Agenda of Regular Meeting

The Board of Trustees
Bellville ISD

A Regular Meeting of the Board of Trustees of Bellville ISD will be held July 21, 2020, beginning at 6:30 PM in the Bellville ISD Administration Building Board Room
518 S Matthews St
Bellville, TX 77418.

1. Call to order
2. Invocation
3. Pledge of Allegiance
4. Open Forum/Communications
5. Presentations/Recognitions
   - A. Food Service Department Spotlight 3
6. Reports & Discussion Items
   - A. CAD Report
   - B. Delinquent Tax Report 30
   - C. Monthly Financial Report 40
   - D. Discussion of BISD's Educational Broadband Spectrum and Related Actions
   - E. Superintendent's Report 44
   - F. First Reading of TASB Policy Update 115 46
   - G. Capital Improvement Project Updates
   - H. Talent Management & Human Resource Update 773
7. Consent Agenda Items
   - A. Approve minutes of Regular Board Meeting for June 26, 2020. 782
   - B. Approve Donations & Budget Amendments 784
8. Action Items
   - A. Consider action to approve the 2020-2021 District Improvement Plan 785
   - B. Consider action to approve the 2020-2021 Campus Improvement Plans. 801
   - C. Consider action to approve 2020-2021 BISD Student Code of Conduct 881
   - D. Consider approval of 2020-2021 Campus Handbooks 1019
   - E. Consider action to approve Memorandum of Understanding between BISD, Bellville Police Department, and the Austin County Sheriff's Office for 2020-2021 with School Resource Officers. 1237
   - F. Consider updates to policy EIC (Local) Academic Achievement and Class Rank and EIA (Local) Grade/Progress Reports 1245
   - G. Consider action to approve courses exempt from No Pass No Play policy. 1253
   - H. Consider action to approve the school meal price increase. 1257
   - I. Consider action to approve the 2020-2021 custodial supply list 1262

J. Consider action to approve renewal of BISD's contract for provision of Worker's Compensation Benefits. 1264
K. Consider action to approve recommendation for BISD technology purchases. 1273
L. Consider approval of updates to CH (Local) Purchasing & Acquisition and CV (Local) Facilities Construction 1287
M. Consider actions to be taken in response to COVID-19 including submission and attestations for an asynchronous learning plan, waivers, board resolutions, etc.
N. Consider action to approve Board Resolution for provisions of pay for remote work and pay while idle in response to COVID-19. 1291
O. Consider action to approve the addition of a School Nurse position. 1293

9. Executive Session
   A. For the purpose of discussing the purchase, exchange, lease, or value of real property. (551.072)
   B. Discuss personnel and resignations. (551.074)
   C. Conduct the summative annual evaluation of the Superintendent of Schools and consider action on amendment on said contract and related actions. (551.074)
   D. Consider legal advice on any item listed on Board Agenda. (551.071)
10. Reconvene Open Session
   A. Consider approval of Superintendents recommendation of personnel. (551.074)
   B. The Board will take action on items from Closed Session as needed.
      1. Consider action on amendment to the Superintendent's contract and related actions.
   C. Board Report
      1. Establishment of 2020-2021 Meeting Dates for the BISD Board of Trustees
11. Adjourn

Child Nutrition

Bellville Independent School District

Child Nutrition Mission Statement and Goals

"Nourish the body, Nourish the mind with Good Nutrition"

Goals:

- ❏ To provide high quality nutritious meals to every student that fosters a high level of health, well being and readiness to learn.
- ❏ Educate children about nutrition through exposure to school meals in the cafeteria.
- ❏ Provide excellence in food quality and service.

Our Team



Child Nutrition Leadership Team

Child Nutrition Director	Alyssa Werner MS, RD, LD, CDE	1 Year of Service
Child Nutrition Assistant to the Director	Nancy Gardner	11 Years of Service
Bellville High School		
Kitchen Manager	Marsha Killen	11 Years of Service
Assistant Kitchen Manager	Lupe Alvarez	17 Years of Service
Bellville Junior High School		
Kitchen Manager	Amelia Mellard	12 Years of Service
Assistant Kitchen Manager	Donna Jalowy	17 Years of Service
O'Bryant Intermediate School		
Kitchen Manager	Cheryl Hargrave	20 Years of Service
O'Bryant Primary School		
Kitchen Manager	Peggy Calvert	15 Years of Service
Assistant Kitchen Manager	Liz Schrader	25 Years of Service
West End Elementary		
Kitchen Manager	Christy Willingham	3 Years of Service

Our District

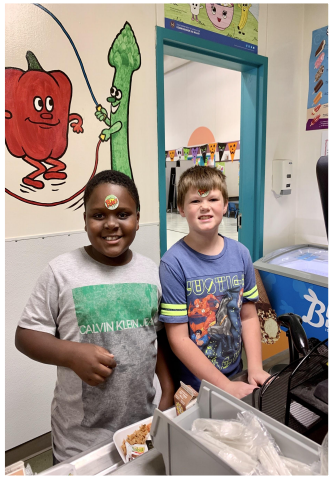
2019-2020 SY (**119 days**)

- Total district meals: 197,165
- Average meals per day: 1,656

2018-2019 (**170 days**)

- Total district meals: 280,273
- Average meals per day: 1,648





Our District (SY 2019-2020)

Average Meals Per Day

	Lunches	Breakfast	Total
High School	340	85	425
Junior High	295	75	370
OBP	350	145	*495
OBI	200	60	260
WE	75	35	110

District Meal Participation Daily Averages

	District Eligibility	Lunch	Breakfast
Free and Reduced	990 (45%)	788 (79%)	335 (34%)
Paid	1210 (55%)	468 (39%)	65 (5%)
Total	2200	1257 (57%)	400 (18%)

Federal Reimbursement Rates SY 2019-2020

NSLP Reimbursement

Free: $3.41

Reduced Price: $3.01

Paid: $0.32

**Additional $0.7 per meal for meeting new nutrition standards*

SBP Reimbursement

Free: $1.84

Reduced Price: $1.54

Paid: $0.31

**Additional $0.36 per meal for meeting new nutrition standards*

BISD Meal Prices SY 2019-2020

High School Lunch	$3.10
Junior High School Lunch	$3.10
OBI Lunch	$2.90
OBP/West End Lunch	$2.90
Student Breakfast - District Wide	$1.80
Staff Lunch	$4.10
Staff Breakfast	$2.60
Visitor Lunch	$4.60
Visitor Breakfast	$3.35



Food/Cafeteria Revenues and Expenses

Revenues: (2019-2020)

$925,883.86

- $ 557,091.61
  - $420,327.31 (NSLP/SBP reimbursement)
  - $136, 764.30 (COVID reimbursement)
- $ 363,385.25
  - paid meals, reduced price, adult meals, a la carte
- $5,407 (vending)

Revenues: (2018-2019)

$1,115,974.65

- $ 627,687.25 (NSLP/SBP reimbursement)
- $ 488,287.40 (paid meals, reduced price, adult meals, a la carte)

Expenses: (2019-2020)

- Food/Cafe: $419, 019.32
  - $397,716 (food)
    - $41, 747.97 (COVID)
  - $21,303.32 (non-food supplies)
- Other: $40, 334.56
  - maintenance/repair, state inspections, professional services, travel, ads, other supplies

Child Nutrition Policies and Regulations

As required for participation in the National School Lunch Program (NSLP) to receive reimbursement:

- School meals must made available to all students
- Free and Reduced-price meals must be provided to students who qualify under federal guidelines
- Law Requirements for nutrition standards:
  - Richard B. Russell National School Lunch Act
    - consistency with latest Dietary Guidelines for Americans
  - Healthy, Hunger-Free Kids Act of 2010
    - New/Updated school lunch and breakfast meal patterns based on IOM recommendations
- Meals must meet meal pattern requirements
  - Specific food groups/components in specific amounts for specific age groups

Offer Vs. Serve Program

Benefits:

- Reduce food waste and food cost without jeopardizing nutrition integrity
- Offers variety in menu (multiple entree choices, multiple serving lines)
- Allows students to choose what THEY want to eat (participation)



Breakfast Meal Pattern

Meal Pattern Requirements:

- ❑ Must offer FOUR items (within the 3 components)
- ❑ At least THREE items must be selected
  - ❑ ONE must be ½ cup fruit or vegetable

Minimum Amount of Each Food Component Per Week (Minimum Offering Per Day)

School Age Daily and Weekly				
Meal Pattern Components	Grades K-5	Grades 6-8	Grades 9-12	Grades K-12
Milk **Unflavored or Flavored**[1] 1 percent low fat or fat free	5 (1) cups	5 (1) cups	5 (1) cups	5 (1) cups
Fruits and Vegetables[3]	5 (1) cups	5 (1) cups	5 (1) cups	5 (1) cups
Grains[5] **Whole Grain-Rich or Enriched**	7.0–10.0 (1.0) oz. eq.	8.0–10.0 (1.0) oz. eq.	9.0–10.0 (1.0) oz. eq.	9.0–10.0 (1.0) oz. eq.
Nutrient Specifications: Daily Amount Based on Average 5-Day Week				
Min.-Max. Calories (kcal)	350–500	400–550	450–600	450–500
Saturated Fat % of total calories	< 10	< 10	< 10	< 10
Sodium Target (mg)	T1 ≤ 540 mg T2 ≤ 485 mg	T1 ≤ 600 mg T2 ≤ 535 mg	T1 ≤ 640 mg T2 ≤ 570 mg	T1 ≤ 540 mg T2 ≤ 485 mg
Trans Fat	Product nutrition label/manufacturer specification must indicate 0 grams of trans fat per serving.			

