customer information that could result in the unauthorized disclosure, misuse, alteration, destruction or other compromise of such information, and assess the sufficiency of any safeguards in place to control these risks. At a minimum, such a risk assessment should include consideration of risks in each relevant area of the institution's operations, including:
 - a. Employee training and management;
 - b. Information systems, including network and software design, as well as information processing, storage, transmission and disposal; and
 - c. Detecting, preventing and responding to attacks, intrusions, or other systems failures.
3. Design and implement information safeguards to control the risks the institution identifies through risk assessment, and regularly test or otherwise monitor the effectiveness of the safeguard's key controls, systems, and procedures.
4. Oversee service providers by:
 - a. Taking reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the customer information at issue; and
 - b. Requiring the institution's service providers by contract to implement and maintain such safeguards.
5. Evaluate and adjust the information security program in light of the results of testing and monitoring, any material changes to the institution's operations or business arrangements, or any other circumstances that the college district knows or has reason to know may have a material impact on the information security program.

16 C.F.R. 314.4

<p>Definitions</p> <p><i>Customer Information</i></p>	<p>“Customer Information” means any record containing nonpublic personal information, as defined below, about a customer of a financial institution, whether in paper, electronic, or other form, that is handled or maintained by or on behalf of the institution or its affiliates. <i>16 C.F.R. 314.2(b)</i></p>
<p><i>Financial Institution</i></p>	<p>“Financial institution” means any institution the business of which is engaging in financial activities as described in the Bank Holding Company Act of 1956, 12 U.S.C. 1843(k), including lending, exchanging, transferring, investing for others, or safeguarding money or securities. An institution that is significantly engaged in financial activities is a financial institution. <i>12 U.S.C. 1843(k); 16 C.F.R. 313.3(k)</i></p>
<p><i>Nonpublic Personal Information</i></p>	<p>“Nonpublic personal information” means:</p> <ol style="list-style-type: none"> 1. Personally identifiable financial information; and 2. Any list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available. <p><i>16 C.F.R. 313.3(n)</i></p>
<p><i>Service Provider</i></p>	<p>“Service provider” means any person or entity that receives, maintains, processes, or otherwise is permitted access to customer information through its provisions of services directly to a qualifying entity. <i>16 C.F.R. 314.2(d)</i></p>
<p>Cybersecurity Information Sharing Act</p>	<p>A non-federal entity, including a college district may, for a cybersecurity purpose and consistent with the protection of classified information, share with, or receive from, any other non-federal entity or the federal government a cyber threat indicator or defensive measure. A non-federal entity receiving a cyber threat indicator or defensive measure from another non-federal entity or a federal entity shall comply with otherwise lawful restrictions placed on the sharing or use of such cyber threat indicator or defensive measure by the sharing non-federal or federal entity. <i>6 U.S.C. 1503(c)</i></p>
<p>Protection and Use of Information</p> <p><i>Security</i></p>	<p>A non-federal entity monitoring an information system, operating a defensive measure, or providing or receiving a cyber threat indicator or defensive measure under 6 U.S.C. 1503 shall implement and utilize a security control to protect against unauthorized access to or acquisition of such indicator or measure. <i>6 U.S.C. 1503(d)(1)</i></p>
<p><i>Removal of Personal Information</i></p>	<p>A non-federal entity sharing a cyber threat indicator pursuant to 6 U.S.C. Chapter 6, Subchapter I shall, prior to sharing:</p>

1. Review such cyber threat indicator to assess whether such cyber threat indicator contains any information not directly related to a cybersecurity threat that the non-federal entity knows at the time of sharing to be personal information of a specific individual or information that identifies a specific individual and remove such information; or
2. Implement and utilize a technical capability configured to remove any information not directly related to a cybersecurity threat that the non-federal entity knows at the time of sharing to be personal information of a specific individual or information that identifies a specific individual.

6 U.S.C. 1503(d)(2)

Use of Information

A cyber threat indicator or defensive measure shared or received may, for cybersecurity purposes:

1. Be used by a non-federal entity to monitor or operate a defensive measure that is applied to an information system of the non-federal entity, or an information system of another non-federal entity or a federal entity upon written consent of that other non-federal entity or federal entity; and
2. Be otherwise used, retained, and further shared by a non-federal entity subject to an otherwise lawful restriction placed by the sharing non-federal entity or federal entity on such cyber threat indicator or defensive measure, or an otherwise applicable provision of law.

6 U.S.C. 1503(d)(3)

Exception

A cyber threat indicator or defensive measure shared with a state, tribal, or local government under 6 U.S.C. Chapter 6, Subchapter I shall not be used by any state, tribal, or local government to regulate, including an enforcement action, the lawful activity of any non-federal entity or any activity taken by a non-federal entity pursuant to mandatory standards, including an activity relating to monitoring, operating a defensive measure, or sharing of a cyber threat indicator. A cyber threat indicator or defensive measure shared as described in this provision may, consistent with a state, tribal, or local government regulatory authority specifically relating to the prevention or mitigation of cybersecurity threats to information systems, inform the development or implementation of a regulation relating to such information systems. *6 U.S.C. 1503(d)(4)(C)*

Law Enforcement Use

A college district that receives a cyber threat indicator or defensive measure under 6 U.S.C. Chapter 6, Subchapter I, may use such indicator or measure for the purposes described in 6 U.S.C. 1504(d)(5)(A). [See CKE] *6 U.S.C. 1503(d)(4)(A)*

Exemption from Public Disclosure A cyber threat indicator or defensive measure shared by or with a state, tribal, or local government, including a component of a state, tribal, or local government that is a private entity, under 6 U.S.C. 1503 shall be deemed voluntarily shared information and exempt from disclosure under any provision of state, tribal, or local freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring disclosure of information or records. *6 U.S.C. 1503(d)(4)(B)*

A cyber threat indicator or defensive measure shared with the federal government under 6 U.S.C. Chapter 6, Subchapter I, shall be:

1. Deemed voluntarily shared information and exempt from disclosure under 5 U.S.C. 552 and any state, tribal, or local provision of law requiring disclosure of information or records; and
2. Withheld, without discretion, from the public under 5 U.S.C. 552(b)(3)(B) and any state, tribal, or local provision of law requiring disclosure of information or records.

6 U.S.C. 1504(d)(3) [See GCA]

No Duty Nothing in this section shall be construed to create a duty to share a cyber threat indicator or defensive measure or a duty to warn or act based on the receipt of a cyber threat indicator or defensive measure; or to undermine or limit the availability of otherwise applicable common law or statutory defenses. *6 U.S.C. 1505(c)*

Definitions
Non-Federal Entity “Non-federal entity” means any private entity, non-federal government agency or department, or state, tribal, or local government (including a political subdivision, department, or component thereof). *6 U.S.C. 1501(14)*

Cybersecurity Purpose “Cybersecurity purpose” means the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability. *6 U.S.C. 1501(4)*

Cybersecurity Threat “Cybersecurity threat” means an action, not protected by the First Amendment to the U.S. Constitution, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transiting an information system. The term does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement. *6 U.S.C. 1501(5)*

Cyber Threat Indicator “Cyber threat indicator” means information that is necessary to describe or identify:

1. Malicious reconnaissance, as defined in 6 U.S.C. 1501(12), including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;
2. A method of defeating a security control or exploitation of a security vulnerability;
3. A security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;
4. A method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;
5. Malicious cyber command and control, as defined in 6 U.S.C. 1501(11);
6. The actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;
7. Any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or
8. Any combination thereof.

6 U.S.C. 1501(6)

Defensive Measure

“Defensive measure” means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability. The term does not include a measure that destroys, renders unusable, provides unauthorized access to, or substantially harms an information system or information stored on, processed by, or transiting such information system not owned by the private entity operating the measure or another entity or federal entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure. 6 U.S.C. 1501(7)

Information System

“Information system” ~~has the meaning given the term in 44 U.S.C. 3502~~ [means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information](#); and includes industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers. 6 U.S.C. 1501(9); [44 U.S.C. 3502](#)

<i>Security Control</i>	“Security control” means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information. <i>6 U.S.C. 1501(16)</i>
<i>Security Vulnerability</i>	“Security vulnerability” means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control. <i>6 U.S.C. 1501(17)</i>
Security Breach Notification	A person, including a college district, who conducts business in this state and owns or licenses computerized data that includes sensitive personal information shall disclose, in accordance with the notice provisions at Business and Commerce Code 521.053(e), any breach of system security, after discovering or receiving notification of the breach, to any individual whose sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure shall be made without unreasonable delay and in each case not later than the 60th day after the date on which the person determines that the breach occurred, except as provided at Criminal Investigation Exception, below, or as necessary to determine the scope of the breach and restore the reasonable integrity of the data system. <i>Business and Commerce Code 521.053(b)</i>
To Residents of Texas and Certain Other States	If the individual whose sensitive personal information was or is reasonably believed to have been acquired by an unauthorized person is a resident of a state that requires a person described by Business and Commerce Code 521.053(b) to provide notice of a breach of system security, the notice of the breach of system security required by Section 521.053(b) may be provided under that state's law or under Business and Commerce Code 521.053(b). <i>Business and Commerce Code 521.053(b-1); Local Gov't Code 205.010</i>
To the Owner or License Holder	A person who maintains computerized data that includes sensitive personal information not owned by the person shall notify the owner or license holder, in accordance with Business and Commerce Code 521.053(e), of the information of any breach of system security immediately after discovering the breach, if the sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person. <i>Business and Commerce Code 521.053(c); Local Gov't Code 205.010</i>
To the Attorney General	A person who is required to disclose or provide notification of a breach of system security under Business and Commerce Code 521.053 shall notify the attorney general, in accordance with Business and Commerce Code 521.053(i), of that breach not later than the 60th day after the date on which the person determines that the

	breach occurred if the breach involves at least 250 residents of this state. <i>Business and Commerce Code 521.053(i)</i>
To a Consumer Reporting Agency	If a person is required to notify at one time more than 10,000 persons of a breach of system security, the person shall also notify each consumer reporting agency, as defined by 15 U.S.C. 1681a, that maintains files on consumers on a nationwide basis, of the timing, distribution, and content of the notices. The person shall provide the notice without unreasonable delay. <i>Business and Commerce Code 521.053(h); Local Gov't Code 205.010</i>
Criminal Investigation Exception	A person may delay providing the required notice to state residents or the owner or license holder at the request of a law enforcement agency that determines that the notification will impede a criminal investigation. The notification shall be made as soon as the law enforcement agency determines that the notification will not compromise the investigation. <i>Business and Commerce Code 521.053(d); Local Gov't Code 205.010</i>
Information Security Policy	A person who maintains the person's own notification procedures as part of an information security policy for the treatment of sensitive personal information that complies with the timing requirements for notice under Business and Commerce Code 521.053 if the person notifies affected persons in accordance with that policy. <i>Business and Commerce Code 521.053(g); Local Gov't Code 205.010</i>
Definitions <i>Breach of System Security</i>	"Breach of system security" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of sensitive personal information maintained by a person, including data that is encrypted if the person accessing the data has the key required to decrypt the data. Good faith acquisition of sensitive personal information by an employee or agent of the person for the purposes of the person is not a breach of system security unless the person uses or discloses the sensitive personal information in an unauthorized manner. <i>Business and Commerce Code 521.053(a)</i>
<i>Sensitive Personal Information</i>	"Sensitive personal information" means: 1. An individual's first name or first initial and last name in combination with any one or more of the following items, if the name and the items are not encrypted: a. Social security number; b. Driver's license number or government-issued identification number; or

- c. Account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account; or
 2. Information that identifies an individual and relates to:
 - a. The physical or mental health or condition of the individual;
 - b. The provision of health care to the individual; or
 - c. Payment for the provision of health care to the individual.

“Sensitive personal information” does not include publicly available information that is lawfully made available to the public from the federal government or a state or local government.

Business and Commerce Code 521.002(a)(2), (b)

Note: For cybersecurity training, see BBD and DK.

Note: For complaints of discrimination, harassment, and retaliation targeting employees on the basis of a protected characteristic, see DIAA(LEGAL) and DIAB(LEGAL).

No governmental entity, including a college district, shall deny to any person within its jurisdiction the equal protection of the laws. *U.S. Const. Amend. XIV*

**Title VII—
Discrimination on
the Basis of Sex,
Race, Color,
Religion, or National
Origin**

Generally

It shall be an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin or to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin. *42 U.S.C. 2000e-2(a)*

[Terminating an employee on the basis of the employee's homosexuality or transgender status violates Title VII's prohibition against sex discrimination in employment. *Bostock v. Clayton County, Georgia*, 140 S. Ct. 1731 \(2020\)](#)

Title VII proscribes not only overt discrimination (disparate treatment) but also employment practices that are fair in form but discriminatory in operation (disparate impact). *Wards Cove Packing Co. v. Atonio*, 490 U.S. 642 (1989)

*Disparate
Treatment*

Disparate treatment-(~~intentional discrimination~~) occurs where members of a race, sex, or ethnic group have been denied the same employment, promotion, membership, or other employment opportunities as have been available to other employees or applicants. *29 C.F.R. 1607.11*

Disparate Impact

An unlawful employment practice based on disparate impact is established only if a complaining party demonstrates that a respondent uses a particular employment practice that causes a disparate (~~disproportionate~~)-impact on the basis of race, color, religion, sex, or national origin, and the respondent fails to demonstrate that the challenged practice is job-related and consistent with business necessity. *42 U.S.C. 2000e-2(k)(1)(A)*

Training

It shall be an unlawful employment practice for any employer controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual be-

	cause of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training. <i>42 U.S.C. 2000e-2(a), (d)</i>
Job Qualification	It shall not be an unlawful employment practice for an employer to hire and employ an employee on the basis of his religion, sex, national origin, or age in those certain instances where religion, sex, national origin, or age is a bona fide occupational qualification. <i>42 U.S.C. 2000e-2(e)</i>
Employment Postings	It shall be an unlawful employment practice for an employer controlling apprenticeship or other training or retraining, including on-the-job training programs, to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee, indicating any preference, limitation, specification, or discrimination based on race, color, religion, sex, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or national origin when religion, sex, or national origin is a bona fide occupational qualification. <i>42 U.S.C. 2000e-3(b)</i>
Additional Considerations	An employer, including a college district, may not evaluate employees by assuming or insisting that they match the stereotype associated with their group. <i>Price Waterhouse v. Hopkins, 490 U.S. 228 (1989)</i>
Sex Discrimination	
Gender Stereotypes	The terms "because of sex" or "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in 29 U.S.C. 2000e-2(h) shall be interpreted to permit otherwise. <i>42 U.S.C. 2000e(k)</i>
Pregnancy	
Equal Pay	No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance

of which requires equal skill, effort, or responsibility, and which are performed under similar working conditions, except where such payment is pursuant to a seniority system, a merit system, a system which measures earnings by quantity or quality of production, or a differential based on any other factor other than sex. 29 U.S.C. 206(d); 34 C.F.R. 106.54

*Religious
Discrimination*

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

Note: See State Law, below, for state prohibitions on discrimination based on race, color, religion, sex, or national origin.

**Title VII—
Harassment of
Employees on the
Basis of Sex, Race,
Color, Religion, and
National Origin**

Harassment violates Title VII if it is sufficiently severe and pervasive to alter the conditions of employment. *Pennsylvania State Police v. Suders*, 542 U.S. 129 (2004)

Harassment on the basis of sex is a violation of 42 U.S.C. 2000e-2 (Title VII).

The Equal Employment Opportunity Commission (EEOC) has consistently held that harassment on the basis of national origin is a violation of Title VII. An employer has an affirmative duty to maintain a working environment free of harassment on the basis of national origin.

42 U.S.C. 2000e-2; 29 C.F.R. 1606.8(a), 1604.11(a)

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

Hostile Environment

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

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

3. Otherwise adversely affects an individual's employment opportunities.

Pennsylvania State Police v. Suders, 542 U.S. 129 (2004); *Nat'l Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002); *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986); 29 C.F.R. 1604.11, 1606.8

Quid Pro Quo

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

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

29 C.F.R. 1604.11(a)

Same-Sex Sexual Harassment

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

Sexual Harassment Policy

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

Corrective Action

With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment or harassment in the workplace on the basis of national origin in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.

An employer may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace or harassment of employees in the workplace on the basis of national origin, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing these cases, the EEOC will consider the extent of the employer's control and any other legal responsibility that the employer may have with respect to the conduct of such non-employees.

29 C.F.R. 1604.11(d)–(e), 1606.8(d)–(e)

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

1. That the employer exercised reasonable care to prevent and promptly correct any harassing behavior; and
2. That the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

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

Note: For related information regarding Title IX and the Clery Act see FA(LEGAL).

**ADEA—Age
Discrimination**

It shall be unlawful for an employer:

1. To fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment because of such individual's age;
2. To limit, segregate, or classify his employees in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of such individual's age; or
3. To reduce the wage rate of any employee in order to comply with 29 U.S.C. Chapter 14.

29 U.S.C. 623(a)

It shall not be unlawful for an employer:

1. To take any action otherwise prohibited under 29 U.S.C. 623(a) where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, or where the differentiation is based on reasonable factors other than age, or where such practices involve an employee in a workplace in a foreign country, and compliance with such subsections would cause such employer, or a corporation controlled by such employer, to violate the laws of the country in which such workplace is located;
2. To take any action otherwise prohibited under 29 U.S.C. 623(a):
 - a. To observe the terms of a bona fide seniority system that is not intended to evade the purposes of 29 U.S.C.

Chapter 14, except that no such seniority system shall require or permit the involuntary retirement of any individual specified by 29 U.S.C. 631(a) because of the age of such individual; or

- b. To observe the terms of a bona fide employee benefit plan in compliance with 29 U.S.C. 623. No such employee benefit plan shall excuse the failure to hire any individual, and no such employee benefit plan shall require or permit the involuntary retirement of any individual specified by 29 U.S.C. 631(a) because of the age of such individual.
3. To discharge or otherwise discipline an individual for good cause.

29 U.S.C. 623(f)

It shall be unlawful for an employer to discriminate against any of his employees or applicants for employment because such individual has opposed any practice made unlawful by this section, or because such individual has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation under 29 U.S.C. Chapter 14. *29 U.S.C. 623(d)*

Note: See State Law, below, for state prohibitions on discrimination based on age.

**ADA and Section 504
—Disability
Discrimination**

No covered entity, including a college district, shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. *42 U.S.C. 12112(a); 29 C.F.R. 1630.4(b)*

Discrimination
Based on Lack of
Disability

Nothing in 42 U.S.C. Chapter 126 (the Americans with Disabilities Act [ADA]) shall provide the basis for a claim by an individual without a disability that the individual was subject to discrimination because of the individual's lack of disability. *42 U.S.C. 12201(g); 29 C.F.R. 1630.4(b)*

Definition of
Disability

“Disability” means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more major life activities of an individual;
2. A record of having such an impairment; or
3. Being regarded as having such an impairment.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

42 U.S.C. 12102(1), (4)(C)–(D); 29 C.F.R. 1630.2(g), (j)(1), .3

*Regarded as
Having Such an
Impairment*

An individual meets the requirement of being “regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. *42 U.S.C. 12102(3)(A); 29 C.F.R. 1630.2(g), (l)*

Transitory and
Minor

Item 3 in the definition of “disability,” above, (“regarded as having such an impairment”) shall not apply to impairments that are transitory or minor. A transitory impairment is an impairment with an actual or expected duration of six months or less. *42 U.S.C. 12102(3)(B); 29 C.F.R. 1630.2(j)(1)(ix)*

*Mitigating
Measures*

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy or supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications.

The ameliorative effects of mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

“Ordinary eyeglasses and contact lenses” are lenses that are intended to fully correct visual acuity or to eliminate refractive error.

“Low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.

42 U.S.C. 12102(4)(E)

Other Definitions

*Major Life
Activities*

“Major life activities” include, but are not limited to:

1. Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and

2. The operation of a major bodily function, including functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within the body system.

42 U.S.C. 12102(2); 29 C.F.R. 1630.2(i)

*Physical or
Mental
Impairment*

“Physical or mental impairment” means:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
2. Any mental or psychological disorder, such as an intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

29 C.F.R. 1630.2(h)

*Qualified
Individual*

“Qualified” with respect to an individual with a disability, means that the individual:

1. Satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires; and
2. With or without reasonable accommodation, can perform the essential functions of such position. Consideration shall be given to the employer’s judgment as to what functions of a job are essential, and if an employer has prepared a written job description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.