Breakfast Meal Pattern

Example Elementary School Menu Offered:

Milk:
1% White
FF Chocolate

Fruits and Vegetables:
Apple Juice
Orange Juice
Sliced Oranges

Grains:
Chicken Biscuit OR
Breakfast Muffin OR
Cereal w/ graham crackers
OR
Pop Tarts

Minimum Required:
Orange Juice
Chicken Biscuit

Maximum Amount Allowed:
Milk
Orange Juice
Sliced Oranges
Choice of Grain Entree

Minimum Amount of Each Food Component Per Week (Minimum Offering Per Day)

School Age Daily and Weekly				
Meal Pattern Components	Grades K-5	Grades 6-8	Grades 9-12	Grades K-12
Milk **Unflavored or Flavored**[1] 1 percent low fat or fat free	5 (1) cups	5 (1) cups	5 (1) cups	5 (1) cups
Fruits and Vegetables[3]	5 (1) cups	5 (1) cups	5 (1) cups	5 (1) cups
Grains[5] **Whole Grain-Rich or Enriched**	7.0–10.0 (1.0) oz. eq.	8.0–10.0 (1.0) oz. eq.	9.0–10.0 (1.0) oz. eq.	9.0–10.0 (1.0) oz. eq.
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Trans Fat	Product nutrition label/manufacturer specification must indicate 0 grams of trans fat per serving.			

Lunch Meal Pattern

Meal Pattern Requirements:

- ❑ Must Offer all FIVE components
- ❑ At least THREE must be selected
  - ❑ One must be ½ cup fruit or vegetable

Minimum Amount of Each Food Component Per Week (Minimum Offering Per Day)

School Age Daily and Weekly				
Meal Pattern Components	Grades K–5	Grades 6–8	Grades K–8	Grades 9–12
Milk **Unflavored or Flavored**[3] 1 percent low fat or fat free	5 (1) cups	5 (1) cups	5 (1) cups	5 (1) cups
Fruits	2½ (½) cups	2½ (½) cups	2½ (½) cups	5 (1) cups
Vegetables	3¾ (¾) cups	3¾ (¾) cups	3¾ (¾) cups	5 (1) cups
Dark Green	½ cup	½ cup	½ cup	½ cup
Red/Orange	¾ cup	¾ cup	¾ cup	1¼ cups
Beans/Peas (Legumes)	½ cup	½ cup	½ cup	½ cup
Starchy	½ cup	½ cup	½ cup	½ cup
Other	½ cup	½ cup	½ cup	¾ cup
Additional Vegetable	1 cup	1 cup	1 cup	1½ cups
Grains[4] **Whole Grain-Rich or Enriched**	8.0–9.0 (1.0) oz. eq.	8.0–10.0 (1.0) oz. eq.	8.0–9.0 (1.0) oz. eq.	10.0–12.0 (2.0) oz. eq.
Meat/Meat Alternates	8–10 (1) oz. eq.	9–10 (1) oz. eq.	9–10 (1) oz. eq.	10–12 (2) oz. eq.
Nutrient Specifications: Daily Amount Based on Average 5-Day Week				
Min.–Max. Calories (kcal)	550–650	600–700	600–650	750–850
Saturated Fat % of total calories	< 10	< 10	< 10	< 10
Sodium Target (mg)	T1 ≤ 1230 mg T2 ≤ 935 mg	T1 ≤ 1360 mg T2 ≤ 1035 mg	T1 ≤ 1230 mg T2 ≤ 935 mg	T1 ≤ 1420 mg T2 ≤ 1080 mg
Trans Fat	Product nutrition label/manufacturer specification must indicate 0 grams of trans fat per serving.			

Lunch Meal Pattern

Example High School Menu Offered:

Milk:
1% White
FF Chocolate

Fruits:
½ cup Fresh Cantaloupe
½ cup Canned Peaches

Vegetables:
½ cup Seasoned Corn
½ cup Mashed Potatoes

Grains:
Dinner Roll

Meat/Meat Alternates:
Krispy Chicken Patty
Chicken Fried Steak w/ Gravy

Minimum Required:
½ cup Fresh Cantaloupe
Chicken Fried Steak w/ Gravy
Dinner Roll

Maximum Amount Allowed:
1% White Milk
½ cup Fresh Cantaloupe
½ cup Canned Peaches
½ cup Seasoned Corn
½ cup Mashed Potatoes
Dinner Roll
Chicken Fried Steak w/ Gravy

Minimum Amount of Each Food Component Per Week (Minimum Offering Per Day)

School Age Daily and Weekly				
Meal Pattern Components	Grades K-5	Grades 6-8	Grades K-8	Grades 9-12
Milk **Unflavored or Flavored**[1] 1 percent low fat or fat free	5 (1) cups	5 (1) cups	5 (1) cups	5 (1) cups
Fruits	2½ (½) cups	2½ (½) cups	2½ (½) cups	5 (1) cups
Vegetables	3¾ (¾) cups	3¾ (¾) cups	3¾ (¾) cups	5 (1) cups
Dark Green	½ cup	½ cup	½ cup	½ cup
Red/Orange	¾ cup	¾ cup	¾ cup	1¼ cups
Beans/Peas (Legumes)	½ cup	½ cup	½ cup	½ cup
Starchy	½ cup	½ cup	½ cup	½ cup
Other	½ cup	½ cup	½ cup	¾ cup
Additional Vegetable	1 cup	1 cup	1 cup	1½ cups
Grains[4] **Whole Grain-Rich or Enriched**	8.0–9.0 (1.0) oz. eq.	8.0–10.0 (1.0) oz. eq.	8.0–9.0 (1.0) oz. eq.	10.0–12.0 (2.0) oz. eq.
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Trans Fat	Product nutrition label/manufacturer specification must indicate 0 grams of trans fat per serving.			

Our Menus

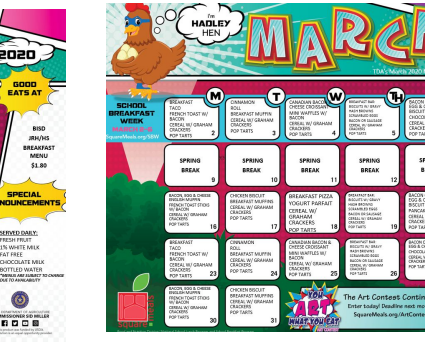
Elementary Breakfast
Junior High/High School Breakfast

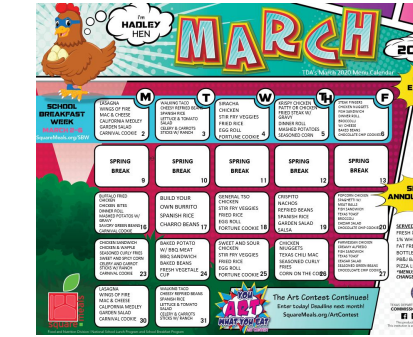
Elementary Lunch

JH Brahma Cafe
JH On the Go

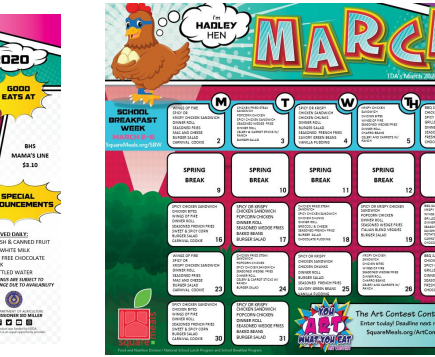
HS Mama's Line
HS Pizza Line
HS Chicken Express
HS Burger Bar