42 U.S.C. 12111(8); 29 C.F.R. 1630.2(m)

*Reasonable
Accommodation*

A covered entity is required, absent undue hardship, to provide a reasonable accommodation to an otherwise qualified individual who meets the definition of disability under the “actual disability” prong or “record of disability” prong, but is not required to provide a reasonable accommodation to an individual who meets the definition of disability solely under the “regarded as” prong. [See DBB regarding medical examinations and inquiries under the Americans

with Disabilities Act] 29 U.S.C. 794, 42 U.S.C. 12112(b)(5);
29 C.F.R. 1630.2(o)(4), .9, 34 C.F.R. 104.11

“Reasonable accommodation” may include:

1. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
2. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

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

Undue Hardship

“Undue hardship” means an action requiring significant difficulty or expense, when considered in light of the following factors. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include the nature and cost of the accommodation needed, the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the overall financial resources of the covered entity, the type of operation or operations of the covered entity, and other factors set out in 42 U.S.C. 12111(10). 42 U.S.C. 12111(10); 29 C.F.R. 1630.2(p); 34 C.F.R. 104.12(c)

Discrimination
Based on
Relationship

It is unlawful for a covered entity to exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social, or other relationship or association. 42 U.S.C. 12112(b)(4); 29 C.F.R. 1630.8

Illegal Drugs and
Alcohol

A qualified individual with a disability shall not include any employee or applicant who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use. 42 U.S.C. 12114(a); 29 C.F.R. 1630.3(a)

Drug Testing

Nothing in this subchapter shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on the results of such tests. [See DHB] 42 U.S.C. 12114(d); 29 C.F.R. 1630.3(c), .16(c)

Alcohol Use

The term “individual with a disability” does not include any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse,

	<p>would constitute a direct threat to property or the safety of others. <i>29 U.S.C. 705(20)(C)(v); 42 U.S.C. 12114(a); 29 C.F.R. 1630.16(b)</i></p>
Qualification Standards	<p>It is unlawful for a covered entity to use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and is consistent with business necessity. <i>29 C.F.R. 1630.10(a)</i></p>
<i>Direct Threat to Health or Safety</i>	<p>The term “qualification standards” may include a requirement that an individual shall not pose a direct threat to the health or safety of other individuals in the workplace. “Direct threat” means a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation. The determination that an individual poses a “direct threat” shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job. This assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include the duration of the risk; the nature and severity of the potential harm; the likelihood that the potential harm will occur; and the imminence of the potential harm. <i>42 U.S.C. 12111(3), 12113(b); 29 C.F.R. 1630.2(r)</i></p>
<i>Vision Standards and Tests</i>	<p>A covered entity shall not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity. <i>42 U.S.C. 12113(c); 29 C.F.R. 1630.10(b)</i></p>
<i>Communicable Diseases</i>	<p>In any case in which an individual has an infectious or communicable disease that is transmitted to others through the handling of food, that is included on the list developed by the U.S. Secretary of Health and Human Services under 42 U.S.C. 12113(e)(1), and that cannot be eliminated by reasonable accommodation, a covered entity may refuse to assign or continue to assign an individual to a job involving food handling. <i>42 U.S.C. 12113(e)(2); 29 U.S.C. 705(20)(D); 29 C.F.R. 1630.16(e)</i></p>
Service Animals	<p>A covered entity that is subject to the jurisdiction of Title I of the ADA (employment discrimination) or to section 504 of the Rehabilitation Act (employment discrimination), shall comply with the reasonable accommodation requirements of those laws with respect to service animals. [See Reasonable Accommodations, above]</p>

A covered entity that is not subject to either Title I or section 504 shall comply with Title II of the ADA (discrimination by public entity). An employer that is subject to Title II shall comply with 28 C.F.R. part 35, including the requirements relating to service animals at 28 C.F.R. 35.136 [see FAA].

28 C.F.R. 35.140

Note: See State Law, below, for state prohibitions on discrimination based on disability.

Military Service

A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of that membership, application for membership, performance of service, application for service, or obligation.

An employer, including a college district, may not discriminate in employment against or take any adverse employment action against any person because such person has taken action to enforce protections afforded any person under 38 U.S.C. Chapter 43 (the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA)), has testified or otherwise made a statement in or in connection with any proceeding under USERRA, has assisted or otherwise participated in an investigation under USERRA, or has exercised a right provided for in USERRA.

38 U.S.C. 4311 [See DECB]

Retaliation

An employer, including a college district, may not discriminate against any employee or applicant for employment because the employee or applicant has opposed any unlawful, discriminatory employment practices or participated in the investigation of any complaint related to an unlawful, discriminatory employment practice. *29 U.S.C. 623(d) (ADEA); 42 U.S.C. 2000e-3(a) (Title VII); 34 C.F.R. 100.7(e) (Title VI); 34 C.F.R. 110.34 (Age Act); 42 U.S.C. 12203 (ADA); Jackson v. Birmingham Bd. of Educ., 544 U.S. 167 (2005) (Title IX)*

Note: See State Law, below, for state prohibitions on retaliation.

State Law

Unlawful
Employment
Practice

An employer commits an unlawful employment practice if because of race, color, disability, religion, sex, national origin, or age the employer fails or refuses to hire an individual, discharges an individual, or discriminates in any other manner against an individual in connection with compensation or the terms, conditions, or privileges of employment; or limits, segregates, or classifies an employee or applicant for employment in a manner that would deprive or tend to deprive an individual of any employment opportunity or adversely affect in any other manner the status of an employee.

An employer commits an unlawful employment practice if it aids, abets, incites, or coerces a person to engage in an unlawful discriminatory practice based on race, color, disability, religion, sex, national origin, or age.

Labor Code 21.051; 40 TAC 819.12(a), (f)

Disparate Impact

An unlawful employment practice based on disparate impact is established under Chapter 21 only if a complainant demonstrates that a respondent uses a particular employment practice that causes a disparate impact on the basis of race, color, sex, national origin, religion, or disability and the respondent fails to demonstrate that the challenged practice is job-related for the position in question and consistent with business necessity; or the complainant makes the demonstration in accordance with federal law as that law existed June 4, 1989, with respect to the concept of alternative employment practices, and the respondent refuses to adopt such an alternative employment practice. To demonstrate that a particular employment practice causes a disparate impact, the complainant must demonstrate that each particular challenged employment practice causes a disparate impact, except that if the complainant demonstrates to the satisfaction of the court that the elements of a respondent's decision-making process are not capable of separation for analysis, that decision-making process may be analyzed as one employment practice. *Labor Code 21.122(a), (c)*

Exception

An employer does not commit an unlawful employment practice by engaging in a practice that has a discriminatory effect and that would otherwise be prohibited by Labor Code Chapter 21 if the employer establishes that the practice is not intentionally devised or operated to contravene the prohibitions of Chapter 21; and is justified by business necessity. *Labor Code 21.115(a)*

**Job Training
Programs**

Unless a training or retraining opportunity or program is provided under an affirmative action plan approved under a federal law, rule, or order, an employer, labor organization, or joint labor-management committee controlling an apprenticeship, on-the-job training, or other training or retraining program commits an unlawful employment practice if the employer, labor organization, or committee

	<p>discriminates against an individual because of race, color, disability, religion, sex, national origin, or age in admission to or participation in the program. <i>Labor Code 21.054</i></p>
Selection Criterion	<p>An employer may not use a qualification standard, employment test, or other selection criterion based on an individual's uncorrected vision unless the standard, test, or criterion is consistent with business necessity and job-related for the position to which the standard, test, or criterion applies. <i>Labor Code 21.115(b)</i></p>
<i>Bona Fide Occupational Qualification</i>	<p>If disability, religion, sex, national origin, or age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business or enterprise, performing any of the following practices on the basis of disability, religion, sex, national origin, or age of an employee, member, or other individual is not an unlawful employment practice:</p> <ol style="list-style-type: none">1. An employer hiring and employing an employee;2. An employment agency classifying or referring an individual for employment; or3. An employer controlling an apprenticeship, on-the-job training, or other training or retraining program admitting or employing an individual in its program. <p><i>Labor Code 21.119</i></p>
Job Advertisement	<p>An employer, labor organization, employment agency, or joint labor-management committee controlling an apprenticeship, on-the-job training, or other training or retraining program commits an unlawful employment practice if the employer, labor organization, employment agency, or committee prints or publishes or causes to be printed or published a notice or advertisement relating to employment that:</p> <ol style="list-style-type: none">1. Indicates a preference, limitation, specification, or discrimination based on race, color, disability, religion, sex, national origin, or age; and2. Concerns an employee's status, employment, or admission to or membership or participation in a labor union or training or retraining program. <p>This section does not apply if disability, religion, sex, national origin, or age is a bona fide occupational qualification.</p> <p><i>Labor Code 21.059; 40 TAC 819.12(i)</i></p>

Bona Fide
Employee Benefit
Plan

An employer does not commit an unlawful employment practice by applying different standards of compensation or different terms, conditions, or privileges of employment under a bona fide seniority system, merit system, or an employee benefit plan, such as a retirement, pension, or insurance plan, that is not a subterfuge to evade Labor Code Chapter 21; or a system that measures earnings by quantity or quality of production. *Labor Code 21.102(a)*

Exception

An employee benefit plan may not excuse a failure to hire on the basis of age. A seniority system or employee benefit plan may not require or permit involuntary retirement on the basis of age except as permitted by Labor Code 21.103.

This section does not apply to standards of compensation or terms, conditions, or privileges of employment that are discriminatory on the basis of race, color, disability, religion, sex, national origin, or age.

Labor Code 21.102(b)–(c)

Additional
Considerations

*Pregnancy
Discrimination*

A provision in Labor Code Chapter 21 referring to discrimination because of sex or on the basis of sex includes discrimination because of or on the basis of pregnancy, childbirth, or a related medical condition. A woman affected by pregnancy, childbirth, or a related medical condition shall be treated for all purposes related to employment, including receipt of a benefit under a fringe benefit program, in the same manner as another individual not affected but similar in the individual's ability or inability to work. *Labor Code 21.106*

*Religious
Discrimination*

A provision in Labor Code Chapter 21 referring to discrimination because of religion or on the basis of religion applies to discrimination because of or on the basis of any aspect of religious observance, practice, or belief, unless an employer demonstrates that the employer is unable reasonably to accommodate the religious observance or practice of an employee or applicant without undue hardship to the conduct of the employer's business. *Labor Code 21.108*

A government agency, including a college district, may not substantially burden a person's free exercise of religion. The prohibition does not apply if the government agency demonstrates that the application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civ. Prac. and Rem. Code 110.003(a)–(b)*

*Association with
a Religious
Organization*

Notwithstanding any other law, a governmental entity, including a college district, may not take any adverse action against any person, as defined by Government Code 2400.001(4), based wholly or

partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization.

"Adverse action" means any action taken by a governmental entity to:

1. Withhold, reduce, exclude, terminate, or otherwise deny any grant, contract, subcontract, cooperative agreement, loan, scholarship, license, registration, accreditation, employment, or other similar status from or to a person;
2. Withhold, reduce, exclude, terminate, or otherwise deny any benefit provided under a benefit program from or to a person;
3. Alter in any way the tax treatment of, cause any tax, penalty, or payment assessment against, or deny, delay, or revoke a tax exemption of a person;
4. Disallow a tax deduction for any charitable contribution made to or by a person;
5. Deny admission to, equal treatment in, or eligibility for a degree from an educational program or institution to a person; or
6. Withhold, reduce, exclude, terminate, or otherwise deny access to a property, educational institution, speech forum, or charitable fundraising campaign from or to a person.

Gov't Code 2400.001(1), .002 [See GA]

*Age
Discrimination*

The provisions of Labor Code Chapter 21 referring to discrimination because of age or on the basis of age apply only to discrimination against an individual 40 years of age or older. *Labor Code 21.101*

*Discrimination
Based on Lack of
Disability*

Nothing in this chapter may be construed as the basis for a claim by an individual without a disability that the individual was subject to discrimination because of the individual's lack of a disability. *Labor Code 21.005(c)*

*Reasonable
Accommodation*

It is an unlawful employment practice for a respondent covered under this chapter to fail or refuse to make a reasonable workplace accommodation to a known physical or mental limitation of an otherwise qualified individual with a disability who is an employee or applicant for employment, unless the respondent demonstrates that the accommodation would impose an undue hardship on the operation of the business of the respondent. A showing of undue hardship by the respondent is a defense to a complaint of discrimination made by an otherwise qualified individual with a disability. *Labor Code 21.128(a)–(b)*

Official Oppression	<p>A public servant acting under color of his office or employment commits an offense if he intentionally subjects another to sexual harassment.</p> <p>“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person’s exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly. An offense under this section is a Class A misdemeanor.</p> <p><i>Penal Code 39.03(a), (c)–(d)</i></p>
<i>Sexual Harassment of Unpaid Interns</i>	<p>An employer commits an unlawful employment practice if sexual harassment of an unpaid intern occurs and the employer or the employer's agents or supervisors:</p> <ol style="list-style-type: none">1. Know or should have known that the conduct constituting sexual harassment was occurring; and2. Fail to take immediate and appropriate corrective action. <p>An individual is considered to be an unpaid intern of an employer if:</p> <ol style="list-style-type: none">1. The individual's internship, even though it includes engagement in the employer's operations or the performance of productive work for the employer, is similar to training that would be given in an educational environment;2. The individual's internship experience is for the individual's benefit;3. The individual does not displace the employer's regular employees but works under close supervision of the employer's existing staff;4. The employer does not derive any immediate advantage from the individual's internship activities and on occasion the employer's operations may be impeded by those activities;5. The individual is not entitled to a job at the conclusion of the internship; and6. The individual is not entitled to wages for the time spent in the internship. <p>“Sexual harassment” means an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if:</p>

1. Submission to the advance, request, or conduct is made a term or condition of an individual's internship, either explicitly or implicitly;
2. Submission to or rejection of the advance, request, or conduct by an individual is used as the basis for a decision affecting the individual's internship;
3. The advance, request, or conduct has the purpose or effect of unreasonably interfering with an individual's work performance at the individual's internship; or
4. The advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Labor Code 21.1065

Retaliation

An employer commits an unlawful employment practice if the employer, labor union, or employment agency retaliates or discriminates against a person who, under Labor Code Chapter 21 opposes a discriminatory practice; makes or files a charge; files a complaint; or testifies, assists, or participates in any manner in an investigation, proceeding, or hearing. *Labor Code 21.055; 40 TAC 819.12(e)*

Notices

Title VII

Every employer, including each college district, shall post and keep posted in conspicuous places upon its premises, where notices to employees, applicants for employment, and members are customarily posted, a notice to be prepared or approved by the Equal Employment Opportunity Commission (EEOC) setting forth excerpts from or, summaries of, the pertinent provisions of this subchapter and information pertinent to the filing of a complaint. *42 U.S.C. 2000e-10*

ADEA

Every employer shall post and keep posted in conspicuous places upon its premises a notice to be prepared or approved by the EEOC setting forth information as the EEOC deems appropriate to effectuate the purposes of the ADEA. *29 U.S.C. 627*

Section 504 Notice

A recipient of federal funds that employs 15 or more persons shall take appropriate steps to notify applicants and employees, including those with impaired vision or hearing, that it does not discriminate on the basis of disability in violation of Section 504 of the Rehabilitation Act or 34 C.F.R. Part 104.

The notification shall state, where appropriate, that the recipient does not discriminate in employment in its program or activity. The notification shall also include an identification of the responsible

employee designated pursuant to 34 C.F.R. 104.7(a) (Section 504 coordinator).

Methods of initial and continuing notification may include:

1. Posting of notices;
2. Publication in newspapers and magazines;
3. Placement of notices in recipients' publications; and
4. Distribution of memoranda or other written communications.

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

34 C.F.R. 104.8

**Degree-Seeking
Students**

A student who is concurrently enrolled at more than one institution of higher education may be classified as a degree-seeking student at only one institution.

If a student maintains continuous enrollment from a spring semester to the subsequent fall semester at an institution at which the student has declared to be seeking a degree, the student remains a degree-seeking student at that institution regardless of the student's enrollment during the intervening summer sessions at another institution.

19 TAC 4.28(d)(2)–(3)

**Recommended
Course Sequence**

Each institution of higher education, including each college district, shall develop at least one recommended course sequence for each undergraduate certificate or degree program offered by the institution. Each recommended course sequence must:

1. Identify all required lower-division courses for the applicable certificate or degree program;
2. Include for each course, if applicable:
 - a. The course number or course equivalent under the common course numbering system approved by the Coordinating Board under Education Code 61.832; and
 - b. The course equivalent in the Lower-Division Academic Course Guide Manual or its successor adopted by the Coordinating Board;
3. Be designed to enable a full-time student to obtain a certificate or degree, as applicable, within, for a 60-hour degree or certificate program, two years, or for a 120-hour degree program, four years; and
4. Include a specific sequence in which courses should be completed to ensure completion of the applicable program within the time frame described by item 3.

Each institution of higher education shall:

1. Include the recommended course sequences in the institution's course catalog and on the institution's internet website; and
2. Submit the recommended course sequences to the Coordinating Board as provided by Coordinating Board rule.

Education Code 51.96852(b)–(c)

Compensatory Courses

Courses designated as compensatory in the Lower-Division Academic Course Guide Manual may not be used to satisfy degree requirements. Such courses may be used as co-requisites or prerequisites for degree courses as determined by local institutions. *19 TAC 9.76*

Alternative Methods of Program Mastery for Military Members

The Coordinating Board may approve an institution of higher education recognized by the Coordinating Board to offer a degree in coordination with the Texas Military Department that uses alternative methods of determining mastery of program content, including competency-based education.

To be eligible for a degree approved under this section, a person must:

1. Have graduated from high school or received the equivalent of a high school diploma;
2. Satisfy the minimum active military service obligation to the Texas military forces for a degree plan as follows:
 - a. For an associate degree, two years of service;
 - b. For a baccalaureate degree, four years of service; and
 - c. For a graduate degree, six years of service; and
3. Complete and meet the standards of the degree plan.

Education Code 61.0521(b)–(c)

Low-Producing Degree Programs

The Coordinating Board may review the number of degrees or certificates awarded through a degree or certificate program every four years or more frequently, at the Coordinating Board's discretion. The Coordinating Board shall review each degree or certificate program offered by an institution of higher education at least every ten years after a new program is established using the criteria prescribed by Education Code 61.0512(c). *Education Code 61.0512(d)–(e); 19 TAC Ch. 4, Subch. R*

Definition

A “low-producing degree program” is a degree program that does not meet the minimum standard for degrees awarded in the program. For career technical certificates, associate, and bachelor’s programs, the minimum standard is an average of five degrees awarded per academic year, to total not fewer than 25 degrees awarded for any five-year period.

Completers of career technical certificate programs that are reported under the same CIP code as an existing applied associate's degree program will be counted as completers of the correspond-

ing applied associate's degree program for purposes of determining low-producing status. Academic associate degree programs are not considered to be low producing if they lead to transfer into four-year programs.

19 TAC 4.287(4), 288(c)–(d)

Consequences

The Coordinating Board may not order the consolidation or elimination of any degree or certificate program offered by an institution of higher education. Coordinating Board staff may recommend to the institution's governing board the closure of any non-exempt degree program which has been on the annual list of low-producing programs for three or more consecutive years. If the governing board does not accept the recommendation to close the program, then the university system or, where a system does not exist, the institution, must identify the program recommended for closure on the next legislative appropriations request submitted by the system or institution. If a system or institution is required to identify a degree program on its legislative appropriations request, the system or institution should also develop a plan to allow the degree program to achieve the minimum standard for the degree awarded, or if the standard is not attainable, provide a rationale describing the merits of continuing the degree program. *Education Code 61.0512(f); 19 TAC 4.290*

Texas Success Initiative (TSI)

An institution of higher education, including a college district, shall assess, by an instrument approved in 19 Administrative Code 4.56, the academic skills of each entering, non-exempt undergraduate student as defined in 19 Administrative Code 4.53(24) to determine the student's readiness to enroll in freshman-level academic coursework prior to enrollment of the student. An institution may not use the assessment or the results of the assessment as a condition of admission to the institution.

An institution offering collegiate-level credit to students via a Multi-Institution Teaching Center (MITC) or a university system center, or to in-state students by distance learning delivery systems shall ensure that students are assessed as required by this policy.