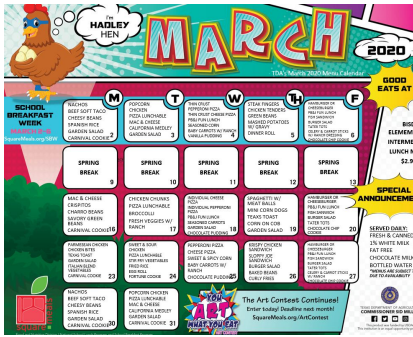






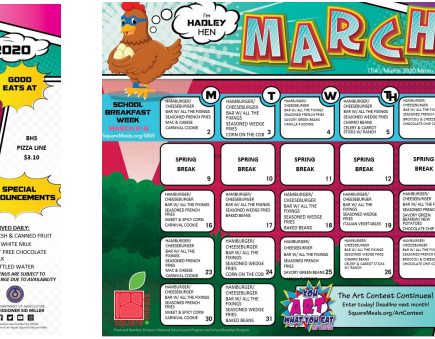






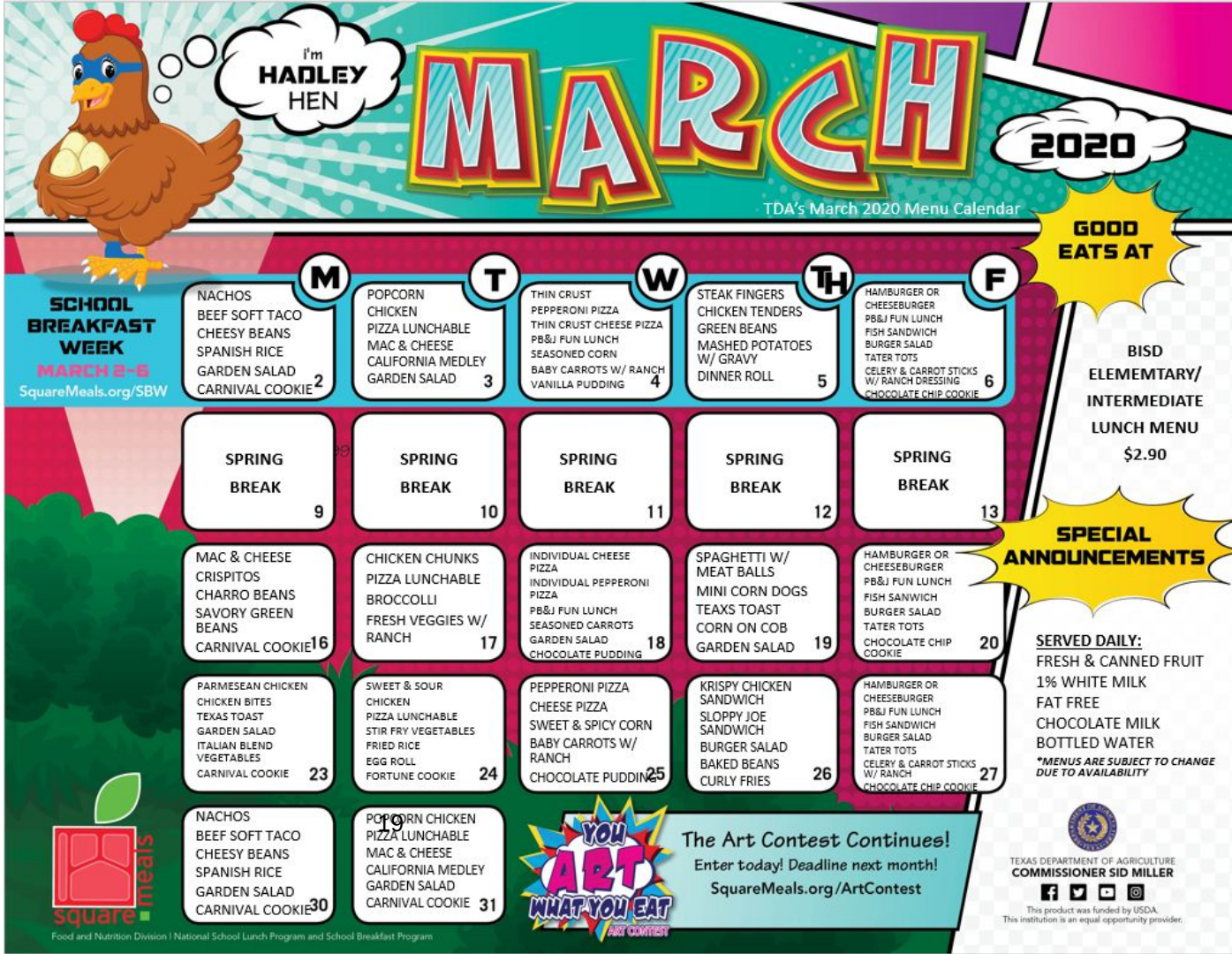






Elementary

- 3 week cycle
- 2 entree choices daily
- 2 fruit choices daily (fresh and canned)
- 2 vegetable choices
  - beans once a week



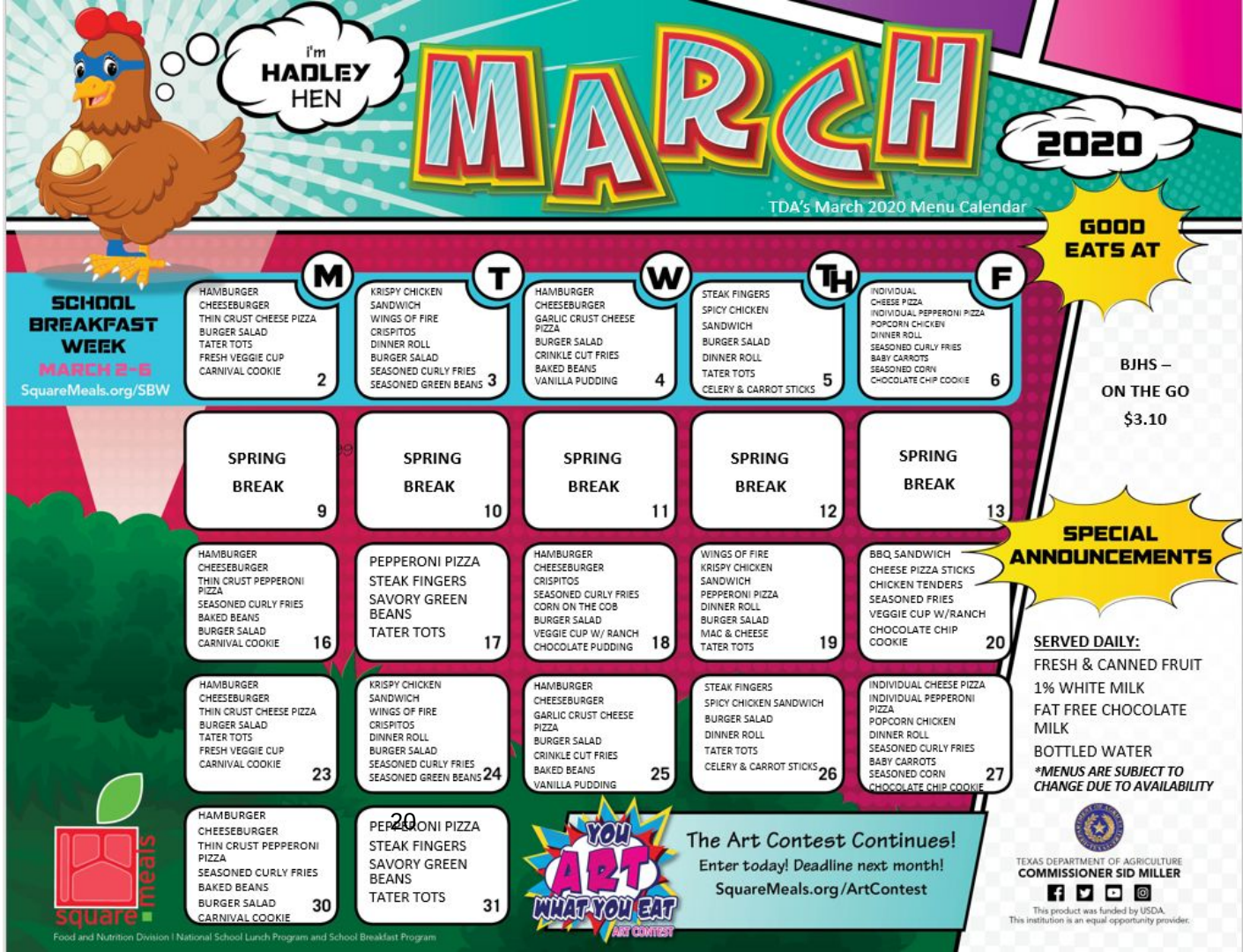
Junior High

Brahmas Cafe

- 3 week cycle
- 2 entree choices daily
- 2 fruit choices daily (fresh and canned)
- 2 vegetable choices
  - beans once a week

On the Go

- 2 week cycle
- 2-3 entree choices daily
- 2 fruit choices daily (fresh and canned)
- 2 vegetable choices
  - beans once a week



High School

Mama's Line
- 3 week cycle
- 2 entree choices daily
- 2 fruits (fresh and canned)
- 2 vegetable choices
  - beans once a week

Pizza Line & Chicken Express
- 2 week cycle
- 2-3 entree choices daily
- 2 fruits (fresh and canned)
- 2 vegetables
  - beans once a week

Burger Bar
- Build Your Own Burger Daily
- 2 fruits
- 2 vegetables
  - beans once a week



Smart Snacks (A La Carte)

- Foods and beverages sold outside the NSLP and SBP that meet the nutrition standards established by Healthy, Hunger-Free Kids Act
  - A la carte items
  - Snack bars
  - Vending machines
- To qualify as a Smart Snack
  - Grain product that contains 50% or more WG
  - First ingredient a fruit, vegetable, dairy or protein
  - Combination food that contains at least ¼ cup of fruit and/or vegetable
  - 100% juice or low-cal and no-cal beverage
  - Meets the nutrient standards for calories, sodium, sugar, and fats

Examples:

Cheez Its (Wholegrain)

Bug Bites Cinnamon Graham Crackers

Goldfish

Kettlecorn

Chips - variety of baked and reduced fat

Ice Cream

Switch Juice - OBI/JH/HS

Gatorade (G2) - JH/HS

Diet Sodas - HS

Special Meals & Events









Meal Tasting at the High School

Convocation Staff Breakfast at High School

Grandparents Lunch at West End

Grandparents Breakfast at OBP & OBI

National School Lunch Week in October

Thanksgiving Meal at all campuses

- 1160 Thanksgiving meals served across district

Our Students















COVID Emergency Feeding

- 47, 982 meals served
- Reimbursement rates
  - $2.20 for breakfast, $3.43 for lunch
- Had to continue to follow NSLP Meal Pattern Requirements
- Week 1
  - Served sack meals out of OBI
  - Had volunteers take meals out to Industry
- Week 2-5
  - Moved to Junior High and West End Kitchens
  - Served 5 days
    - hot meals 3 days and sack meals 2 days
- Week 6-11
  - Moved to High School and West End
  - Served 3 days
    - Hot meals 3 days and sack meals for next day
- Volunteers from all schools and athletic department helped hand out meals
- CN Team did amazing!





COVID Emergency Feeding









2020-2021 SY Preview

New Safety Approaches in response to COVID

- Staggering lunch times
  - Less students going through the line at one time
- Narrowing menu
  - In hopes to make lunch line run quickly and smoothly
- Adjusting procedures in lunch line
  - Spacing markers
  - Students only allowed to go through line once
  - No self serve
  - Will pre-plate Pre-K meals
- Spacing students
  - Every other seat
- Contactless transactions
  - Smart tag cards can be used for scanning at our Point of Sale
- Disposables
  - Styrofoam trays
  - Items not trayed up on the line will be pre-portioned and must be covered
- Curbside meal pick up at HS
  - Virtual learners
  - Students requiring to stay home for quarantine or illness
- COVID Emergency Menu and Protocols

Thank you BISD leaders for your support!



















Questions?

PERDUE BRANDON
ATTORNEYS AT LAW

July 2020

Collection Report to Bellville ISD



Submitted by: **Leslie Schkade**
Perdue Brandon Fielder Collins & Mott, LLP
www.pbfcm.com

PERDUE BRANDON
ATTORNEYS AT LAW

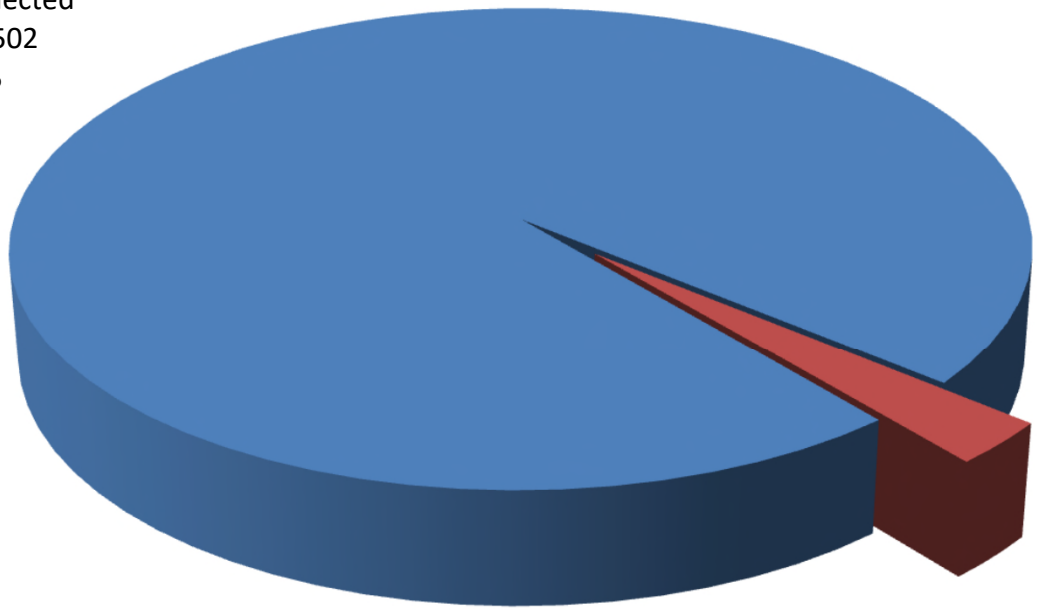
BELLVILLE ISD

2019 Tax Year - Tax Collections

$16,404,140 Total Levy of 2019 Base Tax*

***Amounts Provided by the Austin County Appraisal District**

Base Tax Collected
$15,927,502
97.09%

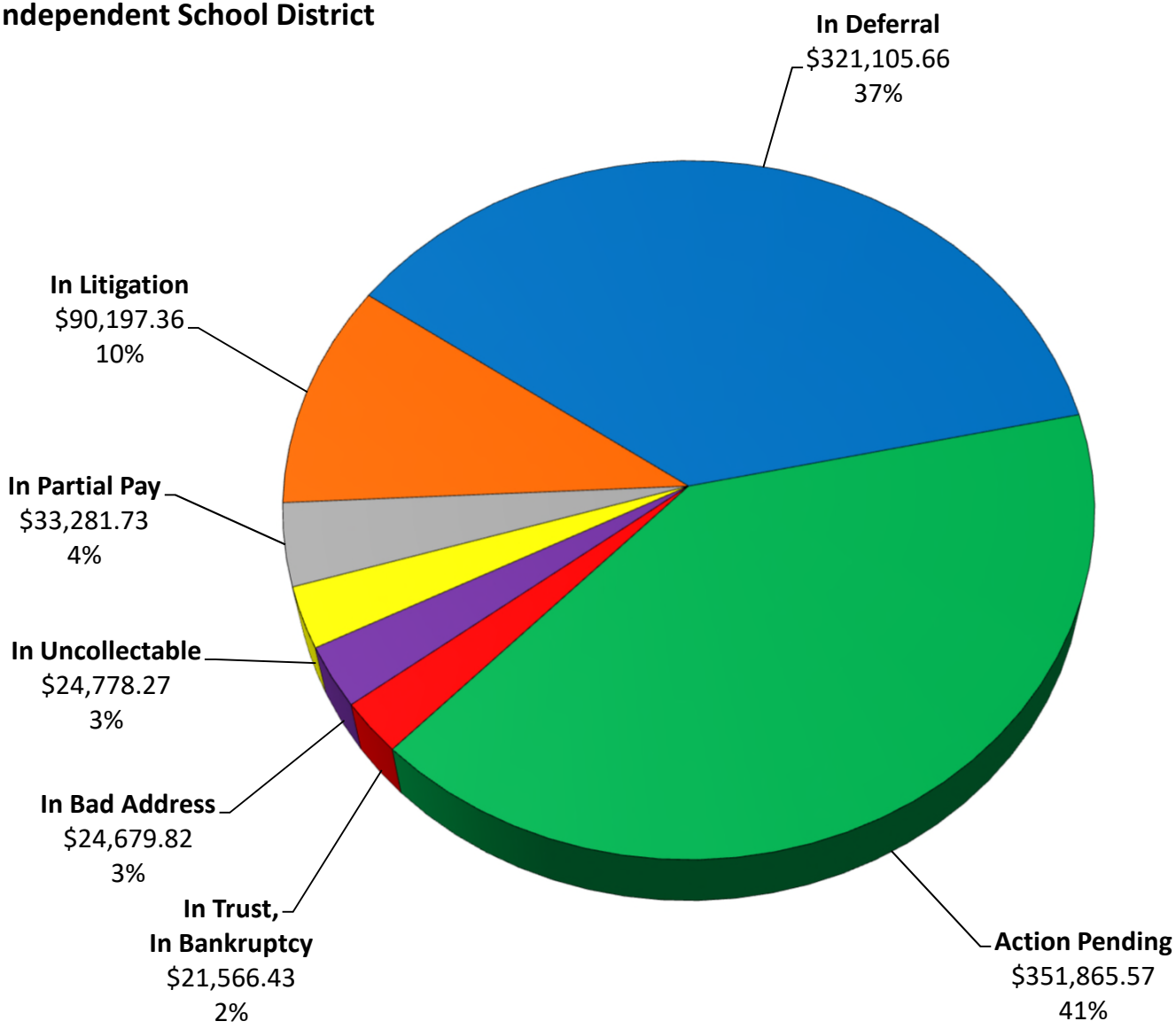


Base Tax Remaining
$476,638
2.91%

Total Levy	Base Tax Collected as of June 30, 2020	Base Tax Remaining as of June 30, 2020
$16,404,140	**$15,927,502**	**$476,638**
	97.09%	**2.91%**