Education Code 51.333; 19 TAC 4.55(a), (d)–(e)

Definitions

Basic Academic Skills Education

“Basic academic skills education” means non-course competency-based developmental education programs and interventions designed for students whose performance falls significantly below college readiness standards. *Education Code 51.331(b)(1)*

Corequisite

“Corequisite,” also known as corequisite or mainstreaming, is an instructional strategy whereby undergraduate students as defined in 19 Administrative Code 4.53(24) are co-enrolled or concurrently enrolled in a developmental education course or NCBO, as defined in 19 Administrative Code 4.53(18), below, and the entry-level freshman course of the same subject matter within the same semester. The developmental component provides support aligned directly with the learning outcomes, instruction, and assessment of the entry-level freshman course, and makes necessary adjustments as needed in order to advance students' success in the entry-level freshman course. Participation in the entry-level freshman course is not contingent upon performance in the developmental education component of the corequisite. *19 TAC 4.53(7)*

Course Pairing

“Course pairing” is an instructional strategy whereby students are co-enrolled in a developmental education course and the entry-level freshman course of the same subject matter within the same semester. The developmental component provides support aligned directly with the learning outcomes, instruction, and assessment of the entry-level freshman course, and makes necessary adjustments as needed in order to advance students' success in the entry-level freshman course. *19 TAC 4.53(8)*

Developmental Coursework and / or Intervention

“Developmental coursework and/or intervention” means non-degree-credit coursework and/or activity designed to address a student's strengths and needs in the areas of reading, writing, integrated reading and writing (IRW), mathematics, and student success. *19 TAC 4.53(9)*

<i>Entry-Level Course</i>	“Entry-level course” (sometimes referred to as entry-level freshman coursework or freshman-level academic coursework) means any course for academic credit in which a freshman student typically enrolls and comprises college-level content. The course shall not have prerequisites and is open to any student meeting TSI standards as defined in 19 Administrative Code 4.57, below, and/or meeting at least one of the exemptions or waivers as defined in 19 Administrative Code 4.54, below. These courses (or their local equivalent in the Texas Common Core Numbering System) may include, but are not limited to: ENGL 1301, HIST 1301, PSYC 2301, GOVT 2305/2306, MATH 1314/1414/1324/1332/1342, SOCI 1301, PHIL 1301, SPCH 1311/1315, COSC 1301, HUMA 1301, ARTS 1301, and BIOL 1306/1406. <i>19 TAC 4.53(13)</i>
<i>Mathematics Pathway Models</i>	“Mathematics Pathway Models” are developmental and basic academic skills coursework/interventions that prepare students for academic/workforce training programs and careers. <i>19 TAC 4.53(15)</i>
<i>Non-Course-Competency-Based Developmental Education Interventions</i>	“Non-course-competency-based developmental education interventions,” also known as non-semester-length interventions or NCBO, are interventions that use learning approaches designed to address a student’s identified weaknesses and effectively and efficiently prepare the student for college-level work. These interventions must be overseen by an instructor of record, must not fit traditional course frameworks, and cannot include advising or learning support activities already connected to a traditional course; interventions may include, but are not limited to, tutoring, supplemental instruction, or labs. <i>19 TAC 4.53(18)</i>
Exceptional Circumstances	Under exceptional circumstances, an institution may permit a student to enroll in freshman-level academic coursework without assessment but shall require the student to be assessed not later than the end of the first semester of enrollment in entry-level freshman coursework. <i>19 TAC 4.55(a)</i>
Pre-Assessment	Prior to the administration of an approved instrument, a test administrator shall provide to the student a pre-assessment activity(ies) that addresses at a minimum the following components in an effective and efficient manner, such as through workshops, orientations, and/or online modules: <ol style="list-style-type: none"> 1. Importance of assessment in students’ academic career. 2. Assessment process and components, including practice with feedback of sample test questions in all disciplinary areas. 3. Developmental education options including corequisite, course-pairing, non-course-based, modular, and other non-conventional interventions.

4. Institutional and/or community student resources (e.g., supplemental instruction, tutoring, transportation, childcare, and financial aid).

19 TAC 4.55(b)

Assessment
Instruments

Beginning with the institution's first class day of the academic year (fall) 2013, an institution of higher education, including a college district, shall use the TSI assessment offered by the College Board as the only Coordinating Board-approved assessment instrument under Administrative Code Title 19. Any previously employed assessments (ACCUPLACER, Compass, THEA, Asset, Compass ESL, ACCUPLACER ESL) can no longer be used for entering students who initially enroll in any course on or after the institution's first class day in fall 2013 or for any students retesting for TSI purposes. Test administrators of the TSI assessment must follow the requirements and processes for test administration as set forth by the Coordinating Board and the test vendor. *Education Code 51.334(a); 19 TAC 4.56*

Minimum Standards

Effective the institution's first class day of fall 2017, the following minimum passing standards (also known as "cut scores") for reading, mathematics, and writing on the TSI assessment shall be used by an institution to determine a student's readiness to enroll in freshman-level academic coursework:

1. Reading 351;
2. Mathematics 350; and
3. Writing:
 - a. A placement score of at least 340, and an essay score of at least 4; or
 - b. A placement score of less than 340 and an ABE Diagnostic level of at least 4 and an essay score of at least 5.

Institutions should use the TSI Assessment diagnostic results, along with other holistic factors, in their consideration of courses and/or interventions addressing the educational and training needs of undergraduate students not meeting the college readiness standards above.

An institution shall not require higher or lower college readiness standards on any or all portions of the TSI assessment to determine a student's readiness to enroll in any entry-level freshman coursework.

For a student with an existing plan for academic success as required in 19 Administrative Code 4.58, the institution must revise

the plan as needed to align with the college readiness standards as defined above.

TSI assessment results are valid for five years from the date of testing.

Education Code 51.334(b)–(c); 19 TAC 4.57

~~TSI Assessment
Time Periods~~

~~For phase-in of TSI assessment college-ready standards, the following time periods shall be applicable:~~

- ~~4. Phase I—Start date: institution's first class day of fall 2013; expiration: the day immediately before the first class day of fall 2017;~~
- ~~5. Phase II—Start date: institution's first class day of fall 2017; expiration: the day immediately before the first class day of fall 2019; and~~
- ~~6. Final Phase—Start date: institution's first class day of fall 2019; no expiration.~~

~~19 TAC 4.53(22)~~

Advising Program

Each institution of higher education shall establish a program to advise students regarding coursework and other means by which students can develop the academic skills required to successfully complete college-level work. *Education Code 51.335(b)*

Failure to Meet
Minimum Standards

For holistic placement of non-exempt undergraduate students not meeting standards as defined in 19 Administrative Code 4.57(a) (relating to College Ready Standards), above, institutions shall use for determination of appropriate courses and/or interventions the TSI assessment results and accompanying Diagnostic Profile, along with consideration of one or more of the following:

1. High school grade point average/class ranking;
2. Prior academic coursework and/or workplace experiences;
3. Non-cognitive factors (e.g., motivation, self-efficacy); and
4. Family-life issues (e.g., job, childcare, transportation, finances).

For each undergraduate student who fails to meet the minimum passing standards described in 19 Administrative Code 4.57, above, an institution shall establish a program to advise the student regarding developmental education necessary to ensure the readiness of that student in performing freshman-level academic coursework and determine a plan, working with the student, for academic success, which shall include developmental education and

may include provisions for enrollment in appropriate non-developmental coursework. Institutions must ensure developmental education courses and interventions meet at minimum the criteria set forth in the Lower Division Academic Course Guide Manual (ACGM).

For undergraduate students enrolled in a corequisite model who fail to satisfactorily complete the freshman-level course, the institution of higher education must:

1. Review the plan developed for the student under this section and, if necessary, work with the student to revise the plan; and
2. Offer to the student a range of competency-based education programs to assist the student in becoming ready to perform freshman-level academic coursework in the applicable subject area(s).

Students enrolled in a mathematics pathway model (e.g., New Mathways Project, modular/Emporium models, etc.) must be clearly informed of the consequences of successful completion of this model which will result in meeting the mathematics college readiness standard only for specific college credit courses and that changing degree plans may require additional developmental education coursework/interventions.

19 TAC 4.55(c), .58(a)–(b), (d), (f)

Readiness
Education Plan

If a student fails to meet the assessment standards described above, the institution of higher education shall work with the student to develop a plan to assist the student in becoming ready to perform freshman-level academic coursework. The plan must be designed on an individual basis to provide the best opportunity for each student to attain that readiness.

The institution of higher education may refer a student to developmental coursework as considered necessary by the institution to address a student's deficiencies in the student's readiness to perform freshman-level academic coursework [see EFAC].

The commissioner may by rule require a college district to adopt uniform standards for the placement of a student under Education Code 51.336.

Each plan for academic success shall:

1. Be designed on an individual basis to provide the best opportunity for each student to succeed in obtaining his or her career and/or academic goals. At a minimum, the individual plan shall address:
 - a. Career advising;
 - b. Course-based and/or non-course-based developmental education options;
 - c. Campus and/or community student-support services/resources;
 - d. Degree plan or plan of study;
 - e. Regular interactions between student and designated point of contact (e.g., adviser, faculty member, peer and/or community mentor, and the like);
 - f. Registration for next semester/next steps; and
 - g. Differentiated placement.
2. Provide to the student a description of the appropriate developmental education considered necessary to ensure the readiness of that student to perform freshman-level academic coursework.
3. Provide to the student an appropriate measure for determining readiness to perform freshman-level academic coursework, as described in 19 Administrative Code 4.59, below.

Education Code 51.335(a), .336(a); 19 TAC 4.58(b)

Determination of Readiness

An institution shall determine when a student is ready to perform entry-level freshman coursework using:

1. Developmental education coursework and/or intervention learning outcomes developed by the Coordinating Board based on the Texas College and Career Readiness Standards;
2. Student performance on one or more appropriate assessments, including scores resulting from a student's retaking of the TSI assessment; and
3. Student qualification for one or more TSI exemptions as outlined in 19 Administrative Code 4.54.

As indicators of readiness, institutions shall consider, as appropriate:

1. Performance in developmental education.

2. Performance in appropriate nondevelopmental coursework, including successfully completed college-level coursework in a related field using AP scores, IB scores, CLEP scores, and/or grades earned through dual credit, as determined by the receiving institution.

An institution may enroll a non-exempt, undergraduate student who has not met the college readiness standard on the TSI assessment and is not otherwise exempt in an entry-level freshman course if the student is co-enrolled in developmental education, as defined in 19 Administrative Code 4.53(7). Successful completion of the entry-level freshman course is demonstration of the student's college readiness, independent of his/her performance in co-enrolled developmental education.

A student may retake an assessment instrument, subject to availability, at any time to determine readiness to perform entry-level freshman coursework.

An institution shall, as soon as practicable and feasible, indicate a student's readiness in reading, mathematics, and writing on the transcript of each student. Student readiness in mathematics is indicated as either:

1. Ready for any entry-level freshman mathematics coursework; or
2. Ready only for non-Algebra intensive courses, including MATH 1332/1342/1442 or their local equivalent.

Education Code 51.337; 19 TAC 4.59

Reporting

At the end of each semester, the institution shall report to the Coordinating Board the following information for undergraduate students: social security number, semester credit hours, grade points earned, ethnicity, gender, date of birth, TSI status, initial assessment instrument, score on initial assessment, type of developmental education received for each area (reading, mathematics, writing), and grade in first related nondevelopmental course. *19 TAC 4.60(b)*

Institutions shall analyze and report to the Coordinating Board on the annual Developmental Education Program Survey (DEPS) the fiscal and/or instructional impacts of the following on student outcomes, along with other success-related topics as requested:

1. Technological delivery of developmental education courses that allows students to complete coursework;

2. Diagnostic assessments to determine a student’s specific educational needs to allow for appropriate developmental instruction;
3. Modular developmental education course materials;
4. Use of tutors and instructional aides to supplement developmental education course instruction as needed for particular students;
5. Internal monitoring mechanisms used to identify a student’s area(s) of academic difficulty; and
6. Periodic updates of developmental education course materials.

19 TAC 4.60(a)

An institution of higher education that administers an assessment instrument to students under Education Code Chapter 51, Subchapter F-1 shall report to each school district from which assessed students graduated high school all available information regarding student scores and performance on the assessment instrument and student demographics. *Education Code 51.342*

Exemptions for
Certain Students

Any student who has been determined to be exempt in mathematics, reading, and/or writing shall not be required to enroll in developmental coursework and/or interventions in the corresponding area of exemption.

The following students shall be exempt from the requirements of Administrative Code Title 19, including the TSI, whereby exempt students shall not be required to provide any additional demonstration of college readiness and shall be allowed to enroll in any entry-level freshman course as defined in 19 Administrative Code 4.53(12):

*SAT or ACT
Scores*

1. For a period of five years from the date of testing, a student who is tested and performs at or above the following standards that cannot be raised by institutions:
 - a. ACT: composite score of 23 with a minimum of 19 on the English test shall be exempt for both the reading and writing sections of the TSI assessment, and/or 19 on the mathematics test shall be exempt for the mathematics section of the TSI assessment; or
 - b. SAT:

- (1) SAT administered prior to March 5, 2016: a combined critical reading (formerly “verbal”) and mathematics score of 1070 with a minimum of 500 on the critical reading test shall be exempt for both reading and writing sections of the TSI assessment; a combined critical reading (formerly “verbal”) and mathematics score of 1070 with a minimum of 500 on the mathematics test shall be exempt for the mathematics section of the TSI assessment.
- (2) SAT administered on or after March 5, 2016: a minimum score of 480 on the Evidenced-Based Reading and Writing (EBRW) test shall be exempt for both reading and writing sections of the TSI Assessment; a minimum score of 530 on the mathematics test shall be exempt for the mathematics section of the TSI Assessment. There is no combined score.
- (3) Mixing or combining scores from the SAT administered prior to March 5, 2016, and the SAT administered on or after March 5, 2016, is not allowable.

Education Code 51.338(b); 19 TAC 4.54(a), (d)

State Assessments

2. For a period of five years from the date of testing, a student who is tested and performs at or above the following standards that cannot be raised by institutions:
 - a. On the eleventh grade exit-level Texas Assessment of Knowledge and Skills (TAKS) with a minimum scale score of 2200 on the mathematics section and/or a minimum scale score of 2200 on the English language arts section with a writing subsection score of at least 3, shall be exempt from the TSI assessment required under Title 19 for those corresponding sections; or
 - b. STAAR end-of-course (EOC) with a minimum Level 2 score of 4000 on the English III shall be exempt from the TSI assessment required under this title for both reading and writing, and a minimum Level 2 score of 4000 on the Algebra II EOC shall be exempt from the TSI assessment required under this title for the mathematics section.

TAKS

End-of-Course Assessments

Education Code 51.338(c)–(d); 19 TAC 4.54(a)(3)

College-Level Experience

3. A student who has graduated with an associate or baccalaureate degree from an institution of higher education.

4. A student who transfers to an institution from a public, private, or independent institution of higher education or an accredited out-of-state institution of higher education and who has satisfactorily completed college-level coursework as determined by the receiving institution.
5. A student who has previously attended any institution and has been determined to have met readiness standards by that institution. For students meeting non-Algebra intensive readiness standards in mathematics as defined in 19 Administrative Code 4.59 (relating to determination of readiness to perform entry-level freshman coursework), institutions may choose to require additional preparatory coursework/interventions for Algebra intensive courses, including MATH 1314/1324/1414 or their local equivalent. It is the institution's responsibility to ensure that students are clearly informed of the consequences of successful completion of a mathematics pathways model which results in meeting the mathematics college readiness standard only for specific entry-level freshman mathematics courses.
6. A student who is enrolled in a certificate program of one year or less (Level-One certificates, 42 or fewer semester credit hours or the equivalent) at a public junior college, a public technical institute, or a public state college.

Education Code 51.332(1)–(3); 19 TAC 4.54(a)

*College Prep
Courses*

7. A student who successfully completes a college preparatory course under Education Code 28.014 is exempt for a period of 24 months from the date of high school graduation with respect to the content area of the course. The student must enroll in the student's first college-level course in the exempted content area in the student's first year of enrollment in an institution of higher education. This exemption applies only at the institution of higher education that partners with the school district in which the student is enrolled to provide the course. Additionally, an institution of higher education may enter into a Memorandum of Understanding with a partnering institution of higher education to accept the exemption for the college preparatory course.

Students with a TSI exemption for a college preparatory course who earn less than a C in the students' first college-level course in the exempted content area must be advised of non-course-based options for becoming college ready, such as tutoring or accelerated learning.

Education Code 51.338(e)–(f); 19 TAC 4.54(a), .58(e)

<i>Military Experience</i>	<p>8. A student who is serving on active duty as a member of the armed forces of the United States, the Texas National Guard, or for at least the three-year period preceding enrollment, as a member of a reserve component of the armed forces of the United States; or</p> <p>9. A student who on or after August 1, 1990, was honorably discharged, retired, or released from active duty as a member of the armed forces of the United States or the Texas National Guard or service as a member of a reserve component of the armed forces of the United States.</p> <p><i>Education Code 51.332(4)–(5); 19 TAC 4.54(a)</i></p>
<i>Not Seeking a Credential</i>	An institution of higher education may exempt a non-degree-seeking or non-certificate-seeking student. <i>Education Code 51.338(a); 19 TAC 4.54(b)</i>
<i>High School Equivalency Examination</i>	A student who has achieved a score set by the board on a high school equivalency examination administered under Education Code 7.111 is exempt from the requirements of Education Code Chapter 51, Subchapter F-1. The commissioner of higher education by rule shall establish the period for which an exemption under this provision is valid. <i>Education Code 51.338(h)</i>
ESOL Waiver	An institution may grant a temporary waiver from the required assessment for students with demonstrated limited English proficiency in order to provide appropriate English Speakers of Other Languages/English as a Second Language (ESOL/ESL) coursework and interventions. The waiver must be removed after the student attempts 15 credit hours of developmental ESOL coursework at a public junior college or prior to enrolling in entry-level freshman coursework, whichever comes first, at which time the student would be administered the TSI assessment. Funding limits as defined in Education Code 51.340 for developmental education still apply. Developmental education is not available for high school students. <i>19 TAC 4.54(c)</i>
Student Privacy	Institutions of higher education must ensure that the Texas Success Initiative is administered in a manner that complies with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. 1320d et seq., the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, and any state law relating to the privacy of student information. <i>19 TAC 4.63</i>

Federal Law

ADA Service Animal
Service Dogs

Under the Americans with Disabilities Act (ADA), “service animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

28 C.F.R. 35.104

*Policies,
Practices, or
Procedures*

A public entity, including a college district, shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. [See FA(LEGAL)] *28 C.F.R. 35.130(b)(7), .136(a)*

Access

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity’s facilities, where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go. *28 C.F.R. 35.136(g)*

Exceptions

A public entity may ask an individual with a disability to remove a service animal from the premises if:

1. The animal is out of control and the animal’s handler does not take effective action to control it; or
2. The animal is not housebroken.

28 C.F.R. 35.136(b)

The ADA does not require a public entity to permit an individual to participate in or benefit from the services, programs, or activities of that public entity when that individual poses a direct threat to the health or safety of others. [See FA(LEGAL)] *28 C.F.R. 35.139*

If a public entity properly excludes a service animal, it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises. *28 C.F.R. 35.136(c)*

A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means). *28 C.F.R. 35.136(d)*

Inquiries

A public entity shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. A public entity may ask if the animal is required because of a disability and what work or task the animal has been trained to perform.

A public entity shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

Generally, a public entity may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

28 C.F.R. 35.136(f)

*Care or
Supervision
of Animal*

A public entity is not responsible for the care or supervision of a service animal. *28 C.F.R. 35.136(e)*

Surcharges

A public entity shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets.

If a public entity normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.

28 C.F.R. 35.136(h)

Fair Housing Act
Assistance Animal

The Fair Housing Act (FHA) prohibits discrimination against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of that person; person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or any person associated with that person.

Discrimination includes a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

42 U.S.C. 3604; 24 C.F.R. 100.204

~~The reasonable accommodation provisions must be considered in situations where~~ The FHA requires housing providers to modify or make exceptions to policies governing animals when it may be necessary to permit persons with disabilities ~~use, or seek to use, assistance animals in housing where the provider forbids residents from having pets or otherwise imposes restrictions or conditions relating to pets and other~~ to utilize animals.

~~An assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit~~ There are two types ~~of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability.~~ assistance animals perform many disability-related functions, including but not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to sounds, providing protection or rescue assistance, pulling a wheelchair, fetching items, alerting persons to impending seizures, or providing emotional support to persons with disabilities who have a disability-related need for such support. While dogs are the most common type of assistance animal, other animals can also be assistance animals.:

1. For purposes of Service animals; and
2. Other trained or untrained animals that do work, perform tasks, provide assistance, and/or provide therapeutic emotional support for individuals with disabilities (referred to as "support animals").

Persons with disabilities may request a reasonable accommodation requests, for service animals and other types of assistance animals, including support animals, under the FHA ~~does not~~.

Because the U.S. Department of Housing and Urban Development (HUD) interprets the FHA to require access for individuals who use service animals, housing providers should initially follow the analysis that the U.S. Department of Justice (DOJ) has determined is used for assessing whether an ~~assistance~~ animal ~~to is~~ a service animal under the ADA. The DOJ's ADA regulations generally require state and local governments and public accommodations to permit the use of service animals by an individual with a disability. For support animals and other assistance animals that may be ~~individually trained or certified~~ necessary in housing, although the ADA does not provide for access, housing providers must comply with the FHA, which does provide for access.