PERDUE BRANDON
ATTORNEYS AT LAW

Account Break Down Chart For Bellville Independent School District

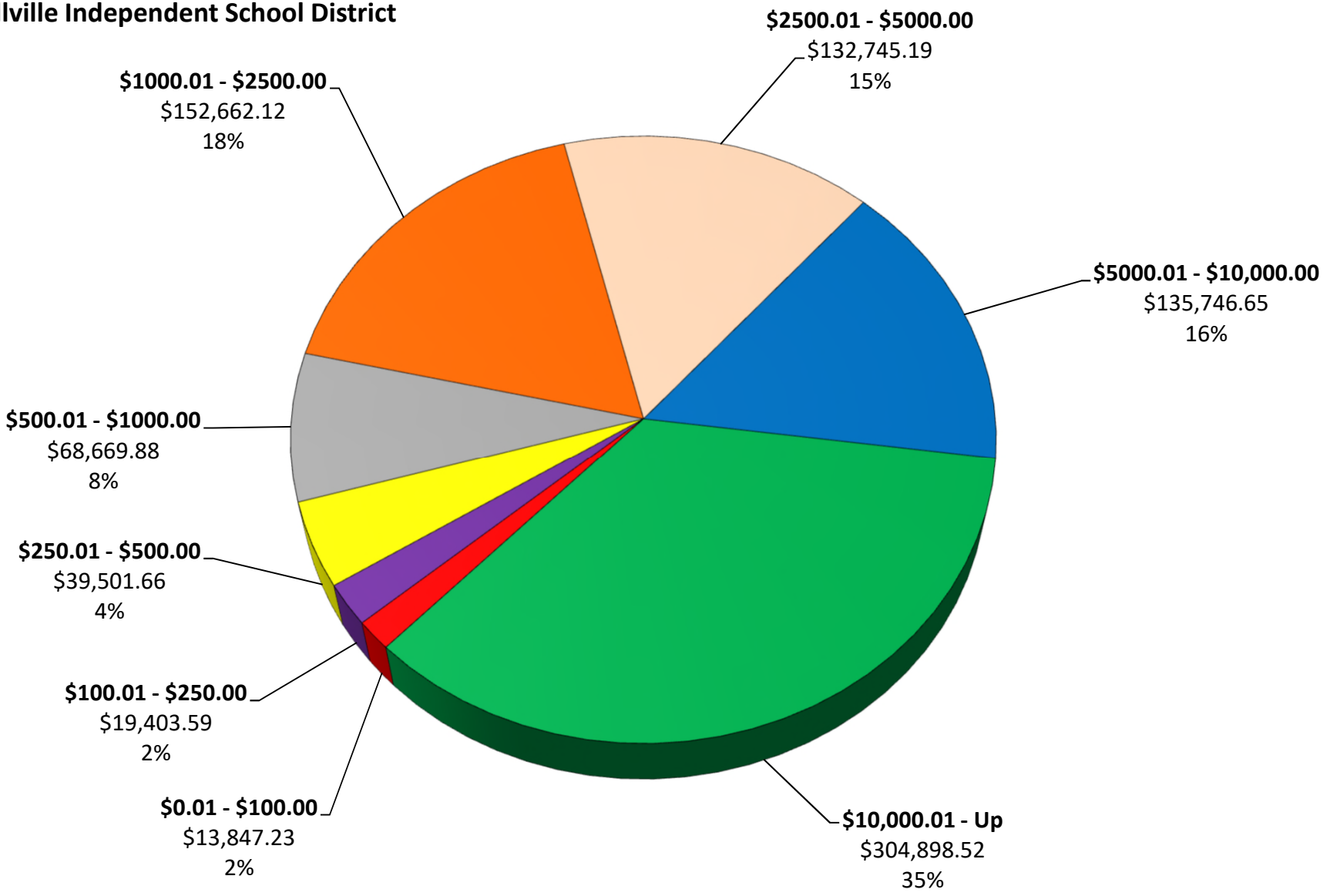


As Of 7/2/2020

Total Base Tax: $867,474.84

PERDUE BRANDON
ATTORNEYS AT LAW

Dollar Range Chart For Bellville Independent School District

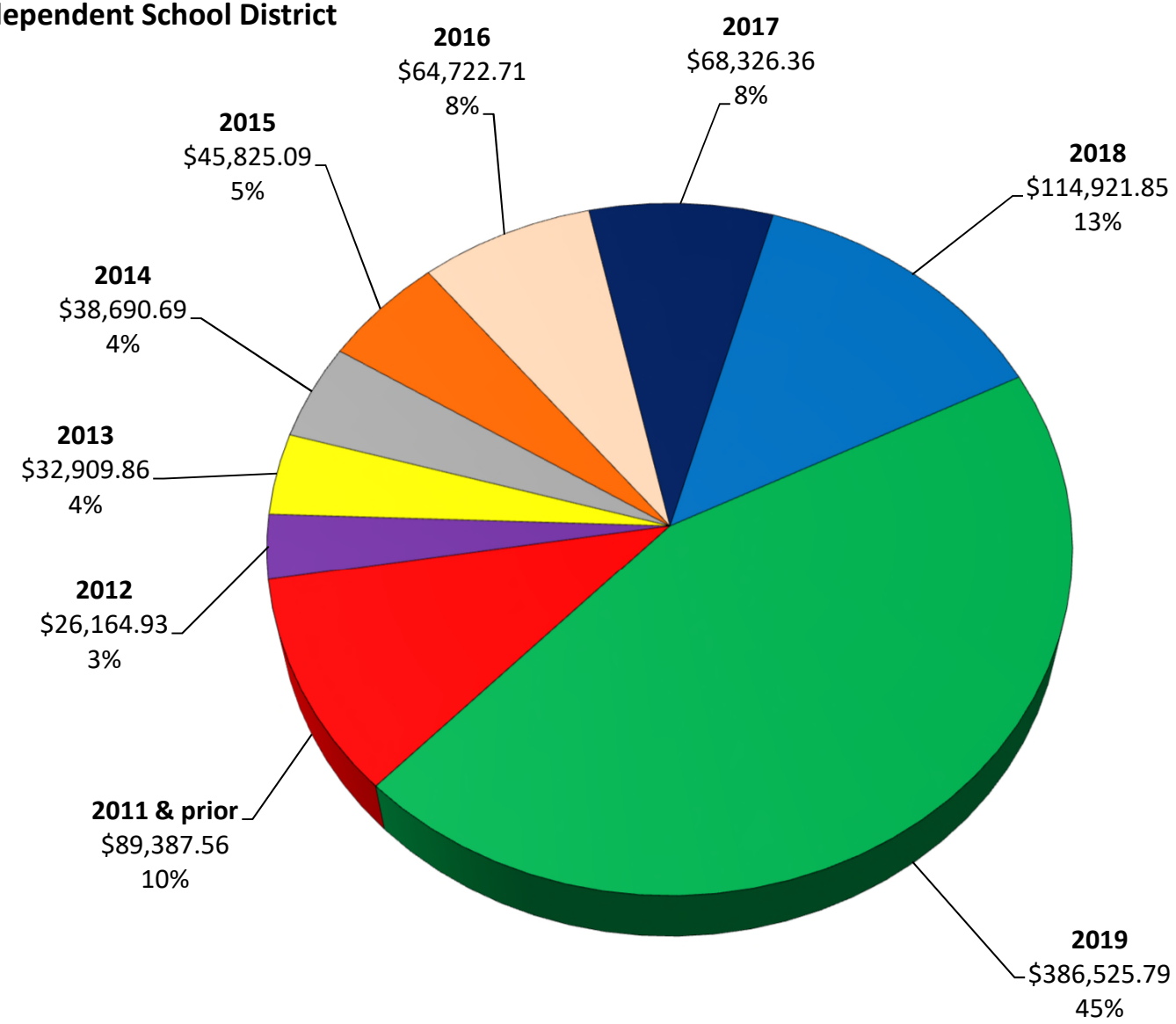


As Of 7/2/2020

Total Base Tax: $867,474.84

PERDUE BRANDON
ATTORNEYS AT LAW