U.S. Dep't of Housing and Urban Development, [FHEO Notice FHEO-2020-01 \(PDF\)](#)¹ (~~Apr. 25, 2013~~) [Jan. 29, 2020](#)

Miniature Horses

*Reasonable
Modifications*

A public entity shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. *28 C.F.R. 35.136(i)(1)*

*Assessment
Factors*

In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public entity shall consider:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

28 C.F.R. 35.136(i)(2)

*Other
Requirements*

Provisions at 28 C.F.R. 35.136(c) through (h) shall also apply to miniature horses. *28 C.F.R. 35.136(i)(3)*

State Law

Public Facilities

Definitions

Assistance
Animal or
Service Animal

“Assistance animal” or “service animal” means a canine that is specially trained or equipped to help a person with a disability and that is used by a person with a disability. *Human Resources Code 121.002(1)*

Person with a
Disability

“Person with a disability” means a person who has a mental or physical disability; an intellectual or developmental disability; a hearing impairment; deafness; a speech impairment; a visual impairment; post-traumatic stress disorder; or any health impairment that requires special ambulatory devices or services. *Human Resources Code 121.002(4)*

Public Facility

“Public facility” includes a street, highway, sidewalk, walkway, common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or any other public conveyance or mode of transportation; a hotel, motel, or other place of lodging; a public building maintained by any unit or subdivision of government; a retail business, commercial establishment, or office building to which the general public is invited; a college dormitory or other educational facility; a restaurant or other place where food is offered for sale to the public; and any other place of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited. *Human Resources Code 121.002(5)*

*Assistance
Animal Access*

No person with a disability may be denied admittance to any public facility in the state because of the person's disability or may be denied the use of an assistance animal.

Regulations relating to the use of public facilities by any designated class of persons from the general public may not prohibit the use of particular public facilities by persons with disabilities who, except for their use of assistance animals, would fall within the designated class.

A service animal in training shall not be denied admittance to any public facility when accompanied by an approved trainer.

Human Resources Code 121.003(c), (e), (i)

*Harassment and
Harm Prohibited*

A person may not assault, harass, interfere with, kill, or injure in any way, or attempt to assault, harass, interfere with, kill, or injure in any way, an assistance animal. *Human Resources Code 121.003(j)*

<i>Transportation</i>	No common carrier, airplane, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation operating within the state may refuse to accept as a passenger a person with a disability because of the person's disability, nor may a person with a disability be required to pay an additional fare because of his or her use of a service animal. <i>Human Resources Code 121.003(b)</i>
<i>Housing</i>	A person with a total or partial disability who has or obtains a service animal is entitled to full and equal access to all housing accommodations provided for in this section and may not be required to pay extra compensation or make a deposit for the animal but is liable for damages done to the premises by the animal except for reasonable wear and tear. <i>Human Resources Code 121.003(h)</i>
<i>Inquiries</i>	A person is not entitled to make demands or inquiries relating to the qualifications or certifications of a service animal for purposes of admittance to a public facility except to determine the basic type of assistance provided by the service animal to a person with a disability. <i>Human Resources Code 121.003(k)</i>
Exception	If a person's disability is not readily apparent, for purposes of admittance to a public facility with a service animal, a staff member or manager of the facility may inquire about: <ol style="list-style-type: none">1. Whether the service animal is required because the person has a disability; and2. What type of work or task the service animal is trained to perform. <i>Human Resources Code 121.003(l)</i>
<i>Responsibilities of Persons with Disabilities</i>	A person with a disability who uses an assistance animal for assistance in travel is liable for any damages done to the premises or facilities by the animal. A person with a disability who uses an assistance animal for assistance in travel or auditory awareness shall keep the animal properly harnessed or leashed, and a person who is injured by the animal because of the failure of a person with a disability to properly harness or leash the animal is entitled to maintain a cause of action for damages in a court of competent jurisdiction under the same law applicable to other causes brought for the redress of injuries caused by animals. <i>Human Resources Code 121.005</i>
<i>Penalties</i>	A person, including a firm, association, or other public or private organization or the agent of the person, who violates a provision of

Human Resources Code 121.003 commits an offense. An offense under this section is a misdemeanor punishable by:

1. A fine of not more than \$300; and
2. Thirty hours of community service to be performed for a governmental entity or nonprofit organization that primarily serves persons with visual impairments or other disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than one year.

In addition to the penalty provided above, a person, including a firm, association, or other public or private organization or the agent of the person, who violates a provision of Human Resources Code 121.003 is deemed to have deprived a person with a disability of his or her civil liberties. Subject to Human Resources Code 121.0041, if applicable, the person with a disability deprived of his or her civil liberties may maintain an action for damages in a court of competent jurisdiction, and there is a conclusive presumption of damages in the amount of at least \$300 to the person with a disability.

Human Resources Code 121.004

Food Service
Establishments and
Retail Food Stores
Service Animal

In this section, "service animal" means a canine that is specially trained or equipped to help a person with a disability. An animal that provides only comfort or emotional support to a person is not a service animal under this section. The tasks that a service animal may perform in order to help a person with a disability must be directly related to the person's disability and may include:

1. Guiding a person who has a visual impairment;
2. Alerting a person who has a hearing impairment or who is deaf;
3. Pulling a wheelchair;
4. Alerting and protecting a person who has a seizure disorder;
5. Reminding a person who has a mental illness to take prescribed medication; and
6. Calming a person who has post-traumatic stress disorder.

Health and Safety Code 437.023(c)

Access

A food service establishment, retail food store, or other entity regulated under Health and Safety Code Chapter 437 may not deny a service animal admittance into an area of the establishment or store or of the physical space occupied by the entity that is open to customers and is not used to prepare food if the service animal is

accompanied and controlled by a person with a disability; or the service animal is in training and is accompanied and controlled by an approved trainer. *Health and Safety Code 437.023(a)*

Inquiries

If a service animal is accompanied by a person whose disability is not readily apparent, for purposes of admittance to a food service establishment, retail food store, or physical space occupied by another entity regulated under this chapter, a staff member of the establishment, store, or entity may only inquire about whether the service animal is required because the person has a disability and what type of work the service animal is trained to perform. *Health and Safety Code 437.023(b)*

¹ FHEO Notice FHEO-2020-01 (PDF):
<https://www.hud.gov/sites/dfiles/PA/documents/HUDAsstAnimalNC1-28-2020.pdf>

Selective Service Status

An individual may not receive a loan, grant, scholarship, or other financial assistance funded by state revenue, including federal funds or gifts and grants accepted by this state, or receive a student loan guaranteed by this state or the Texas Guaranteed Student Loan Corporation, unless the individual files a statement of the individual's selective service status with the institution or other entity granting or guaranteeing the financial assistance as required by this section.

This section does not apply to:

1. A female individual if females are not subject to general selective service registration under federal law; or
2. An individual older than the maximum age at which an individual is required to be registered with the selective service system under federal law.

The statement of an individual's selective service status required by this section must require the individual to certify that the individual:

1. Has registered with the selective service system as required by federal law; or
2. Is exempt from selective service registration under federal law.

If an individual files a statement indicating that the individual is registered with the selective service system as required by federal law, the individual is not required to file a statement of the individual's selective service status the next time the individual makes an application to the same entity for financial assistance or a student loan guarantee. If an individual files a statement indicating that the individual is not required to register with the selective service system, the institution or other entity shall require the individual to file a new statement of the individual's selective service status the next time the individual makes an application to the entity for financial assistance or a student loan guarantee.

Education Code 51.9095(a)–(d); 19 TAC 22.3

Eligibility for Scholarship

A person is not eligible to receive a scholarship originating from and administered by an institution of higher education, including a college district, or university system if the person is related to a current member of the governing board of the institution or system, unless:

1. The scholarship is granted by a private organization or third party not affiliated with the institution of higher education or university system;
2. The scholarship is awarded exclusively on the basis of prior academic merit;
3. The scholarship is an athletic scholarship; or
4. The relationship is not within the third degree by consanguinity or the second degree by affinity, as determined under Government Code Chapter 573, Subchapter B [see DBE].

Education Code 51.969(b); 19 TAC 21.471

Statement Required

Before receiving a scholarship originating from and administered by an institution of higher education or university system, a person must file a written statement with the institution or system indicating whether the person is related within the third degree by consanguinity or the second degree by affinity to a current member of the governing board of the institution or system. The required wording of the statement will be developed by the Coordinating Board and will be made available to institutions via the Coordinating Board's website.

A person commits a Class B misdemeanor if the person knowingly files a false statement.

Education Code 51.969(c), (e)–(f); 19 TAC 21.472–.473

Timely Distribution of Funds

All institutions participating in the financial aid programs outlined in 19 Administrative Code Chapter 22 shall follow the guidelines for the timely distribution of funds.

Institutions shall disburse state student financial aid funding, excepting work study, to a student recipient's account no later than three business days after receiving the funds. Undisbursed funds must be returned to the Coordinating Board no later than six business days after the receipt of funds. Gift aid funds for which a student is no longer eligible may be disbursed to a different eligible student for whom funds have not yet been requested in order to meet the timely disbursement requirement.

19 TAC 22.2

Return Upon Student Ineligibility

For state student financial aid funding already disbursed to a student, except work study, institutions shall return funds to the Coordinating Board within 45 calendar days of a student becoming ineligible for the funding. Gift aid funds for which a student has been determined ineligible may be disbursed to a different eligible student for whom funds have not yet been requested in order to meet

the timely determination of ineligibility requirement. In all cases, an institution must provide notification to the Coordinating Board regarding the change in student eligibility, as appropriate for the particular student financial aid program. *19 TAC 22.2(2)*

Return Upon
Cancellation of Aid

For state student financial aid funds already disbursed to a student, institutions may return funds to the Coordinating Board within 120 calendar days of disbursement in situations where a student has notified the institution of his or her decision to cancel the financial aid. Gift aid funds for which a student has made the decision to cancel may be disbursed to a different eligible student for whom funds have not yet been requested in order to meet the timely cancellation requirement. In all cases, an institution must provide notification to the Coordinating Board regarding the student's decision to cancel financial aid, as appropriate for the particular student financial aid program. *19 TAC 22.2(3)*

**Employee Trained in
Certain Student
Financial Assistance
Programs**

Each institution of higher education, including each college district, shall ensure that one or more persons employed by the institution is trained:

1. In understanding state and federal student financial assistance programs available to military veterans or their family members, especially programs specifically applicable to military veterans or their family members; and
2. In assisting military veterans and eligible family members in understanding and obtaining the benefits available under those programs.

The employee must be available to assist military veterans and eligible family members during regular business hours at the financial aid or other office to which the person is assigned.

Education Code 56.006

**Financial Assistance
Information**

Information on financial assistance that the institution must publish and make readily available to current and prospective students under 34 C.F.R. Part 668, Subpart D includes, but is not limited to, a description of all the federal, state, local, private, and institutional student financial assistance programs available to students who enroll at that institution. These programs include both need-based and non-need-based programs. The institution may describe its own financial assistance programs by listing them in general categories. The institution must describe the terms and conditions of the loans students receive under the Federal Family Education Loan Program, the William D. Ford Federal Direct Student Loan Program, and the Federal Perkins Loan Program.

For each program referred to above in this section, the information provided by the institution must describe:

1. The procedures and forms by which students apply for assistance;
2. The student eligibility requirements;
3. The criteria for selecting recipients from the group of eligible applicants; and
4. The criteria for determining the amount of a student's award.

The institution must describe the rights and responsibilities of students receiving financial assistance and, specifically, assistance under the Title IV, Higher Education Act (HEA) programs. This description must include specific information regarding:

1. Criteria for continued student eligibility under each program;
2. Standards which the student must maintain in order to be considered to be making satisfactory progress in his or her course of study for the purpose of receiving financial assistance; and criteria by which the student who has failed to maintain satisfactory progress may re-establish his or her eligibility for financial assistance;
3. The method by which financial assistance disbursements will be made to the students and the frequency of those disbursements;
4. The terms of any loan received by a student as part of the student's financial assistance package, a sample loan repayment schedule for sample loans, and the necessity for repaying loans;
5. The general conditions and terms applicable to any employment provided to a student as part of the student's financial assistance package; and
6. The exit counseling information the institution provides and collects as required by 34 C.F.R. 674.42 for borrowers under the Federal Perkins Loan Program, by 34 C.F.R. 685.304 for borrowers under the William D. Ford Federal Direct Student Loan Program, and by 34 C.F.R. 682.604 for borrowers under the Federal Stafford Loan Program.

34 C.F.R. 668.42

Net Price Calculator

Each institution of higher education, including each college district, that receives federal funds under 20 U.S.C. Chapter 28, Subchapter IV and 42 U.S.C. Chapter 34, Subchapter I, Part C shall make

publicly available on the institution's website a net price calculator to help current and prospective students, families, and other consumers estimate a student's individual net price at such institution of higher education. Such calculator may be a net price calculator developed by the U.S. Department of Education; or by the institution of higher education, if the institution's calculator includes, at a minimum, the same data elements included in the calculator developed under 20 U.S.C. 1015a(h)(1).

Estimates of an individual net price determined using the net price calculator shall be accompanied by a clear and conspicuous notice:

1. Stating that the estimate does not represent a final determination or actual award of financial assistance; shall not be binding on the U.S. Secretary of Education, the institution of higher education, or the state; and may change;
2. Stating that the student must complete the Free Application for Federal Student Aid (FAFSA) in order to be eligible for, and receive, an actual financial aid award that includes federal grant, loan, or work-study assistance under 20 U.S.C. Chapter 28, Subchapter IV and 42 U.S.C. Chapter 34, Subchapter I, Part C; and
3. Including a link to the website of the U.S. Department of Education that allows students to access the FAFSA.

20 U.S.C. 1015a(h)(3)–(4)

**Loan Debt
Disclosure**

At least annually, and in an electronic format, participating higher educational institutions that enroll one or more students receiving state financial aid administered by the Coordinating Board and that receive education loan information for a student enrolled at the institution, must provide to that student certain estimates regarding the student's education loan obligations.

A participating higher educational institution is not required to provide in any disclosure or report required under this section information regarding loans issued by a private entity.

Education Code 52.335(a), (b-1); 19 TAC 21.46(a)

Disclosure
Procedure

At least annually, a participating higher educational institution shall provide a student loan debt disclosure, as more fully defined in 19 Administrative Code 21.49 to every student who has a balance on one or more student loans, and whose debt records are received by the participating higher educational institution where he or she is enrolled. If the participating higher educational institution has a

Contents of
Disclosures

record of unpaid student loan debt, a disclosure must be provided to that student.

Student loan debt disclosures must be sent electronically in a manner that complies with the Family Educational Rights and Privacy Act (20 U.S.C. 1232g; 34 C.F.R. Part 99) and the participating higher educational institution's privacy standards.

Education Code 52.335(b); 19 TAC 21.48, .49(e)

Student loan debt disclosures are required to include education loan debt information that the participating higher educational institution receives or otherwise obtains from the U.S. Department of Education's central database for student aid, currently known as the National Student Loan Data System, which is shared with institutions through the Institutional Student Information Record (ISIR), as well as information that the institution may reasonably collect from its own records.

Student loan debt disclosures must include an estimate of the unpaid amount of ~~state, federal,~~ education loans obtained by the student and ~~other if known and reasonably available to the institution, state~~ education loans obtained by the student at the current institution. The types of education loans must be identified for each total included.

Student loan debt disclosures must include an estimate of the total payoff amount for education loans, or a range for that amount, including principal and interest. At a minimum, institutions shall provide this information based on a ten-year repayment plan.

Student loan debt disclosures must include an estimate of the monthly repayment amount that the student may incur for the repayment of the education loans, including principal and interest. At a minimum, institutions shall provide this information based on a ten-year repayment plan.

The electronic communication of the student loan debt must explain the following:

1. The disclosure may not be a complete and official record of the student's unpaid education loan debt;
2. Why the disclosure may not be complete or accurate, including an explanation that for a transfer student, the institution's estimates regarding state loans reflect only state loans incurred by the student for attendance at the current institution, and not prior institutions; and
3. That the institution's estimates are general in nature and are not intended as a guarantee or promise.

Education Code 52.335(b)–(d); 19 TAC 21.49(a)–(d), (f)

**Disclosures
Regarding Lenders**

An institution of higher education, including each college district, that receives federal funding, or an institution-affiliated organization of such covered institution, that participates in a preferred lender arrangement shall disclose the information described in 20 U.S.C. 1019a.

An institution of higher education that receives federal funding, or an institution-affiliated organization of such covered institution, that provides information regarding a private education loan from a lender to a prospective borrower shall provide the information described in 20 U.S.C. 1019a.

20 U.S.C. 1019(2), 1019a(a)

**Students with
Disabilities**

In providing financial assistance to qualified disabled persons, a recipient of federal financial assistance may not:

1. On the basis of disability, provide less assistance than is provided to nondisabled persons, limit eligibility for assistance, or otherwise discriminate; or
2. Assist any entity or person that provides assistance to any of the recipient's students in a manner that discriminates against qualified disabled persons on the basis of disability.

34 C.F.R. 104.46(a)(1)

A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established under wills, trusts, bequests, or similar legal instruments that require awards to be made on the basis of factors that discriminate or have the effect of discriminating on the basis of disability only if the overall effect of the award of scholarships, fellowships, and other forms of financial assistance is not discriminatory on the basis of disability. *34 C.F.R. 104.46(a)(2)*

**Discrimination on
the Basis of Sex**

Except as provided in 34 C.F.R. 106.37(b) and (c), in providing financial assistance to any of its students, a recipient shall not:

1. On the basis of sex, provide different amounts or types of such assistance, limit eligibility for such assistance that is of any particular type or source, apply different criteria, or otherwise discriminate;
2. Through solicitation, listing, approval, provision of facilities or other services, assist any foundation, trust, agency, organization, or person that provides assistance to any of such recipient's students in a manner that discriminates on the basis of sex; or

3. Apply any rule or assist in application of any rule concerning eligibility for such assistance that treats persons of one sex differently from persons of the other sex with regard to marital or parental status.

34 C.F.R. 106.37(a)

Records Retention

All institutions participating in the financial aid programs described in 19 Administrative Code Chapter 22 shall follow the records retention guidelines outlined below.

An institution shall maintain its records and accounts of all transactions related to state and federal student financial aid in keeping with the institution's records retention schedule to ensure a full accounting for all funds received, disbursed, and expended by the institution.

Records and accounts shall be available for inspecting, monitoring, programmatic or financial auditing, or evaluation by the Coordinating Board, and by others authorized by law or regulation, for a period, whichever is later:

1. Not less than seven years after the date of the completion of the award period;
2. The date of the receipt of the institution's final claim for payment of final expenditure report; or
3. Until a resolution of all billing questions in connection with the account has been resolved.

Records and accounts shall include, but are not limited to, general institutional and program specific recordkeeping requirements in accordance with Federal Student Aid Title IV regulations, 34 C.F.R. 668.24.

If an audit is announced, an institution shall retain its records until the audit has been completed or not less than seven years after the expiration date of the Memorandum of Understanding for State Financial Aid Programs (MOU), whichever is later.

An institution shall make available to the auditing entity all documents and other information related to state financial aid programs.

An institution and any subcontractors shall provide any information the auditing entity deems relevant to any monitoring, investigation, evaluation, or audit.

19 TAC 22.4

Note: Federal financial aid rules are found at 34 C.F.R. part 668. For technical guidance regarding the provision of federal financial aid, visit the U.S. Department of Education [Information for Financial Aid Professionals](#)¹ website. State financial aid and scholarship programs, tuition set-asides, and other requirements are detailed in Education Code Chapters 52 and 56 and 19 Administrative Code Chapters 21 and 22.

¹ Information for Financial Aid Professionals: <https://ifap.ed.gov>

Federal Work-Study Program

The purpose of the federal work-study program (FWS) is to stimulate and promote the part-time employment of students who are enrolled as undergraduate, graduate, or professional students and who are in need of earnings from employment to pursue courses of study at eligible institutions, and to encourage students receiving federal student financial assistance to participate in community service activities that will benefit the nation and engender in the students a sense of social responsibility and commitment to the community. The program shall be administered by the U.S. Department of Education and participating institutions of higher education in accordance with 20 U.S.C. Chapter 28, Subchapter IV, Part C and 34 C.F.R. 675.1-.28. *20 U.S.C. 1087-51,-53(a); 34 C.F.R. 675.1-.28*

Eligible Student

A student at an institution of higher education is eligible to receive part-time employment under the FWS program for an award year if the student:

1. Meets the relevant eligibility requirements contained in 34 C.F.R. 668.32;
2. Is enrolled or accepted for enrollment as an undergraduate, graduate, or professional student at the institution; and
3. Has financial need as determined in accordance with Part F of Title IV of the Higher Education Act (HEA). A member of a religious order (an order, community, society, agency, or organization) who is pursuing a course of study at an institution of higher education is considered to have no financial need if that religious order has as its primary objective the promotion of ideals and beliefs regarding a Supreme Being; requires its members to forego monetary or other support substantially beyond the support it provides; and directs the members to pursue the course of study or provides subsistence support to its members.