Tax Year Chart For Bellville Independent School District

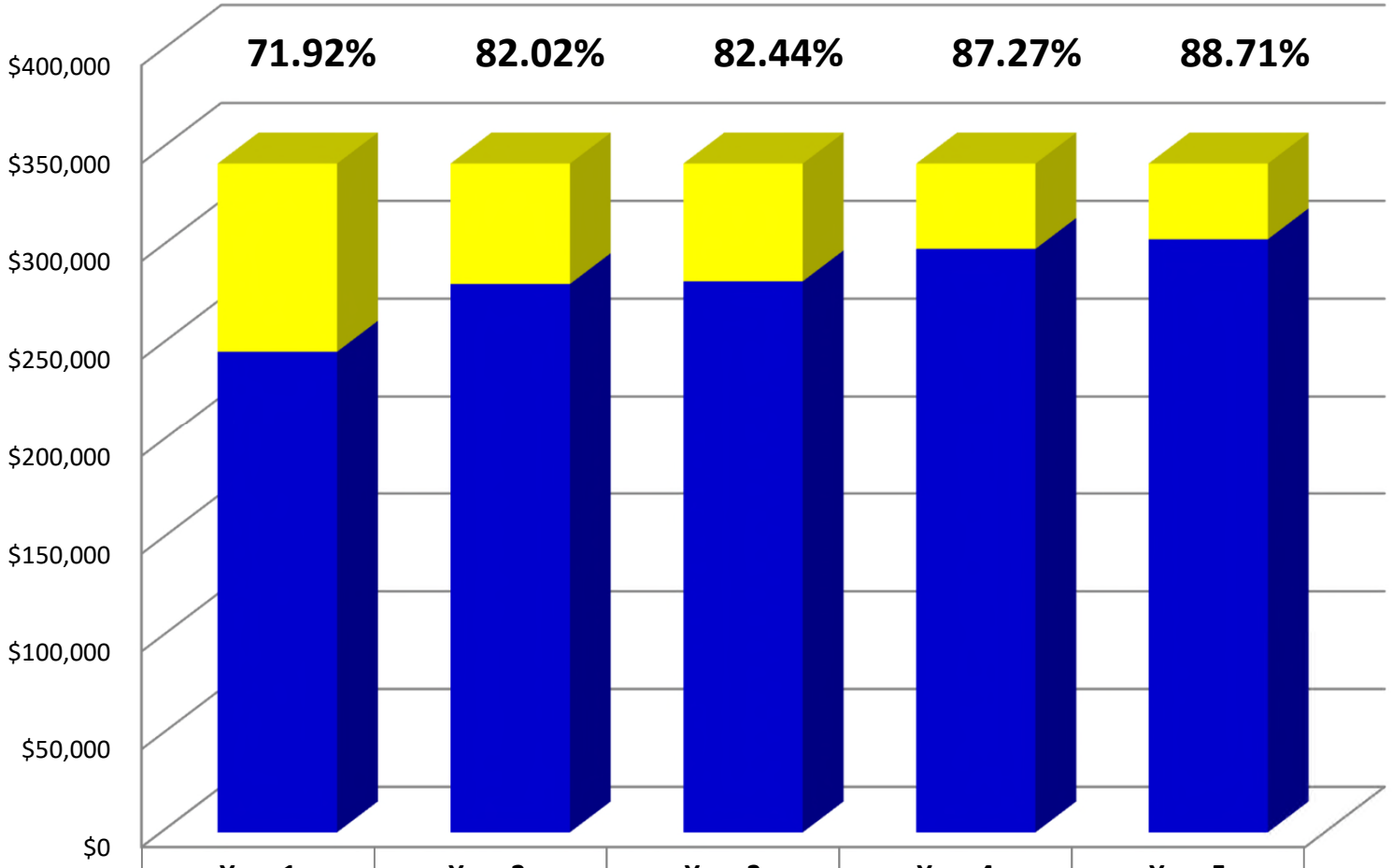


As Of 7/2/2020

Total Base Tax: $867,474.84

PERDUE BRANDON
ATTORNEYS AT LAW

Bellville ISD
2014 Percentage of Collection

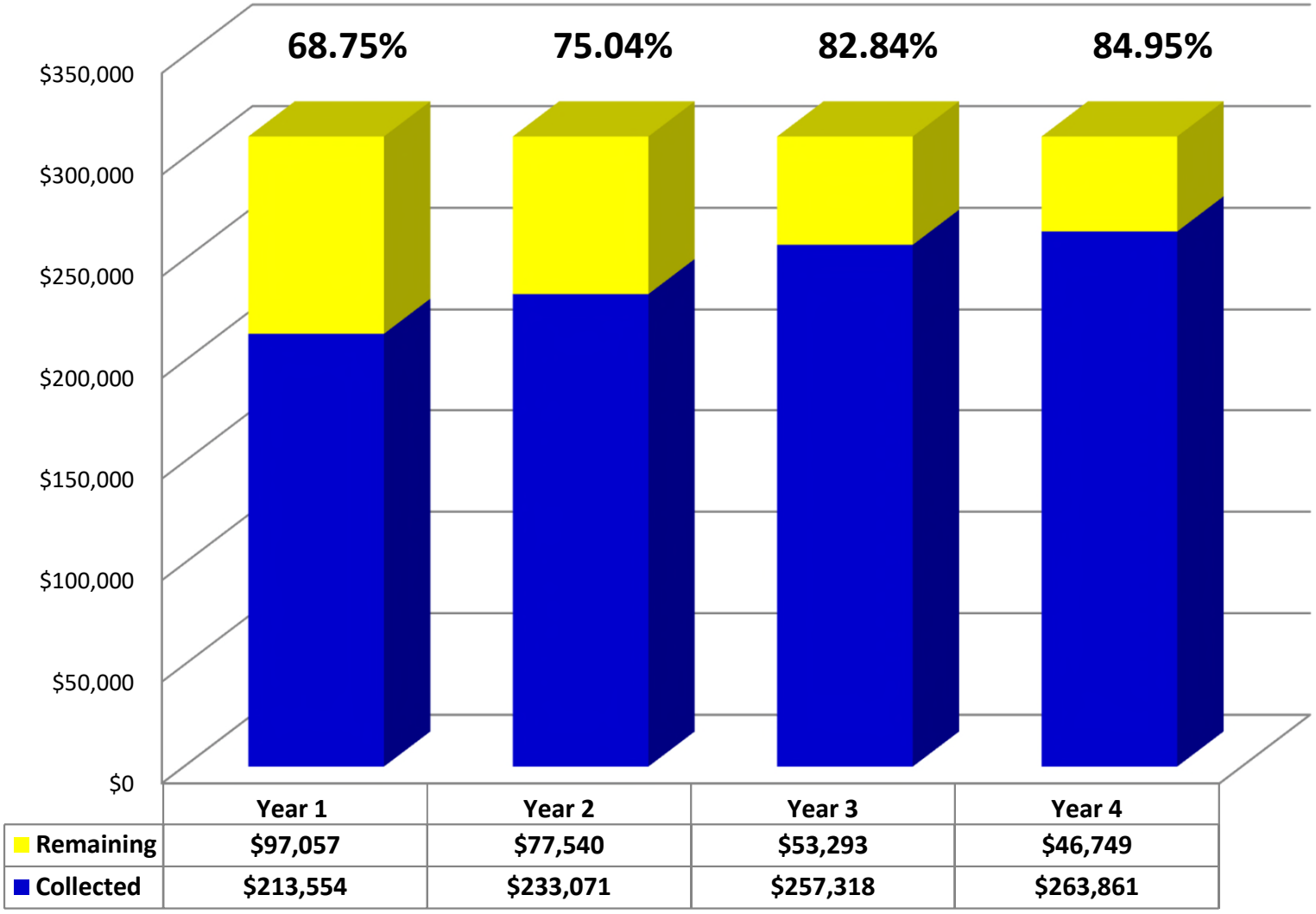


	Year 1	Year 2	Year 3	Year 4	Year 5
Remaining	$96,117	$61,544	$60,122	$43,580	$38,646
Collected	$246,227	$280,800	$282,221	$298,763	$303,697