34 C.F.R. 675.9

Eligible Employer

A student may be employed under the FWS program by the institution in which the student is enrolled; a federal, state, or local public agency; a private nonprofit organization; or a private for-profit organization.

Regardless of the student's employer, the student's work must be governed by employment conditions, including pay, that are appropriate and reasonable in terms of type of work; geographical region; employee proficiency; and any applicable federal, state, or local law.

FWS employment may not:

1. Impair existing service contracts;
2. Displace employees;
3. Fill jobs that are vacant because the employer's regular employees are on strike;
4. Involve the construction, operation, or maintenance of any part of a facility used or to be used for religious worship or sectarian instruction; or
5. Include employment for the U.S. Department of Education.

34 C.F.R. 675.20(a)–(c)

Academic Credit

A student may be employed under the FWS program and also receive academic credit for the work performed. Those jobs include, but are not limited to, work performed when the student is enrolled in an internship; enrolled in a practicum; or employed in a research, teaching, or other assistantship.

A student employed in an FWS job and receiving academic credit for that job may not be:

1. Paid less than he or she would be if no academic credit were received;
2. Paid for receiving instruction in a classroom, laboratory, or other academic setting; and
3. Paid unless the employer would normally pay the person for the same position.

34 C.F.R. 675.20(d)

Notice of
Employment
Opportunities

To participate in the FWS program, an institution of higher education shall enter into a participation agreement with the U.S. Secretary of Education. The agreement provides that, among other things, the institution shall inform all eligible students of the opportunity to perform community services and consult with local non-profit, governmental, and community-based organizations to identify those opportunities. *34 C.F.R. 675.8*

**Texas College Work-
Study Program**

Any public, private, or independent institution of higher education, including a college district, is eligible to participate in the Texas College Work-Study Program in accordance with Education Code Chapter 36, Subchapter E and 19 Administrative Code Chapter 22, Subchapter G. *19 TAC 22.128(3), .129(a)(1)*

[Mentorship
Program](#)

~~To participate in the~~ [In accordance with Education Code 56.079 and 19 Administrative Code Chapter 22, Subchapter G, the Coordi-](#)

ating Board shall administer a work-study student mentorship program under which students who are enrolled at participating eligible institutions and who meet the eligibility requirements for employment in the Texas College Work-Study Program may be employed by participating entities under the Texas College Work-Study Program to:

1. Mentor students at participating eligible institutions or high school students in participating school districts;
2. Counsel high school students at GO Centers or similar high school-based recruiting centers designed to improve student access to higher education; or
3. Support student interventions at participating eligible institutions that are focused on increasing completion of degrees or certificates, such as interventions occurring through advising or supplemental instruction.

A "participating entity" is an eligible institution, a school district, or a nonprofit organization that has filed a memorandum of understanding with the Coordinating Board under 19 Administrative Code Chapter 22, Subchapter G to participate in the mentorship program.

Education Code 56.079; 19 TAC 22.128(6)

Institution
Requirements

Generally

To participate in the program, an institution must:

1. Provide ~~part-time~~ employment to an eligible student in non-partisan and nonsectarian activities;
2. Provide, insofar as is practicable, employment to an eligible student that is related to the student's academic interests;
3. Use ~~work-study~~ program positions only to supplement and not supplant positions normally filled by persons not eligible to participate in the work-study program; and
4. Provide not less than 25 percent of an employed student's wages and 100 percent of other employee benefits for the employed student from sources other than federal college work-study program funds ~~a percentage of an employed student's wages that is equal to the percentage of a~~. Institutions eligible to receive Title III funds from the U.S. Department of Education are exempted from the program requirement to provide 25 percent of an employed student's wages, if they provide the Coordinating Board with a copy of a current Title III eligibility letter from the U.S. Department of Education.

Education Code 56.074(b); 19 TAC 22.129(c)

Mentorship
Program

To participate in the mentorship program: ~~that the eligible~~

- ~~1. An institution would be required to provide to the student in that academic year under the federal college work study program; and must file with the Coordinating Board a memorandum of understanding detailing the roles and responsibilities of each participating entity.~~
- ~~2. Provide from sources other than federal college work study funds 100 percent of other employee benefits for the employed student.~~

~~Education Code 56.074~~

2. An institution must provide not less than ten percent of an employed mentor's wages and 100 percent of other employee benefits for the employed student from sources other than federal college work-study program funds. Institutions eligible to receive Title III funds from the U.S. Department of Education are exempted from the mentorship program requirement to provide ten percent of an employed student's wages, if they provide the Coordinating Board with a copy of a current Title III eligibility letter from the U.S. Department of Education.
3. A participating entity, other than an institution of higher education, benefiting from the services of the mentor must provide funding in an amount at least equal to the amount of the institution's contribution. The participating entity's contribution may be satisfied through in-kind contributions, if acceptable by the institution. Participating entities benefiting from the service of mentors enrolled at institutions eligible to receive Title III funds from the U.S. Department of Education are exempted from the mentorship program requirement to provide matching funds, if the institution has provided the Coordinating Board with a copy of a current Title III eligibility letter from the U.S. Department of Education.

Additional criteria for participation and program requirements for the mentorship program shall be determined and set forth in commissioner's policies.

19 TAC 22.129(d)-(e)

Eligible Student

To be eligible for employment in the program, a person must:

1. Be a Texas resident as defined by Coordinating Board rules;

2. Be enrolled for at least ~~one-half of a full course load and conform to an individual course of study~~ the number of hours required of a half-time student, and be seeking a degree or certification in an eligible institution;
3. Establish financial need in accordance with Coordinating Board procedures ~~and rules; and~~;
- ~~4. Comply with other requirements adopted by the Coordinating Board under Education Code Chapter 56, Subchapter E.~~
4. Have a statement on file with the institution of higher education indicating the student is registered with the Selective Service System as required by federal law or is exempt from Selective Service registration under federal law; and
5. If participating in the Mentorship Program, receive appropriate training and supervision as determined by the commissioner or Coordinating Board staff.

A person is not eligible to participate in the program if the person concurrently receives an athletic scholarship.

Education Code 56.075; 19 TAC 22.130

Eligible Off-Campus
Employer

An eligible institution may enter into agreements with off-campus employers that participate in the ~~work-study~~ program. To be eligible to participate ~~in the work-study program~~, an off-campus employer must:

1. Provide part-time employment to an eligible student in non-partisan and nonsectarian activities;
2. Provide, insofar as is practicable, employment to an eligible student that is related to the student's academic interests;
3. Use program positions only to supplement and not to supplant positions normally filled by persons not eligible to participate in the work-study program; and
4. ~~Provide~~ Unless eligible for a waiver of matching funds under 19 Administrative Code 22.131, provide not less than 25 percent of an employed student's wages and 100 percent of other employee benefits for the employed student from sources other than federal college work-study program funds, if the employer is a percentage nonprofit entity; or
- ~~4. Provide not less than 50 percent of an employed student's wages that is equal to the percentage of a student's wages that the employer would be required to provide to the student~~

~~in that academic year under the federal college work-study program; and~~

- ~~Provide from sources other than federal college work-study funds~~ and 100 percent of other employee benefits for the employed student, if the employer is a profit-making entity.

~~Each eligible institution shall ensure that at least 20 percent but not more than 50 percent of the employment positions provided through the work-study program in an academic year are provided by employers eligible under this section who are providing employment located off campus.~~

Institutions eligible to receive Title III funds from the U.S. Department of Education are exempted from the program requirement to provide 25 percent of an employed student's wages, if they provide the Coordinating Board with a copy of a current Title III eligibility letter from the U.S. Department of Education.

For the mentorship program, an eligible institution must file, in conjunction with the participating school district(s) or nonprofit organization(s), a memorandum of understanding with the Coordinating Board.

Education Code 56.076; 19 TAC 22.131

Approval

Each approved institution must enter into an agreement with the Coordinating Board, the terms of which shall be prescribed by the commissioner. An institution must be approved by April 1 in order for qualified students enrolled in that institution to be eligible to receive grants in the following fiscal year. 19 TAC 22.129(b)

List of Work-Study
Employment
Opportunities

Each institution of higher education shall ~~establish and maintain an online list of work-study employment opportunities, sorted by department as appropriate,~~ available to students on the institution's campus, sorted by department as appropriate.

Each institution of higher education shall ensure that the list is easily accessible to the public through a clearly identifiable link that appears in a prominent place on the financial aid page of the institution's internet website.

Education Code 56.080; 19 TAC 4.229, 22.129(e)(5f)

Distribution of
Funds

*Texas College
Work-Study
Program Funds*

~~Funds for the are~~ At the beginning of each year or upon request by the institution, the year's full allocation of funds needed for immediate disbursement to students will be provided to each participating institution for use in reimbursing students for their work. Institutions will have until February 20 or the first workday thereafter if it falls on a holiday or a weekend to encumber all funds allocated to them.

Unless given specific permission by the Coordinating Board to use funds for summer awards, schools will be required to utilize their original state work-study allocation of funds for employment during the nine-month academic year (fall and spring terms). However, institutions ~~as a lump sum at the start of each~~ may use reallocated funds for summer awards, but the funds must be expended by August 31 of the fiscal year ~~and are subject to the reallocation guidelines outlined in 19 Administrative Code 22.133.~~

19 TAC 22.2 .133(c)-(e)

Mentorship
Program Funds

The Coordinating Board shall allocate program funds to participating institutions according to criteria established by the commissioner. At the beginning of each academic year, the year's full allocation will be provided to each participating institution. Institutions shall have until a date specified by the commissioner to encumber all funds allocated.

Program funds may be used during any academic period for which mentorship opportunities are needed by participating entities as long as student mentors meet eligibility requirements.

19 TAC 22.134

**Discrimination on
the Basis of Sex**

A recipient of federal funding that assists any agency, organization, or person in making employment available to any of its students shall assure itself that such employment is made available without discrimination on the basis of sex; and shall not render such services to any agency, organization, or person that discriminates on the basis of sex in its employment practices.

A recipient that employs any of its students shall not do so in a manner that violates 34 C.F.R. Part 106, Subpart E.

34 C.F.R. 106.38



Update Report on Financial Aid Audit

Dr. Vicki Stanfield, VP for Student Services

Dr. Kris Kimbark, Dean of Students

Sandra Guzman, Director of Student Financial Services

Update Report on Financial Aid Audit

Dr. Vicki Stanfield, VP Student Services

Dr. Kris Kimbark, Dean of Students

Sandra Guzman, Director, Student Financial
Services

Objectives – Evaluate design and effectiveness of COM’s financial aid processes

- A. Verify internal controls – FA and Registrar’s offices to ensure FA eligibility is appropriately applied, and enrollment reporting is accurate and timely – **Satisfactory rating**
- B. Ensure design of controls ensure accuracy of FA and reporting processes – **Strong rating**
- C. Evaluate enrollment process for controls in place and operating effectively and timely – **Satisfactory rating**
- D. Evaluate user access restricted to appropriate personnel – **Satisfactory rating**

Auditors concluded that ...

While controls are in place designed to mitigate risks, liabilities, and fraud, improvements were recommended to address

- Design of internal controls and accurate reporting of student data.
- Processing and approval of changes to student records should be segregated or require secondary verification (OMB Circular A-133 Compliance Supplement).

Objective A: Design of Internal Controls

Condition 1: Update and Review the Cost of Attendance Calculation – **Completed**

- Established a formal process for reviewing and updating cost of attendance/living figures with Office of Fiscal Affairs.
- Implemented a COA calculation prior to entering it into Colleague.
- Secondary review by another staff to ensure accuracy and completeness of entry.

Objective A: Design of Internal Controls

Condition 2 – Processing and Review of TAFSA Calculations - **Completed**

- Implemented secondary review of TASFA data from preparer to another FA staff member prior to packaging financial aid.
- All TASFA applications go through this internal control, not 10% as recommended in audit report.

Objective A: Design of Internal Controls

Condition 3 – Student Data Changes in Colleague - **Completed**

- FA implemented procedures requiring a secondary review and validation of the Student Eligibility Checklist to ensure accuracy.
- Reviewed 100% of files resulting in corrections, not 10% of files as recommended. (5% error)

Objective A: Design of Internal Controls

Condition 4 – Enrolled Students that Never Attended Classes – Registrar and Admissions and Records and ITS – **Completed**

- Census Day Roster Report is now an automated process and sent via email to all faculty, who then complete the roster within 3 days.
- Upon receipt of the faculty marked “Never Attended” box, an automated email goes to Admissions prompting staff to drop the student.

Objective A: Design of Internal Controls and Objective C: Enrollment report

Condition 5 – Accurate Reporting between Colleague to National Student Clearinghouse – **Completed**

Recommendation – Develop a review process within Admissions and Records to compare the data to be submitted to the National Student Clearinghouse prior to the actual report.

- This is an Admissions and Records process that ensures accuracy in reporting information with the National Student Loan Data System.
- Admissions and Records audit report to be presented to the Board at a later date.

Objective B: Effectiveness of Internal Controls

Effectiveness of Internal Controls to ensure accuracy of FA and reporting processes – **Completed**

- No Conditions identified – all FA records reviewed were free of errors.

Objective D: User Access

Condition 6: Inappropriate Access to Financial Aid screens with Colleague are restricted to appropriate personnel. - **Completed**

- ITS implemented a role-based security structure to restrict access with levels of approval determined by role and need to access student's information.
- 14 screens contain FA and student data were restricted to ensure FERPA compliance.
- ITS implemented a review process of user access levels annually.



Monthly Financial Report

Cash Situation

- Cash balance at the end of month was: \$11.6 million
- Minimum required cash : \$7.1 million
- Excess cash above minimum: \$4.5 million

Unaudited Operations Year to Date

- Revenues: Budget: \$36.9 million
Actual: \$ 13.8 million

- Expense: Budget: \$36.9 million
Actual: \$ 11.3 million
(31% Spent at 33% of year)



MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: January 15, 2021
Subject: Monthly Financial & Investment Reports

AGENDA ITEM DESCRIPTION:

Consideration of and possible acceptance of the November 2020 and the December 2020 Investment and Financial Reports.

PURPOSE

To report to the Board of Trustees the year-to-date revenues and expenses for the college, comparison of revenues and expenses to budget, and the college's current cash balance.

FUNDING SOURCE:

N/A

PROPOSED MOTION:

Suggested motion: "I move the Board of Trustees accept the November 2020 and the December 2020 Investment Report and the November and the December 2020 Financial Reports."

BACKGROUND

The investment officer shall prepare and submit to the Board a written report of investment transactions for all funds covered by the PFIA under Education Code 51.0032 and Government Code 2256.023.

In accordance with COM policy CDA (LOCAL) – Periodic financial reports shall be submitted to the Board outlining the progress of the budget to that date and reporting on the status of all District funds and District accounts.

ATTACHMENTS

1. November 2020 Investment Discussion & Report
2. November 2020 Revenue & Expense Summary
3. November 2020 Expense by Division Report
4. December 2020 Investment Discussion & Report
5. December 2020 Revenue & Expense Summary
6. December 2020 Expense by Division Report



INVESTMENT REPORT
For the Month Ended November 2020

Investment discussion:

College of the Mainland earned \$13,419 for the month of November on its short-term investments in TexPool & Logic for a total of \$54,204 investment interest earned fiscal year to date. The College earned an additional \$1.00, fiscal year to date, from interest-bearing checking accounts. In total, the College earned \$54,204 interest for the fiscal year to date period ending November: TexPool - \$3,567, Logic 19 - \$12,663, Logic 20 - \$37,974, and TFB - \$00.

Investments in the TexPool & Logic investment pools remain more profitable than fixed rate certificate of deposits purchased at our depository bank. In addition, the investment pool provides more efficient liquidity than certificates of deposit, which are restricted to specific term lengths. Therefore, all investment funds remain in TexPool, Logic and interest earning checking accounts.

Investment Compliance Statement:

We provide reasonable assurance that the attached listing constitutes all investments currently owned by the College of the Mainland District as of the date indicated and that all of these investments and investing procedures conform to the "Public Funds Investment Act" as amended by House Bill 2459 of the 74th Texas Legislature.

Furthermore, these same investments are in compliance with College of the Mainland's investment policy and strategy as adopted by the College of the Mainland's Board of Trustees.

A handwritten signature in blue ink, appearing to read 'Clen Burton', written over a horizontal line.

Clen Burton
Vice President of Fiscal Affairs
College of the Mainland

A handwritten signature in blue ink, appearing to read 'Trudy Trochesset', written over a horizontal line.

Trudy Trochesset
Controller
College of the Mainland



TexPool Investments for November 2020.

Investment	COM Fund	Balance Beginning of Month	Increases	Decreases	Interest Earned	Balance End of Month	Average Balance	Annualized Average Interest Rate
Operating	11	\$ 9,019,799	\$ -		913	9,020,712	9,019,829	0.121%
Moody	41	26,591	-	-	3	26,593	26,591	0.121%
Totals		\$ 9,046,390	\$ -	\$ -	\$ 915	\$ 9,047,305	\$ 9,046,420	

Note: For the above listed investments in TexPool, book value is equivalent to market value.
There was no accrued interest as of November 2020.

Logic (Hilltop Securities) Investments for November 2020.

Investment	COM Fund	Balance Beginning of Month	Increases	Decreases	Interest Earned	Balance End of Month	Average Balance	Annualized Average Interest Rate
COM Bond 2019	45	\$ 20,009,224	\$ -	\$ 159,001	2,609	19,852,832	19,945,623	1.000%
COM Bond 2020	46	\$ 75,641,493	\$ -	\$ -	9,894	75,651,387	75,651,387	1.000%
Totals		\$ 95,650,716	\$ -	\$ 159,001	\$ 12,504	\$ 95,504,219	\$ 95,597,010	
Totals		\$ 104,697,106	\$ -	\$ 159,001	\$ 13,419	\$ 104,551,524	\$ 104,643,431	

Unrestricted Fund (Unaudited)

Summary of Revenue

	<u>Current Actual</u>	<u>2020-21 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Operating revenue						
Tuition-credit	(3,558,349)	(5,201,169)	(1,642,820)	68%	(3,864,867)	306,518
Tuition-non-credit	(155,264)	(1,288,889)	(1,133,625)	12%	(292,185)	136,921
Exemptions and waivers	1,132,269	1,368,240	235,971	83%	1,084,081	48,188
Registration fees	(1,621,192)	(2,209,200)	(588,008)	73%	(1,728,660)	107,467
Other fees	(45,412)	(168,982)	(123,570)	27%	(37,512)	(7,900)
Grant revenue	(29,998)	(81,568)	(51,570)	37%	(27,070)	(2,929)
Sales and service revenue	(524)	(533,800)	(533,276)	0%	(17,847)	17,323
Miscellaneous revenue	(68,522)	(134,632)	(66,110)	51%	(57,488)	(11,034)
TPEG transfer in/out	0	250,000	250,000	0%	0	0
<u>Totals for Operating revenue</u>	<u>(4,346,993)</u>	<u>(8,000,000)</u>	<u>(3,653,007)</u>	<u>54%</u>	<u>(4,941,547)</u>	<u>594,554</u>
Non-operating revenue						
State appropriation-Academic	(2,189,259)	(6,533,000)	(4,343,741)	34%	(2,189,318)	59
Property tax revenue	(1,892,358)	(23,450,000)	(21,557,642)	8%	(1,277,675)	(614,683)
Interest revenue	(3,559)	(350,000)	(346,441)	1%	(54,484)	50,925
FTZ reimbursement	0	(350,000)	(350,000)	0%	0	0
Renew & replace transfer out	0	1,783,000	1,783,000	0%	0	0
<u>Totals for Non-operating revenue</u>	<u>(4,085,175)</u>	<u>(28,900,000)</u>	<u>(24,814,825)</u>	<u>14%</u>	<u>(3,521,477)</u>	<u>(563,698)</u>
<u>Total Revenue</u>	<u>(8,432,168)</u>	<u>(36,900,000)</u>	<u>(28,467,832)</u>	<u>23%</u>	<u>(8,463,024)</u>	<u>30,856</u>

Unrestricted Fund (Unaudited)

Summary of Expense

	<u>Current Actual</u>	<u>2020-21 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Salary and wages						
Faculty full-time	2,015,456	7,748,736	5,733,280	26%	1,820,023	195,433
Admin full-time	411,927	1,524,001	1,112,074	27%	381,371	30,556
Professional full-time	1,817,921	7,156,023	5,338,102	25%	1,723,016	94,905
Classified full-time	1,036,121	4,102,272	3,066,151	25%	972,259	63,862
Part-time	449,103	3,847,946	3,398,843	12%	719,113	(270,010)
Salary increase	0	282,223	282,223	0%	0	0
Vacancy savings	0	(970,000)	(970,000)	0%	0	0
Totals for Salary and wages	<u>5,730,528</u>	<u>23,691,201</u>	<u>17,960,673</u>	<u>24%</u>	<u>5,615,782</u>	<u>114,746</u>
Benefits						
Benefits	1,006,861	4,156,934	3,150,073	24%	1,071,977	(65,116)
Totals for Benefits	<u>1,006,861</u>	<u>4,156,934</u>	<u>3,150,073</u>	<u>24%</u>	<u>1,071,977</u>	<u>(65,116)</u>
Operating expenses						
Contract services	1,009,794	2,791,983	1,782,189	36%	1,024,710	(14,917)
Legal	0	12,485	12,485	0%	1,350	(1,350)
Operations	73,660	775,567	701,907	9%	165,702	(92,042)
Utilities and Rent	339,716	1,511,460	1,171,744	22%	375,776	(36,060)
Postage, printing, and supplies	68,516	1,335,446	1,266,929	5%	252,099	(183,582)
Bank fees	5,902	84,000	78,098	7%	7,600	(1,698)
Capital outlay & leases	14,909	56,503	41,594	26%	7,363	7,546
Insurance	28,936	852,013	823,077	3%	2,126	26,810
Public relations and advertising	6,952	246,093	239,141	3%	14,116	(7,164)
Misc.	171,840	334,905	163,066	51%	198,792	(26,952)
Reimbursement from Others	0	(148,590)	(148,590)	0%	0	0
MTN Payment	0	1,200,000	1,200,000	0%	0	0

Unrestricted Fund (Unaudited)

<u>Totals for Operating expenses</u>	<u>1,720,226</u>	<u>9,051,865</u>	<u>7,331,639</u>	<u>19%</u>	<u>2,049,634</u>	<u>(329,408)</u>
<u>Total Expense</u>	<u>8,457,615</u>	<u>36,900,000</u>	<u>28,442,385</u>	<u>23%</u>	<u>8,737,393</u>	<u>(279,779)</u>

Unrestricted Fund (Unaudited)

Summary of Fund Bal

	<u>Current Actual</u>	<u>2020-21 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Operating expenses						
Contract services	158,956	0	(158,956)	0%	79,423	79,534
Operations	0	0	0	0%	8,136	(8,136)
Utilities and Rent	7,016	0	(7,016)	0%	6,323	694
Postage, printing, and supplies	570,629	0	(570,629)	0%	243,464	327,164
Capital outlay & leases	212,513	0	(212,513)	0%	110,258	102,255
Misc.	5,327	0	(5,327)	0%	0	5,327
<u>Totals for Operating expenses</u>	<u>954,441</u>	<u>0</u>	<u>(954,441)</u>	<u>0%</u>	<u>447,604</u>	<u>506,837</u>
<u>Total Fund Bal</u>	<u>954,441</u>	<u>0</u>	<u>(954,441)</u>	<u>0%</u>	<u>447,604</u>	<u>506,837</u>



Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2020-21 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
<u>Expense by Division</u>						
<u>Summary for President</u>						
Board of Trustees	2,098	19,400	17,302	11%	18,393	(16,295)
Campus Police	169,255	808,283	639,027	21%	190,879	(21,624)
Gen Institution	67,826	308,404	240,578	22%	83,313	(15,487)
Information Technology Serv	777,291	1,881,518	1,104,227	41%	744,831	32,461
Internal Audit	9,621	150,000	140,379	6%	16,648	(7,026)
OPEAR	125,772	433,034	307,262	29%	122,819	2,953
Presidents Office	163,048	540,677	377,629	30%	147,496	15,552
Self Study SACS	0	18,000	18,000	0%	0	0
Staff Attorney	41,492	164,344	122,851	25%	35,325	6,168
Totals for President	<u>1,356,405</u>	<u>4,323,660</u>	<u>2,967,255</u>	<u>31%</u>	<u>1,359,702</u>	<u>(3,297)</u>
<u>Summary for VP Fiscal Affairs</u>						
Central Mail	24,663	118,806	94,143	21%	36,592	(11,929)
Custodial Services	78,241	345,435	267,194	23%	92,419	(14,178)
Facilities	642,538	3,088,983	2,446,445	21%	622,498	20,040
Financial Services	234,485	826,976	592,492	28%	212,809	21,675
Grounds	33,399	112,148	78,748	30%	28,388	5,011
Human Resources	119,745	513,740	393,995	23%	110,665	9,080
Maintenance Tax Note	0	1,200,000	1,200,000	0%	0	0
Purchasing	70,379	277,066	206,687	25%	67,293	3,086
Records Mgmt	2,224	20,952	18,728	11%	2,578	(354)
Reimbursement	0	(148,590)	(148,590)	0%	0	0
Salary Savings	0	(970,000)	(970,000)	0%	0	0
Staff Benefits	207,006	3,639,303	3,432,296	6%	303,329	(96,322)
Tax Admin	46,213	232,631	186,418	20%	45,177	1,036

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2020-21 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Telecommunications	0	0	0	0%	594	(594)
Utilities	128,615	625,000	496,385	21%	148,328	(19,713)
Vehicle Operations	21,683	100,125	78,442	22%	22,388	(705)
VP College & Fin Svcs	55,256	228,109	172,854	24%	60,883	(5,627)
<u>Totals for VP Fiscal Affairs</u>	<u>1,664,447</u>	<u>10,210,684</u>	<u>8,546,237</u>	<u>16%</u>	<u>1,753,942</u>	<u>(89,494)</u>
<u>Summary for VP Institutional Advancement</u>						
COM Foundation Dept	30,486	104,715	74,229	29%	29,373	1,113
Marketing and Communications	153,324	791,926	638,602	19%	165,360	(12,036)
VP Institutional Advancement	156,204	538,805	382,601	29%	135,395	20,808
<u>Totals for VP Institutional Advancement</u>	<u>340,014</u>	<u>1,435,446</u>	<u>1,095,433</u>	<u>24%</u>	<u>330,128</u>	<u>9,885</u>
<u>Summary for VP Instruction</u>						
Acad Succ Re/Wr	231,031	712,322	481,291	32%	229,095	1,936
Accting-Credit	38,094	89,767	51,674	42%	36,571	1,523
Adm-C.I.D.T.	15,752	63,743	47,991	25%	15,307	445
Adm-Cont Ed	134,361	348,198	213,836	39%	130,627	3,734
Adm-Ind Tech	0	8,000	8,000	0%	2,117	(2,117)
Adm-Instruct	16,239	72,672	56,433	22%	16,790	(551)
Adm-Perf & Vis Arts	20,182	75,628	55,446	27%	19,140	1,042
Adm-Pub Svc Ed	16,125	96,281	80,157	17%	26,321	(10,196)
Adm-Science	8,595	62,474	53,879	14%	8,318	277
Adm-Soc Sci	17,278	74,764	57,486	23%	17,753	(475)
Adult Education	55,593	186,889	131,296	30%	51,891	3,702
Allied Health CE	72,031	228,219	156,188	32%	72,197	(165)
Art	62,513	220,614	158,101	28%	61,720	793
Art Gallery	14,825	55,504	40,679	27%	14,525	300
Biol & Nutrition	184,536	605,767	421,231	30%	183,772	764
Bus Ed-NonCR	0	0	0	0%	0	0

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2020-21 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Bus Tech	3,104	307	(2,797)	1012%	8,149	(5,045)
C.I.S.	24,560	72,057	47,497	34%	23,559	1,000
Chemistry	49,004	157,424	108,420	31%	50,253	(1,249)
Child Dev CE	0	0	0	0%	0	0
Child Develop	20,360	64,684	44,323	31%	19,157	1,204
Child Develop Lab	0	0	0	0%	124,746	(124,746)
Cmnty Theater	98,426	371,749	273,323	26%	95,586	2,840
Collegiate H.S.-CR	39,983	138,182	98,199	29%	38,873	1,110
Cosmetology	159,149	557,911	398,762	29%	159,086	63
Criminal Justice	24,788	80,775	55,988	31%	23,909	878
Dean Cont Ed	250	176,672	176,422	0%	536	(286)
Dean Gen Ed	51,862	184,966	133,104	28%	49,809	2,053
Distance Ed	161,621	394,310	232,690	41%	153,097	8,523
Drafting	19,447	61,385	41,937	32%	20,541	(1,094)
Dual Credit Dept	43,701	163,138	119,437	27%	43,945	(244)
Economics	21,444	69,807	48,362	31%	19,229	2,215
Emergency Management Credit	0	0	0	0%	2,135	(2,135)
EMS-Credit	74,992	181,922	106,930	41%	68,680	6,312
Fire Tech	85,524	132,690	47,166	64%	70,009	15,515
Fire Tech-Basic	0	0	0	0%	0	0
Firearms Acad	3,727	103,407	99,681	4%	39,196	(35,469)
Foreign Lang	19,493	63,816	44,323	31%	17,476	2,017
Gen Bus-Credit	20,670	75,374	54,704	27%	11,868	8,802
Geology	19,818	59,139	39,321	34%	18,978	840
Government	88,347	260,482	172,135	34%	87,346	1,001
Graphic Arts	28,320	69,799	41,479	41%	29,917	(1,597)
Health and PE Credit	40,899	124,302	83,403	33%	39,709	1,190
Health Info Mgmt	42,053	149,171	107,118	28%	45,103	(3,050)

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2020-21 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Hist & Geog	72,328	217,209	144,881	33%	76,091	(3,763)
Humanities	55,515	178,208	122,693	31%	53,583	1,932
Instr Tech Department	58,066	224,771	166,705	26%	53,310	4,756
Instr Tech Lab Mgrs	38,284	173,001	134,717	22%	89,295	(51,012)
Law Enforcement	20,799	74,992	54,192	28%	20,814	(14)
Law Enforcemnt-NonCR	23,894	3,106	(20,788)	769%	14,168	9,726
LC Ctr Admin	1,353	23,840	22,488	6%	6,029	(4,676)
Library	212,114	617,629	405,515	34%	190,800	21,314
Management	15,801	58,430	42,629	27%	21,714	(5,913)
Massage Therapy	0	7,400	7,400	0%	0	0
Math	201,743	650,607	448,864	31%	212,958	(11,215)
Medical Assistant	20,854	94,081	73,227	22%	26,252	(5,398)
Music	95,970	322,271	226,300	30%	91,263	4,707
Networking	24,211	72,328	48,116	33%	25,106	(895)
Nursing Administration	86,014	390,324	304,310	22%	99,750	(13,736)
Nursing-AD	333,313	1,378,948	1,045,635	24%	376,147	(42,834)
Nursing-VN	100,181	320,808	220,626	31%	59,128	41,054
Pharmacy Tech	26,995	87,376	60,381	31%	28,130	(1,136)
Philosophy	10,851	1,041	(9,810)	1042%	13,001	(2,150)
Physics	33,024	77,858	44,834	42%	34,326	(1,302)
Process Tech	179,413	510,293	330,880	35%	178,342	1,071
Prof Develop Acad	0	12,000	12,000	0%	13,692	(13,692)
Psychology	99,325	308,901	209,576	32%	99,246	80
QEP	0	0	0	0%	0	0
Safety-CR	28,840	97,531	68,692	30%	29,193	(354)
Senior Adult Dept	54,779	203,587	148,807	27%	92,399	(37,620)
Social Science Non CR	10,802	59,025	48,224	18%	6,577	4,225
Sociology	18,741	58,192	39,451	32%	18,771	(29)

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2020-21 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Speaking,Reading,Writing	129,600	505,314	375,714	26%	123,710	5,890
Theater Arts-Credit	15,193	66,606	51,412	23%	13,540	1,653
Thermal Tech-NonCR	6,394	23,149	16,755	28%	31,927	(25,533)
Virtual College TX	1,120	1,120	0	100%	0	1,120
VP Instruction	98,813	3,172,457	3,073,644	3%	65,100	33,713
Welding-Cred	131,517	564,492	432,975	23%	139,529	(8,012)
<u>Totals for VP Instruction</u>	<u>4,234,542</u>	<u>17,171,207</u>	<u>12,936,665</u>	<u>25%</u>	<u>4,450,927</u>	<u>(216,385)</u>
<u>Summary for VP Student Services</u>						
Admissions	92,921	322,979	230,058	29%	93,855	(934)
Advise Center	180,553	651,331	470,778	28%	147,421	33,132
Career & Placement	0	68,266	68,266	0%	0	0
Career Svcs	0	1,715	1,715	0%	107	(107)
Counseling	0	265	265	0%	18,975	(18,975)
Enrollment Mgmt	24,409	72,437	48,028	34%	21,054	3,355
Facilities & Student Recreat	5,006	116,289	111,282	4%	48,265	(43,259)
Judicial Affairs	52,116	175,099	122,983	30%	56,179	(4,063)
Multicultural Department	1,769	12,500	10,731	14%	1,990	(222)
Recruitment	100,523	442,617	342,094	23%	114,680	(14,157)
Stu Financial Svcs	107,727	578,051	470,324	19%	126,929	(19,202)
Stu Organizations	79,046	286,799	207,754	28%	30,734	48,311
Student Graduation	0	74,080	74,080	0%	921	(921)
Svcs-Disab Students	15,736	48,827	33,090	32%	18,976	(3,240)
Testing	59,905	358,638	298,734	17%	61,053	(1,149)
Title V Grant	0	0	0	0%	101	(101)
Veteran Affairs	42,639	148,613	105,974	29%	37,278	5,362
VP Student Services	99,857	400,497	300,640	25%	64,175	35,683
<u>Totals for VP Student Services</u>	<u>862,207</u>	<u>3,759,003</u>	<u>2,896,796</u>	<u>23%</u>	<u>842,694</u>	<u>19,513</u>

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2020-21 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
<u>Totals for Expense</u>	<u>8,457,615</u>	<u>36,900,000</u>	<u>28,442,385</u>	<u>23%</u>	<u>8,737,393</u>	<u>(279,779)</u>
<u>Fund Bal by Division</u>						
<u>Summary for President</u>						
Fund Balance - IT	0	0	0	0%	1,126	(1,126)
<u>Totals for President</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0%</u>	<u>1,126</u>	<u>(1,126)</u>
<u>Summary for VP Fiscal Affairs</u>						
Fund Balance - Academic Support	0	0	0	0%	40,883	(40,883)
Fund Balance - Institutional Support	327,641	0	(327,641)	0%	315,417	12,225
Fund Balance - Instruction	533,487	0	(533,487)	0%	75,614	457,872
Fund Balance - Oper & Maint	64,472	0	(64,472)	0%	3,210	61,262
Fund Balance - Public Service	0	0	0	0%	3,140	(3,140)
Fund Balance - Student Services	28,842	0	(28,842)	0%	8,214	20,628
<u>Totals for VP Fiscal Affairs</u>	<u>954,441</u>	<u>0</u>	<u>(954,441)</u>	<u>0%</u>	<u>446,478</u>	<u>507,963</u>
<u>Totals for Fund Bal</u>	<u>954,441</u>	<u>0</u>	<u>(954,441)</u>	<u>0%</u>	<u>447,604</u>	<u>506,837</u>
<u>Totals for Report</u>	<u>9,412,056</u>	<u>36,900,000</u>	<u>27,487,944</u>		<u>9,184,997</u>	<u>227,059</u>



INVESTMENT REPORT
For the Month Ended December 2020

Investment discussion:

College of the Mainland earned \$11,938 for the month of December on its short-term investments in TexPool & Logic for a total of \$66,142 investment interest earned fiscal year to date. The College earned an additional \$1.00, fiscal year to date, from interest-bearing checking accounts. In total, the College earned \$66,143 interest for the fiscal year to date period ending November: TexPool - \$4,251, Logic 19 - \$14,257, Logic 20 - \$47,635, and TFB - \$1.

Investments in the TexPool & Logic investment pools remain more profitable than fixed rate certificate of deposits purchased at our depository bank. In addition, the investment pool provides more efficient liquidity than certificates of deposit, which are restricted to specific term lengths. Therefore, all investment funds remain in TexPool, Logic and interest earning checking accounts.

Investment Compliance Statement:

We provide reasonable assurance that the attached listing constitutes all investments currently owned by the College of the Mainland District as of the date indicated and that all these investments and investing procedures conform to the "Public Funds Investment Act" as amended by House Bill 2459 of the 74th Texas Legislature.

Furthermore, these same investments are in compliance with College of the Mainland's investment policy and strategy as adopted by the College of the Mainland's Board of Trustees.

A handwritten signature in blue ink, appearing to read 'Clen Burton', written over a horizontal line.

Clen Burton
Vice President of Fiscal Affairs
College of the Mainland

A handwritten signature in blue ink, appearing to read 'Trudy Trochesset', written over a horizontal line.

Trudy Trochesset
Controller
College of the Mainland



TexPool Investments for December 2020 .

Investment	COM Fund	Balance Beginning of Month	Increases	Decreases	Interest Earned	Balance End of Month	Average Balance	Annualized Average Interest Rate
Operating	11	\$ 9,020,712	\$ 4,850,000	\$ 2,250,000	681	11,621,393	9,001,379	0.091%
Moody	41	26,593	-	-	2	26,596	26,594	0.095%
Totals		\$ 9,047,305	\$ 4,850,000	\$ 2,250,000	\$ 683	\$ 11,647,988	\$ 9,027,972	

Note: For the above listed investments in TexPool, book value is equivalent to market value.
There was no accrued interest as of December 2020 .

Logic (Hilltop Securities) Investments for December 2020 .

Investment	COM Fund	Balance Beginning of Month	Increases	Decreases	Interest Earned	Balance End of Month	Average Balance	Annualized Average Interest Rate
COM Bond 2019	45	\$ 19,852,832	\$ -	\$ 8,698,121	1,593	11,156,304	12,543,664	1.000%
COM Bond 2020	46	\$ 75,651,387	\$ -	\$ -	9,661	75,661,048	75,651,387	1.000%
Totals		\$ 95,504,219	\$ -	\$ 8,698,121	\$ 11,255	\$ 86,817,353	\$ 88,195,051	
Totals		\$ 104,551,524	\$ 4,850,000	\$ 10,948,121	\$ 11,938	\$ 98,465,341	\$ 97,223,023	

Unrestricted Fund (Unaudited)

Summary of Revenue

	<u>Current Actual</u>	<u>2020-21 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Operating revenue						
Tuition-credit	(3,955,163)	(5,201,169)	(1,246,006)	76%	(4,266,860)	311,697
Tuition-non-credit	(183,502)	(1,288,889)	(1,105,387)	14%	(350,100)	166,598
Exemptions and waivers	1,272,075	1,368,240	96,165	93%	1,189,824	82,251
Registration fees	(1,831,664)	(2,209,200)	(377,536)	83%	(1,929,331)	97,667
Other fees	(66,680)	(168,982)	(102,302)	39%	(44,611)	(22,069)
Grant revenue	(37,359)	(81,568)	(44,209)	46%	(34,476)	(2,883)
Sales and service revenue	(114)	(533,800)	(533,686)	0%	(18,631)	18,517
Miscellaneous revenue	(68,692)	(134,632)	(65,940)	51%	(59,583)	(9,109)
TPEG transfer in/out	0	250,000	250,000	0%	0	0
<u>Totals for Operating revenue</u>	<u>(4,871,100)</u>	<u>(8,000,000)</u>	<u>(3,128,900)</u>	<u>61%</u>	<u>(5,513,768)</u>	<u>642,668</u>
Non-operating revenue						
State appropriation-Academic	(2,810,119)	(6,533,000)	(3,722,881)	43%	(2,810,170)	51
Property tax revenue	(6,166,041)	(23,450,000)	(17,283,959)	26%	(4,635,894)	(1,530,147)
Interest revenue	(4,240)	(350,000)	(345,760)	1%	(66,485)	62,246
FTZ reimbursement	0	(350,000)	(350,000)	0%	0	0
Renew & replace transfer out	0	1,783,000	1,783,000	0%	0	0
<u>Totals for Non-operating revenue</u>	<u>(8,980,399)</u>	<u>(28,900,000)</u>	<u>(19,919,601)</u>	<u>31%</u>	<u>(7,512,549)</u>	<u>(1,467,850)</u>
<u>Total Revenue</u>	<u>(13,851,499)</u>	<u>(36,900,000)</u>	<u>(23,048,501)</u>	<u>38%</u>	<u>(13,026,318)</u>	<u>(825,181)</u>

Unrestricted Fund (Unaudited)