Base Tax Due $342,343- as of 7/1/2015

PERDUE BRANDON
ATTORNEYS AT LAW

Bellville ISD
2015 Percentage of Collection

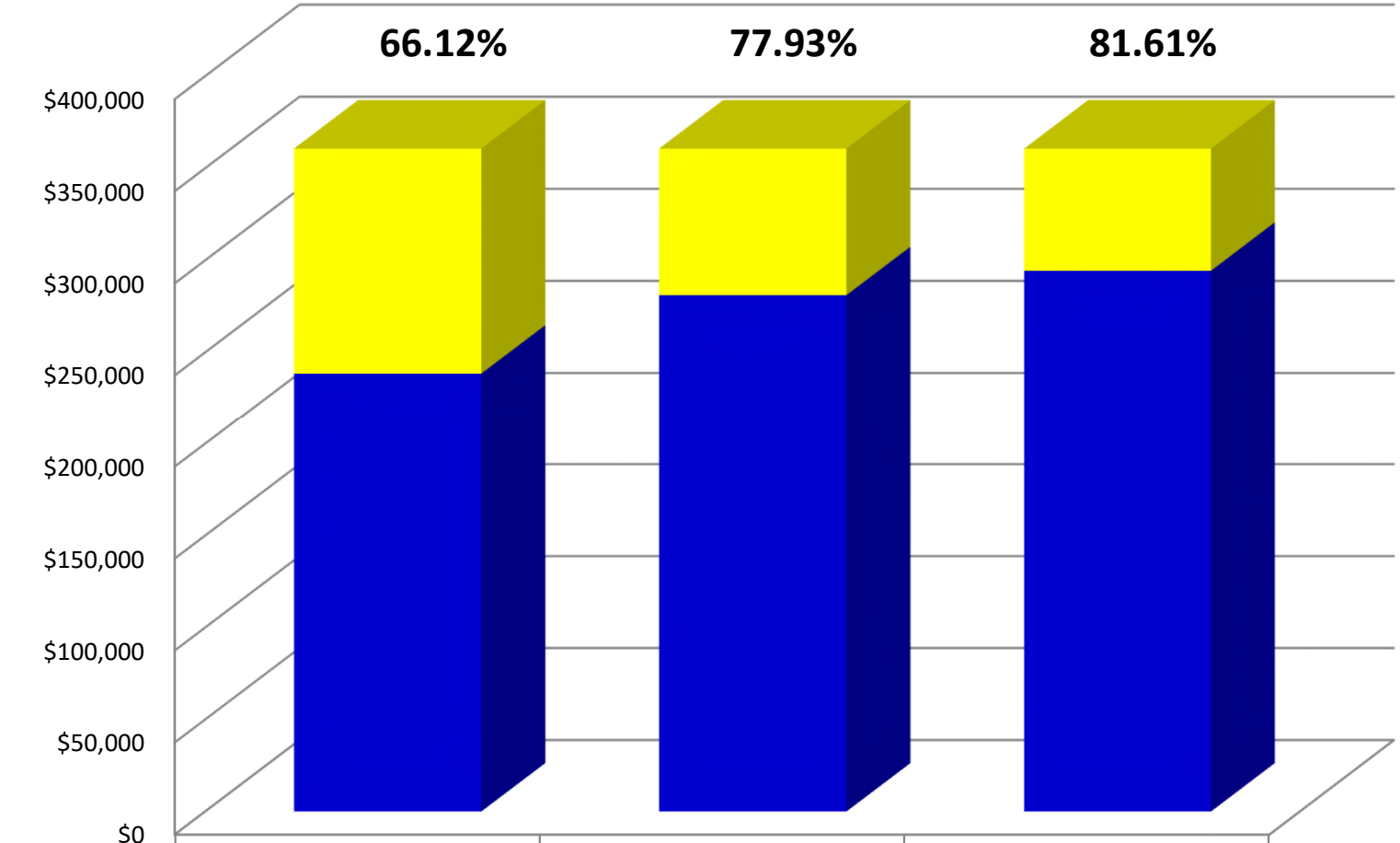


	Year 1	Year 2	Year 3	Year 4
Remaining	$97,057	$77,540	$53,293	$46,749
Collected	$213,554	$233,071	$257,318	$263,861

Base Tax Due $310,611- as of 7/1/2016

PERDUE BRANDON
ATTORNEYS AT LAW

Bellville ISD
2016 Percentage of Collection

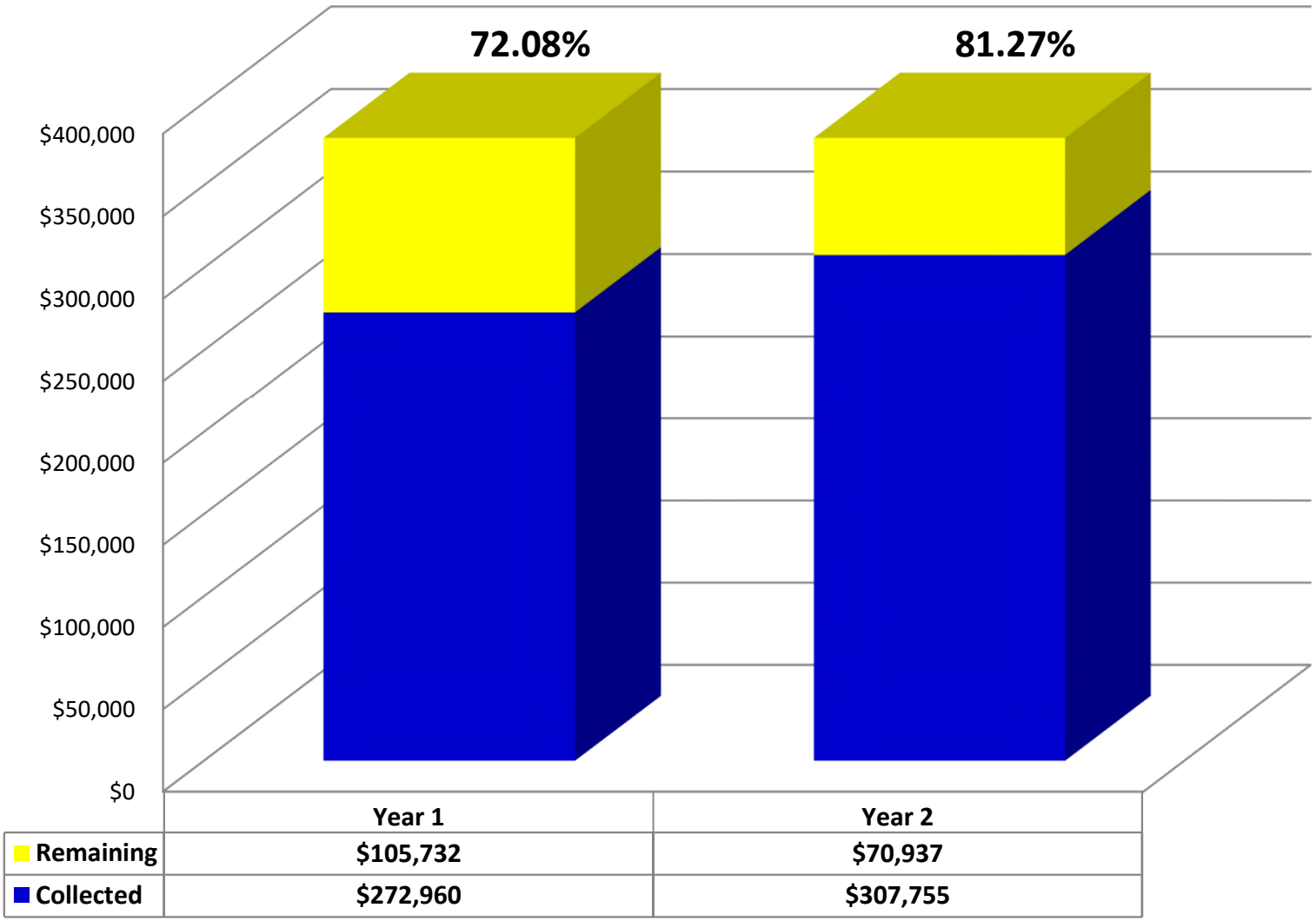


	Year 1	Year 2	Year 3
Remaining	$122,186	$79,588	$66,333
Collected	$238,492	$281,090	$294,346