Summary of Expense

	<u>Current Actual</u>	<u>2020-21 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Salary and wages						
Faculty full-time	2,631,518	7,748,736	5,117,218	34%	2,599,545	31,972
Admin full-time	554,642	1,524,001	969,359	36%	517,074	37,568
Professional full-time	2,393,471	7,156,023	4,762,552	33%	2,408,666	(15,195)
Classified full-time	1,373,679	4,102,272	2,728,593	33%	1,345,727	27,951
Part-time	665,580	3,847,946	3,182,366	17%	1,055,465	(389,885)
Salary increase	0	282,223	282,223	0%	0	0
Vacancy savings	0	(970,000)	(970,000)	0%	0	0
<u>Totals for Salary and wages</u>	<u>7,618,890</u>	<u>23,691,201</u>	<u>16,072,311</u>	<u>32%</u>	<u>7,926,477</u>	<u>(307,587)</u>
Benefits						
Benefits	1,475,757	4,156,934	2,681,177	36%	1,582,376	(106,619)
<u>Totals for Benefits</u>	<u>1,475,757</u>	<u>4,156,934</u>	<u>2,681,177</u>	<u>36%</u>	<u>1,582,376</u>	<u>(106,619)</u>
Operating expenses						
Contract services	1,230,957	2,791,983	1,561,026	44%	1,246,761	(15,804)
Legal	0	12,485	12,485	0%	1,350	(1,350)
Operations	127,397	775,567	648,170	16%	232,921	(105,525)
Utilities and Rent	406,365	1,511,460	1,105,095	27%	431,866	(25,500)
Postage, printing, and supplies	80,476	1,336,193	1,255,717	6%	297,961	(217,485)
Bank fees	9,036	84,000	74,964	11%	10,659	(1,623)
Capital outlay & leases	17,033	56,503	39,470	30%	17,283	(250)
Insurance	150,946	852,013	701,067	18%	2,126	148,820
Public relations and advertising	17,676	245,346	227,670	7%	16,790	886
Misc.	204,325	334,905	130,580	61%	217,284	(12,958)
Reimbursement from Others	0	(148,590)	(148,590)	0%	0	0
MTN Payment	0	1,200,000	1,200,000	0%	0	0

Unrestricted Fund (Unaudited)

<u>Totals for Operating expenses</u>	<u>2,244,211</u>	<u>9,051,865</u>	<u>6,807,654</u>	<u>25%</u>	<u>2,475,000</u>	<u>(230,789)</u>
<u>Total Expense</u>	<u>11,338,858</u>	<u>36,900,000</u>	<u>25,561,142</u>	<u>31%</u>	<u>11,983,853</u>	<u>(644,995)</u>

Unrestricted Fund (Unaudited)

Summary of Fund Bal

	<u>Current Actual</u>	<u>2020-21 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Operating expenses						
Contract services	158,956	0	(158,956)	0%	85,849	73,108
Operations	0	0	0	0%	16,152	(16,152)
Utilities and Rent	52,301	0	(52,301)	0%	6,323	45,979
Postage, printing, and supplies	609,889	0	(609,889)	0%	282,381	327,508
Capital outlay & leases	229,920	0	(229,920)	0%	337,830	(107,910)
Misc.	5,327	0	(5,327)	0%	0	5,327
<u>Totals for Operating expenses</u>	<u>1,056,393</u>	<u>0</u>	<u>(1,056,393)</u>	<u>0%</u>	<u>728,534</u>	<u>327,859</u>
<u>Total Fund Bal</u>	<u>1,056,393</u>	<u>0</u>	<u>(1,056,393)</u>	<u>0%</u>	<u>728,534</u>	<u>327,859</u>

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2020-21 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
<u>Expense by Division</u>						
<u>Summary for President</u>						
Board of Trustees	2,098	19,400	17,302	11%	20,648	(18,550)
Campus Police	227,695	808,283	580,587	28%	259,930	(32,234)
Gen Institution	104,333	308,404	204,071	34%	94,202	10,131
Information Technology Serv	881,352	1,881,518	1,000,166	47%	844,819	36,533
Internal Audit	21,703	150,000	128,298	14%	16,648	5,055
OPEAR	214,290	433,034	218,745	49%	187,239	27,050
Presidents Office	225,380	540,677	315,297	42%	199,764	25,615
Self Study SACS	0	18,000	18,000	0%	1,541	(1,541)
Staff Attorney	55,973	164,344	108,371	34%	49,266	6,707
<u>Totals for President</u>	<u>1,732,823</u>	<u>4,323,660</u>	<u>2,590,837</u>	<u>40%</u>	<u>1,674,058</u>	<u>58,765</u>
<u>Summary for VP Fiscal Affairs</u>						
Central Mail	32,695	119,554	86,859	27%	45,418	(12,723)
Custodial Services	100,466	345,435	244,969	29%	127,612	(27,146)
Facilities	964,992	3,088,983	2,123,991	31%	806,748	158,243
Financial Services	315,503	826,976	511,473	38%	303,083	12,421
Grounds	43,127	112,148	69,020	38%	36,256	6,871
Human Resources	165,454	513,740	348,287	32%	189,168	(23,715)
Maintenance Tax Note	0	1,200,000	1,200,000	0%	0	0
Purchasing	94,162	277,066	182,904	34%	94,196	(34)
Records Mgmt	2,630	20,952	18,322	13%	3,862	(1,232)
Reimbursement	0	(148,590)	(148,590)	0%	0	0
Salary Savings	0	(970,000)	(970,000)	0%	0	0
Staff Benefits	296,862	3,639,303	3,342,441	8%	414,561	(117,699)
Tax Admin	95,851	232,631	136,780	41%	93,085	2,766

Unrestricted Fund (Unaudited)

	Current Actual	2020-21 Budget	Budget Remaining	Budget Pct.YTD	Prior Year to Actual	Curr. vs Prior Year to Year
Telecommunications	0	0	0	0%	594	(594)
Utilities	136,860	625,000	488,140	22%	163,952	(27,091)
Vehicle Operations	28,500	100,125	71,625	28%	30,421	(1,921)
VP College & Fin Svcs	70,695	228,109	157,415	31%	82,970	(12,275)
Totals for VP Fiscal Affairs	<u>2,347,797</u>	<u>10,211,431</u>	<u>7,863,634</u>	<u>23%</u>	<u>2,391,926</u>	<u>(44,129)</u>
Summary for VP Institutional Advancement						
COM Foundation Dept	36,488	104,715	68,227	35%	37,780	(1,292)
Marketing and Communications	209,399	791,926	582,527	26%	216,981	(7,582)
VP Institutional Advancement	204,014	538,805	334,791	38%	192,592	11,422
Totals for VP Institutional Advancement	<u>449,901</u>	<u>1,435,446</u>	<u>985,545</u>	<u>31%</u>	<u>447,353</u>	<u>2,548</u>
Summary for VP Instruction						
Acad Succ Re/Wr	307,378	712,322	404,944	43%	341,683	(34,305)
Accting-Credit	50,815	89,767	38,953	57%	53,361	(2,546)
Adm-C.I.D.T.	21,340	63,743	42,403	33%	21,016	324
Adm-Cont Ed	182,794	343,870	161,076	53%	181,723	1,070
Adm-Ind Tech	0	8,000	8,000	0%	2,823	(2,823)
Adm-Instruct	21,889	72,672	50,784	30%	22,779	(890)
Adm-Perf & Vis Arts	26,565	75,628	49,063	35%	27,620	(1,055)
Adm-Pub Svc Ed	21,189	96,281	75,093	22%	37,117	(15,928)
Adm-Science	11,313	62,474	51,161	18%	11,129	184
Adm-Soc Sci	23,334	74,764	51,431	31%	23,985	(651)
Adult Education	74,463	186,889	112,425	40%	70,395	4,068
Allied Health CE	95,499	228,219	132,719	42%	99,708	(4,208)
Art	82,950	220,614	137,665	38%	89,581	(6,631)
Art Gallery	19,664	55,504	35,841	35%	20,830	(1,166)
Biol & Nutrition	247,754	605,767	358,013	41%	261,996	(14,242)
Bus Ed-NonCR	0	0	0	0%	0	0

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2020-21 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Bus Tech	4,656	307	(4,349)	1519%	10,912	(6,257)
C.I.S.	32,811	72,057	39,246	46%	34,281	(1,470)
Chemistry	66,170	157,424	91,254	42%	73,057	(6,887)
Child Dev CE	0	0	0	0%	0	0
Child Develop	27,085	64,684	37,599	42%	28,255	(1,170)
Child Develop Lab	0	0	0	0%	184,495	(184,495)
Cmnty Theater	126,319	371,749	245,430	34%	129,871	(3,552)
Collegiate H.S.-CR	53,816	138,182	84,366	39%	52,873	943
Cosmetology	213,041	557,911	344,870	38%	227,615	(14,574)
Criminal Justice	32,647	80,775	48,128	40%	37,212	(4,565)
Dean Cont Ed	323	176,672	176,349	0%	536	(213)
Dean Gen Ed	68,287	184,966	116,679	37%	67,987	300
Distance Ed	195,970	394,310	198,341	50%	190,373	5,596
Drafting	26,640	61,385	34,744	43%	28,395	(1,755)
Dual Credit Dept	57,276	163,138	105,862	35%	60,441	(3,165)
Economics	28,301	69,807	41,506	41%	28,190	111
Emergency Management Credit	0	0	0	0%	7,175	(7,175)
EMS-Credit	97,142	181,922	84,781	53%	92,737	4,405
Fire Tech	123,394	132,690	9,296	93%	106,102	17,292
Fire Tech-Basic	0	0	0	0%	0	0
Firearms Acad	6,158	103,407	97,250	6%	41,262	(35,104)
Foreign Lang	25,643	63,816	38,174	40%	25,554	89
Gen Bus-Credit	28,725	75,374	46,649	38%	16,610	12,115
Geology	27,346	59,139	31,793	46%	25,864	1,482
Government	119,417	260,482	141,065	46%	124,580	(5,164)
Graphic Arts	38,887	69,799	30,912	56%	44,418	(5,531)
Health and PE Credit	55,075	124,302	69,227	44%	59,062	(3,987)
Health Info Mgmt	56,422	149,171	92,749	38%	61,703	(5,281)

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2020-21 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Hist & Geog	100,189	217,209	117,020	46%	113,024	(12,835)
Humanities	75,392	178,208	102,817	42%	78,355	(2,963)
Instr Tech Department	78,108	224,771	146,663	35%	72,354	5,754
Instr Tech Lab Mgrs	51,537	173,001	121,464	30%	121,737	(70,200)
Law Enforcement	30,852	74,992	44,140	41%	31,795	(943)
Law Enforcemnt-NonCR	28,701	3,106	(25,595)	924%	18,579	10,122
LC Ctr Admin	1,742	23,840	22,099	7%	8,923	(7,182)
Library	273,022	617,629	344,607	44%	241,287	31,735
Management	21,618	58,430	36,812	37%	31,059	(9,441)
Massage Therapy	0	7,400	7,400	0%	759	(759)
Math	269,767	650,607	380,840	41%	311,392	(41,625)
Medical Assistant	27,170	94,081	66,911	29%	34,515	(7,344)
Music	126,549	322,271	195,722	39%	134,798	(8,249)
Networking	32,486	72,328	39,841	45%	37,902	(5,416)
Nursing Administration	118,950	390,324	271,374	30%	131,061	(12,111)
Nursing-AD	442,945	1,378,948	936,004	32%	534,896	(91,951)
Nursing-VN	132,405	320,808	188,403	41%	98,988	33,417
Pharmacy Tech	34,988	87,376	52,388	40%	39,733	(4,745)
Philosophy	14,928	1,041	(13,886)	1433%	19,329	(4,401)
Physics	46,456	77,858	31,403	60%	50,633	(4,177)
Process Tech	242,202	510,293	268,091	47%	254,439	(12,237)
Prof Develop Acad	0	12,000	12,000	0%	15,773	(15,773)
Psychology	134,506	308,901	174,395	44%	140,703	(6,197)
QEP	0	0	0	0%	0	0
Safety-CR	38,979	97,531	58,553	40%	40,787	(1,809)
Senior Adult Dept	73,872	203,587	129,714	36%	133,841	(59,969)
Social Science Non CR	14,854	59,025	44,172	25%	9,629	5,225
Sociology	24,845	58,192	33,348	43%	27,493	(2,649)

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2020-21 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Speaking,Reading,Writing	173,029	505,314	332,285	34%	184,456	(11,427)
Theater Arts-Credit	20,973	66,606	45,633	31%	18,793	2,180
Thermal Tech-NonCR	8,380	23,149	14,769	36%	38,334	(29,955)
Virtual College TX	1,120	1,120	0	100%	0	1,120
VP Instruction	137,092	3,172,457	3,035,365	4%	92,270	44,822
Welding-Cred	171,521	564,492	392,971	30%	192,879	(21,358)
<u>Totals for VP Instruction</u>	<u>5,647,668</u>	<u>17,166,880</u>	<u>11,519,212</u>	<u>33%</u>	<u>6,285,820</u>	<u>(638,152)</u>
<u>Summary for VP Student Services</u>						
Admissions	124,583	322,979	198,396	39%	134,417	(9,834)
Advise Center	241,758	651,331	409,573	37%	207,185	34,573
Career & Placement	0	68,266	68,266	0%	0	0
Career Svcs	0	1,715	1,715	0%	222	(222)
Counseling	0	265	265	0%	27,775	(27,775)
Enrollment Mgmt	33,962	72,437	38,475	47%	28,604	5,358
Facilities & Student Recreat	7,846	119,869	112,023	7%	63,612	(55,766)
Judicial Affairs	69,045	175,099	106,053	39%	76,590	(7,545)
Multicultural Department	2,494	12,500	10,006	20%	6,000	(3,507)
Recruitment	134,020	442,617	308,598	30%	161,001	(26,981)
Stu Financial Svcs	143,681	578,051	434,370	25%	179,748	(36,067)
Stu Organizations	107,773	286,799	179,027	38%	46,097	61,676
Student Graduation	2,810	74,080	71,270	4%	921	1,889
Svcs-Disab Students	25,755	48,827	23,072	53%	27,776	(2,022)
Testing	80,975	358,638	277,663	23%	85,599	(4,624)
Title V Grant	0	0	0	0%	101	(101)
Veteran Affairs	56,938	148,613	91,675	38%	53,925	3,014
VP Student Services	129,030	400,497	271,467	32%	85,123	43,907
<u>Totals for VP Student Services</u>	<u>1,160,670</u>	<u>3,762,584</u>	<u>2,601,914</u>	<u>31%</u>	<u>1,184,696</u>	<u>(24,026)</u>

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2020-21 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Totals for Expense	<u>11,338,858</u>	<u>36,900,000</u>	<u>25,561,142</u>	<u>31%</u>	<u>11,983,853</u>	<u>(644,995)</u>
Fund Bal by Division						
Summary for President						
Fund Balance - IT	0	0	0	0%	1,126	(1,126)
Totals for President	<u>0</u>	<u>0</u>	<u>0</u>	<u>0%</u>	<u>1,126</u>	<u>(1,126)</u>
Summary for VP Fiscal Affairs						
Fund Balance - Academic Support	0	0	0	0%	40,883	(40,883)
Fund Balance - Institutional Support	363,310	0	(363,310)	0%	466,202	(102,892)
Fund Balance - Instruction	585,060	0	(585,060)	0%	191,205	393,854
Fund Balance - Oper & Maint	79,182	0	(79,182)	0%	3,210	75,972
Fund Balance - Public Service	0	0	0	0%	3,252	(3,252)
Fund Balance - Student Services	28,842	0	(28,842)	0%	22,656	6,186
Totals for VP Fiscal Affairs	<u>1,056,393</u>	<u>0</u>	<u>(1,056,393)</u>	<u>0%</u>	<u>727,408</u>	<u>328,985</u>
Totals for Fund Bal	<u>1,056,393</u>	<u>0</u>	<u>(1,056,393)</u>	<u>0%</u>	<u>728,534</u>	<u>327,859</u>
Totals for Report	<u>12,395,252</u>	<u>36,900,000</u>	<u>24,504,748</u>		<u>12,712,387</u>	<u>(317,136)</u>



PRESIDENT'S OFFICE

Board Report

Presenter: Board Chair

A. Miscellaneous Updates



PRESIDENT'S OFFICE

President's Report

Presenter: Dr. Warren Nichols

A. Updates

1. 2020 Census Redistricting
2. SACSCOC Update (Southern Association of Colleges and Schools Commission on Colleges)
3. BOT Retreat – Friday, March 5, 2021, 9:00 a.m. COM Conference Center
4. CARES Act
5. Spring 2021 Enrollment Update
6. President's Report – FY 19-20

B. Reminders/Announcements

C. Resignations and Retirements Report - Report attached

D. Miscellaneous Updates



College of the Mainland Cares Act Agenda

Cares Act 2.0 Agenda January 22, 2021

- Introduction
- Awards to Date
- Cares Act 1.0 (2020) vs. Cares Act 2.0 Guidance
- Brainstorming Session
- Next Steps
 - Costs associated with ideas
 - Clarification sought with Dept. of Education if necessary

College of the Mainland Cares Act Introduction and Awards to Date

Introduction and Awards to Date

- Introduction – March 2020 & December 2020
 - CRRSAA
 - \$20.2b to Higher Education
 - Additional Funding for institutions
- Awards to Date
 - Cares Act 1.0
 - Institutional Aid \$883k
 - Student Aid \$883k
 - HSI Aid \$115k
 - Cares Act 2.0
 - Institutional Aid \$3.1m
 - Student Aid \$883k
 - HSI Aid \$186k (estimate)

College of the Mainland Cares Act Comparison

Cares Act 1.0 vs. Cares Act 2.0 Guidance

- Cares Act 1.0
 - Student Aid – direct payment to students (could not use for tuition and fees)
 - Institutional Aid – reimburse college for direct expenses and aid to keep workers employed
 - HSI Aid – most flexible – used as needed to support institutional and student needs affected by COVID-19
- Cares Act 2.0
 - For expenditures incurred after December 27, 2020
 - Dependent upon submission of Annual Report due on February 1, 2021
 - Title IV eligibility is not being applied (DACA students under 1996 Welfare Reform provision is still undecided – TAFSA)
 - Any remaining funds follows new guidelines

College of the Mainland Cares Act

Cares Act 1.0 vs. Cares Act 2.0 Guidance

- Cares Act 1.0
 - Student Aid – direct payment to students (could not use for tuition and fees)
 - Institutional Aid – reimburse college for direct expenses and aid to keep workers employed
 - HSI Aid – most flexible – used as needed to support institutional and student needs affected by COVID-19

College of the Mainland Cares Act

Cares Act 1.0 vs. Cares Act 2.0 Guidance

Cares Act 2.0

- Student Aid – direct payment to students or student tuition and fees with student consent. Priority must be given to students with financial need.
- Institutional Aid – reimburse college for direct expenses including lost revenue including

“Defraying expenses associated with coronavirus (including, lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll).”Lost revenue – may change guidance for fall 2020 lost revenue

“Student Support Activities Authorized by the HEA that Address Needs Related to Coronavirus” ...including “carrying out student support activities as outlined in the TRIO and GEAR UP programs, for ways in which students were impacted by the coronavirus.”

College of the Mainland Cares Act

Cares Act 1.0 vs. Cares Act 2.0 Guidance

Cares Act 2.0

- HSI Aid – most flexible – used as needed to support institutional and student needs affected by COVID-19
- An additional \$35b may be appropriated for HE under President Biden

PRESIDENT'S REPORT

FY 19-20

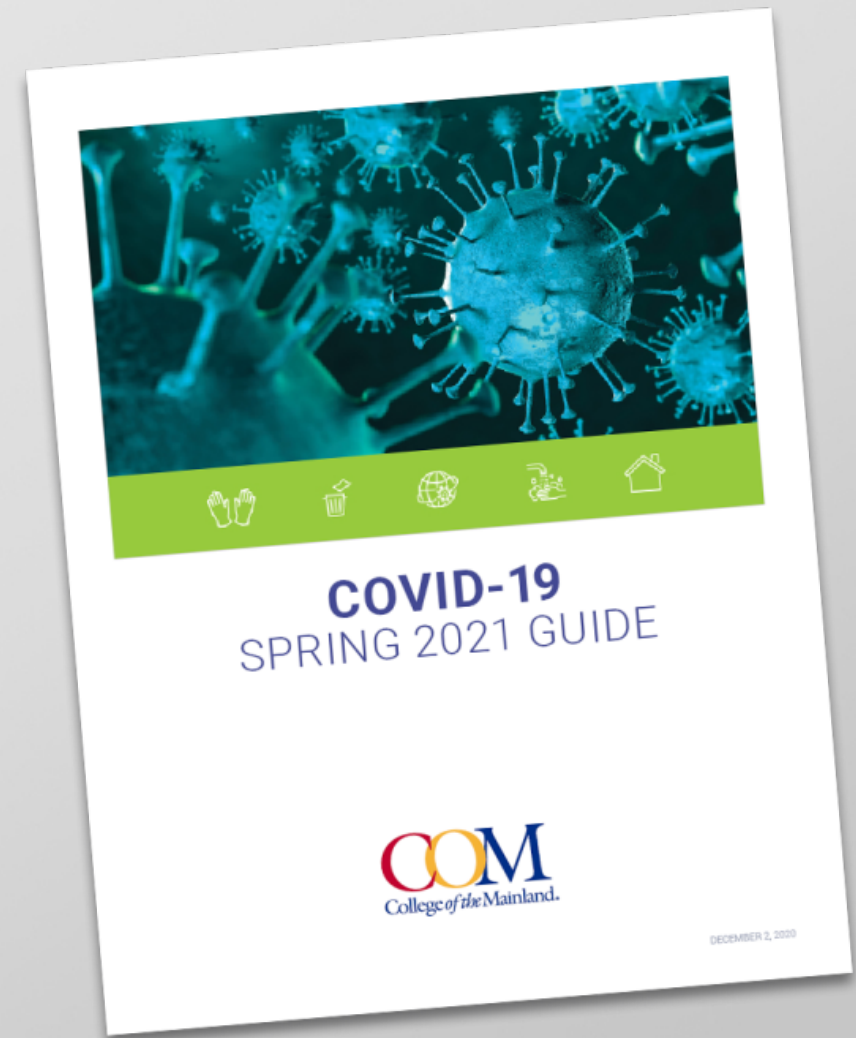


HIGHLIGHTS

SPRING 2021 RETURN TO CAMPUS PLAN

COVID-19 RESPONSE

- Created return to campus plans
- Transitioned all instruction online
- Developed virtual student services model



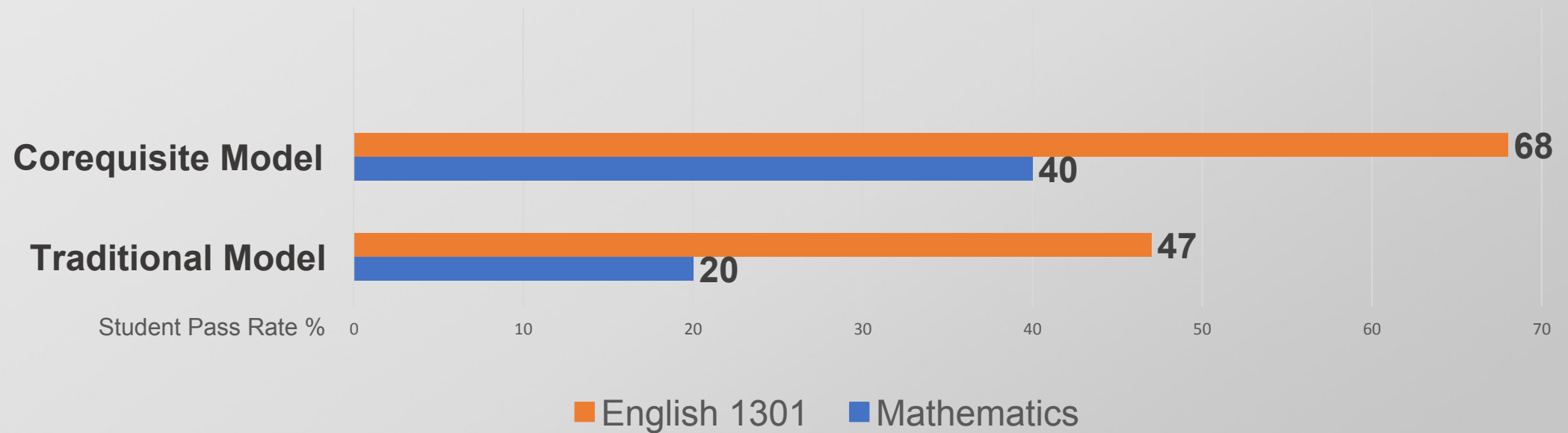
PIPELINES FOR STUDENT SUCCESS

GUIDED PATHWAYS AND META-MAJORS



COREQUISITE (FINISH FASTER) INITIATIVE

Comparison of Student Outcomes



PIPELINES FOR STUDENT SUCCESS

OPENING DOORS PROMISE SCHOLARSHIP



- Texas City
- La Marque
- Hitchcock
- Santa Fe

PIPELINES FOR STUDENT SUCCESS

EXPANDING STUDENT SUCCESS

New Program Development

- Bachelor of Science in Nursing
- Associate of Science in Mechanical and Chemical Engineering
- Accelerated Associate of Arts (League City facility)
- Dental Hygiene
- Surgical Technician
- Radiological Technician
- Lab Assistant



LAYING THE FOUNDATION FOR THE FUTURE

STEAM BUILDING – SPRING 2021



COM | College of the Mainland.

LAYING THE FOUNDATION FOR THE FUTURE

ADMIN BUILDING – SPRING 2021



LAYING THE FOUNDATION FOR THE FUTURE

COM LEAGUE CITY – FALL 2020



COM | College of the Mainland.



STRATEGIC GOALS



GOAL 1: STUDENT SUCCESS

Student Success is our top priority. College of the Mainland will be the college of choice for our community.

KEY PERFORMANCE INDICATORS (KPIs)

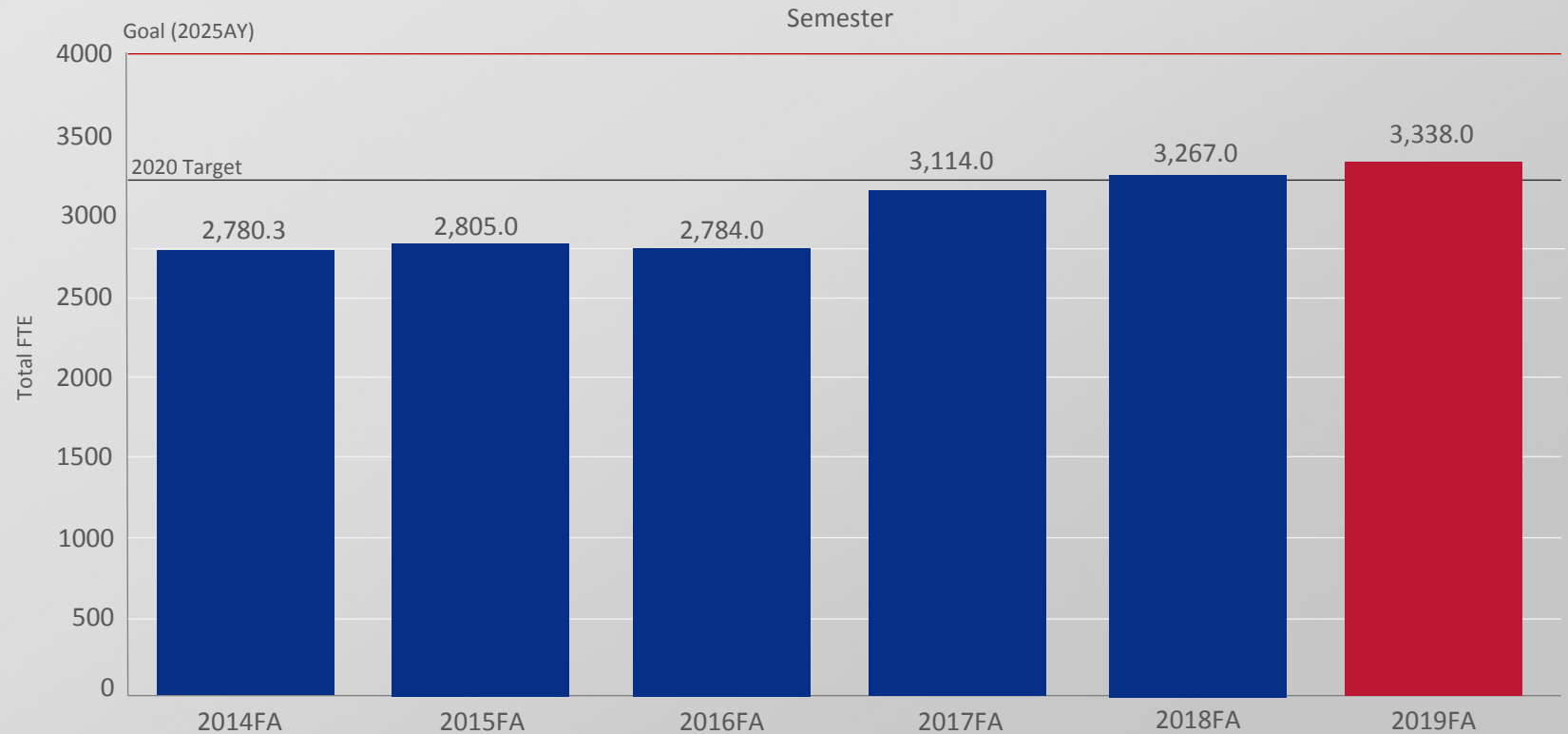
- **KPI 1:** Achieve full-time equivalent enrollment growth
- **KPI 2:** Increase the number of degrees and certificates awarded
- **KPI 3:** Decrease in average time to complete a degree
- **KPI 4:** Decrease in average number of credits earned per degree

*All KPIs detailed in President's Report handout.

KPI 1

FULL-TIME EQUIVALENT ENROLLMENT GROWTH

Full Time Equivalent (FTE) Enrollment in Fall Semesters

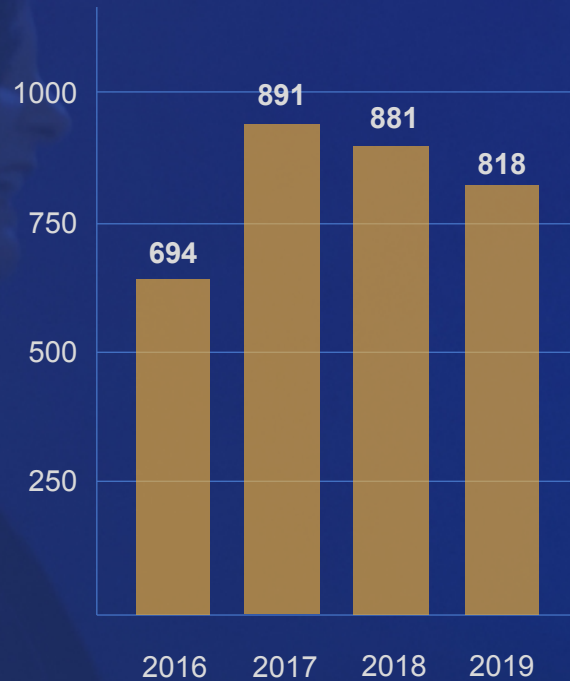


FTE progress:
We're ahead by 4%

- 2025 goal: 4,000
- 2020 goal: 3,200
- Current is 3,338 (Spring 2019)

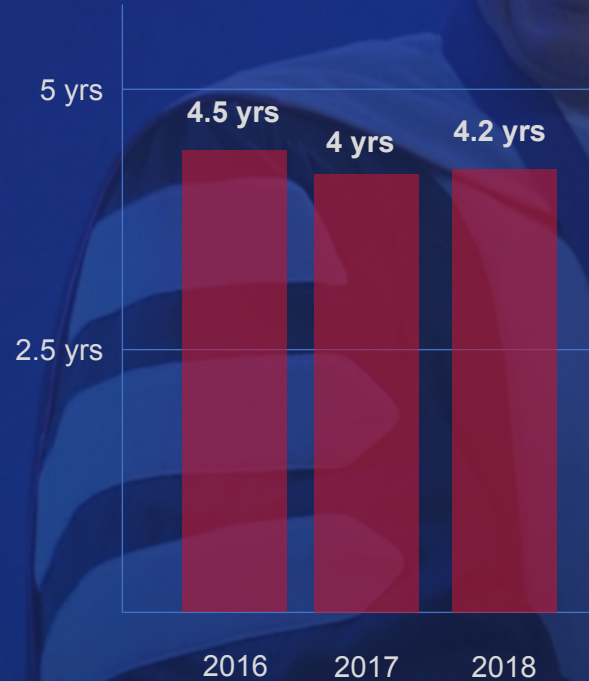
KPIs (CONTINUED)

Degrees and Certificates Awarded



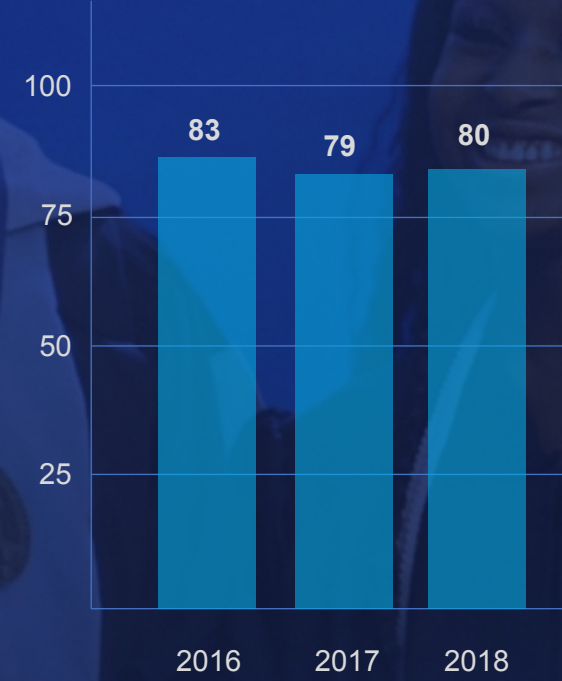
2025 GOAL: 1,400

Average Time to Complete a Degree



2025 GOAL: Four years

Average Number of Credits Earned Per Degree



2025 GOAL: 70

ADDITIONAL PROGRESS

STUDENT SERVICES

- Launched virtual student services model
- Implemented Navigate student success management system
- Received \$3 million Title V grant funding
- Received \$1.46 million TRiO grant
- Selected to participate in the Excellence in Academic Advising program (EAA)

*All KPIs detailed in President's Report handout. Detailed compensation reporting provided in digital report appendix at com.edu/bot/presidents-report

ADDITIONAL PROGRESS

INSTITUTIONAL ADVANCEMENT

Opening Doors Promise Program

- Currently 150 student recipients
- Distributed \$260,000 in aid



INSTITUTIONAL ADVANCEMENT (CONTINUED)

- CARES Act Fund provided \$650,000 in aid to 944 students in the spring, summer and fall
- Raised +\$1.6 million in gifts from community members
- Awarded and managed \$8.6 million in private, state and federal grants

INSTITUTIONAL ADVANCEMENT (CONTINUED)

Scholarships

		Total Awarded	# of Scholarships Awarded	Unduplicated # of Students
Fall 2019	\$	80,933.34	190	183
Spring 2020	\$	75,214.76	187	178
Summer 2020	\$	13,942.61	33	33
Totals	\$	170,090.71	410	394

ADDITIONAL PROGRESS

INSTRUCTION

Response to COVID-19

- Transitioned all instruction online in spring 2020
- Continued online instruction during summer and fall
- Additional virtual and simulated software added to support labs, skills and clinical education
- Resources to support faculty instruction through our Educational Technology department
- Supported student success through virtual tutoring and librarian support



GOAL 2: EMPLOYEE SUCCESS

College of the Mainland will create an environment that retains and attracts administrators, faculty and staff committed to serving our students.

KEY PERFORMANCE INDICATORS

- **KPI 1:** Employee compensation remains competitive
- **KPI 2:** Support employee continuing education and professional development

*All KPIs detailed in President's Report handout.

KPI 1

EMPLOYEE COMPENSATION REMAINS COMPETITIVE

Ensure that employee compensation and benefits are and remain competitive with peer Texas community colleges and Houston surrounding Houston business community by 2018.

KPI 2

SUPPORT EMPLOYEE CONTINUING EDUCATION AND PROFESSIONAL DEVELOPMENT

By 2020, 75% of employees will participate in a minimum of 16 hours of professional development per year.



ADDITIONAL PROGRESS

HUMAN RESOURCES

- Commitment toward advancing diversity, equity and inclusion via training and development programs
- Implemented position management reporting system to track vacant positions within departments
- Continue to implement established compensation plan
- Streamlined performance evaluation process



GOAL 3: FACILITIES IMPROVEMENT

Provide a safe, aesthetic environment conducive to learning, while addressing the workforce needs of local business and industry.

KEY PERFORMANCE INDICATORS (KPIs)

- **KPI 1:** Master facilities plan
- **KPI 2:** Bond referendum
- **KPI 3:** Exemplary teaching-learning environment

KPI 1

MASTER FACILITIES PLAN

- By 2027, 75% of the first two phases of the master facilities plan will be completed

✓ Phase I: Complete

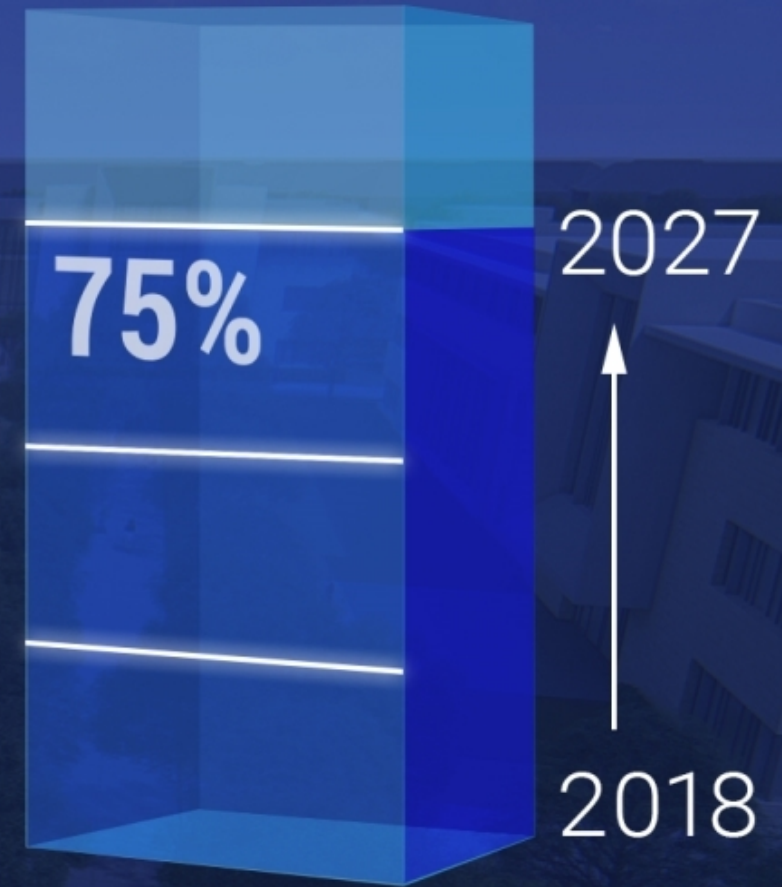
- Admin Building
- STEAM / Allied Health Building
- Physical Education renovation
- Campus MEP infrastructure

✓ Phase 2: In Progress (Funded and designs complete)

- Industrial Careers Building
- Industrial Education renovation
- Police station

*All projects for Phase I and Phase II of the Master Facilities Plan detailed in President's Report handout.

First 2 Phases
Master Facilities Plan



PROGRESS

MASTER FACILITIES PLAN

The STEAM and Admin buildings open spring 2021 on time and on budget.



ADMIN



STEAM

2021

KPI 2

BOND REFERENDUM

- In November 2018, 67% of the public voted for the sale of \$162.5 million in bonds to fund new construction
- Contractors completed projects funded by the maintenance tax notes

PASSED

KPI 3

EXEMPLARY TEACHING-LEARNING ENVIRONMENT

- Transitioned, and expanded, all Tutoring Center tutorials online within days (March 2020)
- Initiated mass student outreach in April 2020 through the creation of multiple handouts and videos, making students aware of available tutoring services and how to access those services.
- Transitioned nursing instruction to virtual environment including clinical work (Shadow Health & Swift River), exam proctoring and faculty-led simulations
- Provided college-issued laptops to students in need (87 distributed since March 2020)
- Expanded Microsoft Teams, Blackboard and VPN access to fully support online faculty instruction

ADDITIONAL PROGRESS

INFORMATION TECHNOLOGY

- Implemented a network vulnerability detection system
- Employed a new server backup system with two local storage locations and one inland colocation site
- Enabled multifactor authentication (MFA) to improve user account integrity
- Expanded the College's online utilization for remote learning and workforce
- Created an environment to give students remote access to a virtual Windows 10 desktop





View this COM 19-20 President's
Report w/ appendix at:
com.edu/bot/presidents-report

Thank you.



PRESIDENT'S OFFICE

Resignations & Retirements

Last Name	First Name	Position	Hire Date	Last Date of Work	Termination Reason
Kirkpatrick	Craig	Police Officer	10/27/2020	12/14/2020	Resignation
Ogunkunle	Roselyn	Assistant Professor of Nursing - VN	11/04/2019	01/31/2021	Resignation