Base Tax Due $360,678- as of 7/1/2017

PERDUE BRANDON
ATTORNEYS AT LAW

Bellville ISD
2017 Percentage of Collection

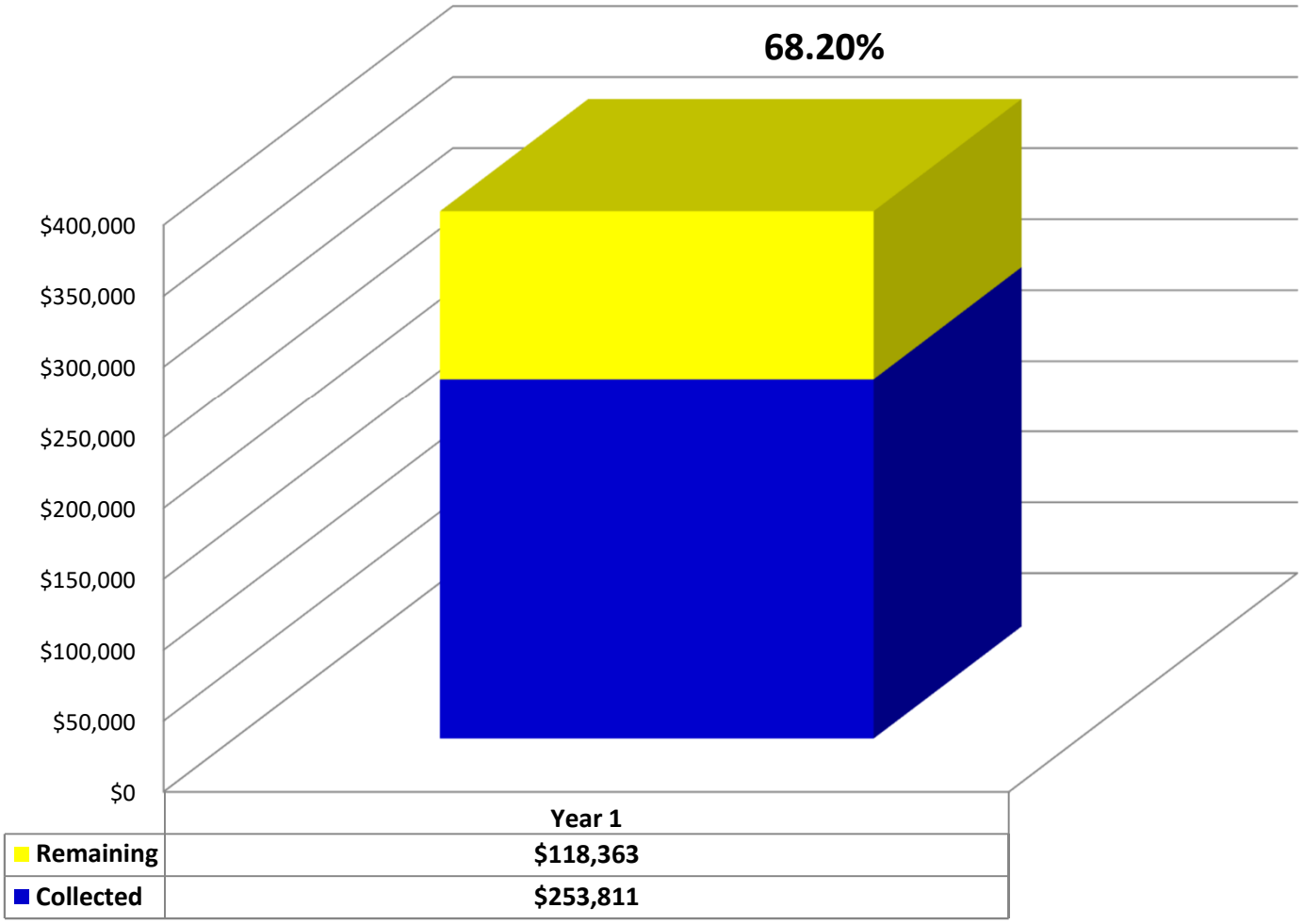


	Year 1	Year 2
Remaining	$105,732	$70,937
Collected	$272,960	$307,755

Base Tax Due $378,692- as of 7/1/2018

PERDUE BRANDON
ATTORNEYS AT LAW

Bellville ISD
2018 Percentage of Collection



Base Tax Due $372,173 as of 7/1/2019

July 2020 Board Meeting
Close of Books: June 2020

BELLVILLE INDEPENDDENT SCHOOL DISTRICT
GENERAL FUND
2019-2020 BUDGET BOARD REPORT

	GENERAL FUND	2018-2019 ADOPTED BUDGET	% to Total	YTD REV/EXP	% OF BUDGET	2019-2020 ADOPTED BUDGET	% to Total	ACTUAL MO. REV/EXP	YTD REV/EXP	% OF BUDGET
5700	Local Revenues	$15,070,314	68.78%	$15,186,916	100.77%	$15,266,146	66.01%	$142,431	$14,699,106	96.29%
5800	State Revenues	$6,589,898	30.08%	$4,392,860	66.66%	$7,591,248	32.82%	$65,412	$5,480,159	72.19%
5900	Federal Revenues	$250,000	1.14%	$538,659	215.46%	$270,000	1.17%	$2,316	$295,607	109.48%
	Total Revenues	**$21,910,212**	**100.00%**	**$20,118,436**	**91.82%**	**$23,127,394**	**100.00%**	**$210,158**	**$20,474,872**	**88.53%**
BY FUNCTION										
0011	Instruction	$11,968,845	54.63%	$9,160,006	76.53%	$13,123,331	56.74%	$936,732	$9,678,431	73.75%
0012	Resources & Media (Libraries)	$368,673	1.68%	$231,761	62.86%	$290,798	1.26%	$19,423	$217,561	74.82%
0013	Curriculum & Staff Development	$132,119	0.60%	$91,160	69.00%	$176,261	0.76%	$11,149	$102,114	57.93%
0021	Instructional Leadership	$325,580	1.49%	$276,981	85.07%	$348,858	1.51%	$23,105	$285,997	81.98%
0023	School Leadership	$1,141,455	5.21%	$881,497	77.23%	$1,198,911	5.18%	$110,848	$944,322	78.76%
0031	Counseling & Testing	$549,206	2.51%	$441,763	80.44%	$588,069	2.54%	$46,392	$432,362	73.52%
0033	Health Services	$238,156	1.09%	$183,711	77.14%	$252,453	1.09%	$18,140	$192,639	76.31%
0034	Transportation	$1,259,254	5.75%	$865,722	68.75%	$1,121,853	4.85%	$50,533	$697,135	62.14%
0035	Food Services	$23,334	0.11%	$23,952	0.00%	$2,000	0.01%	$0	$618	0.00%
0036	Co-Curricular Activities	$956,935	4.37%	$804,993	84.12%	$1,076,695	4.66%	$43,444	$748,933	69.56%
0041	General Administration	$1,012,998	4.62%	$728,937	71.96%	$1,214,093	5.25%	$78,128	$861,586	70.97%
0051	Plant Maintenance & Operations	$2,196,875	10.03%	$1,680,485	76.49%	$2,231,957	9.65%	$130,972	$1,672,241	74.92%
0052	Security and Monitoring	$346,467	1.58%	$356,454	102.88%	$384,268	1.66%	$2,056	$204,678	53.26%
0053	Data Processing Services	$181,898	0.83%	$138,294	76.03%	$203,941	0.88%	$6,348	$147,740	72.44%
0081	Facilities Acquisition and Imprvmt.	$740,562	3.38%	$412,327	55.68%	$558,568	2.42%	$29,900	$507,446	90.85%
0091	Chapter 41 Recaptures	$147,328	0.67%	$0	0.00%	$0	0.00%	$0	$0	0.00%
0093	Payments to Fiscal Agents	$0	0.00%	$0	0.00%	$0	0.00%	$0	$0	0.00%
0099	Payments to Appraisal District	$320,527	1.46%	$304,727	95.07%	$355,337	1.54%	$86,721	$338,975	95.40%
	Total Expenditures	**$21,910,212**	**100.00%**	**$16,582,769**	**75.69%**	**$23,127,394**	**100.00%**	**$1,593,891**	**$17,032,778**	**73.65%**
		$0				**$0**				
BY OBJECT										
6100	Payroll Cost	$17,026,780	77.71%	$12,764,926	74.97%	$17,952,188	77.62%	$1,259,397	$13,388,847	74.58%
6200	Contracted Services	$2,474,101	11.29%	$2,010,661	81.27%	$2,556,850	11.06%	$223,284	$1,955,852	76.49%
6300	Supplies	$833,627	3.80%	$782,186	93.83%	$1,212,449	5.24%	$50,931	$630,989	52.04%
6400	Travel & Other Cost	$700,288	3.20%	$478,553	68.34%	$762,205	3.30%	$15,574	$435,250	57.10%
6600	Capital Outlay	$875,416	4.00%	$546,443	62.42%	$643,702	2.78%	$44,706	$621,840	96.60%
	Total Expenditures	**$21,910,212**	**100.00%**	**$16,582,769**	**75.69%**	**$23,127,394**	**100.00%**	**$1,593,891**	**$17,032,778**	**73.65%**
FUND BALANCE										
3510	Construction								$7,507,398	
3540	Self-Insurance								$600,000	
3545	Residential/Day Placement								$600,000	
3600	Unassigned								$6,228,977	
	Total Fund Balances								**$14,936,375**	

July 2020 Board Meeting
Close of Books: June 2020

BELLVILLE INDEPENDDENT SCHOOL DISTRICT
FOOD SERVICE & INTEREST & SINKING
2019-2020 BUDGET BOARD REPORT

	FOOD SERVICE	2018-2019 ADOPTED BUDGET	% to Total	YTD REV/EXP	% OF BUDGET	2019-2020 ADOPTED BUDGET	% to Total	ACTUAL MO. REV/EXP	YTD REV/EXP	% OF BUDGET
5700	Local Revenues	$540,834	42.48%	$497,004	91.90%	$543,526	42.57%	$505	$389,004	71.57%
5800	State Revenues	$6,500	0.51%	$5,351	82.32%	$6,500	0.51%	$0	$5,243	80.65%
5900	Federal Revenues	$725,723	57.01%	$623,951	85.98%	$726,675	56.92%	$49,778	$557,085	76.66%
	Total Revenues	**$1,273,057**	**100.00%**	**$1,126,306**	**88.47%**	**$1,276,701**	**100.00%**	**$50,283**	**$951,332**	**74.51%**
6100	Payroll Cost	$572,777	44.99%	$483,257	84.37%	$578,919	45.34%	$47,665	$505,837	87.38%
6200	Contracted Services	$54,665	4.29%	$44,993	82.31%	$49,286	3.86%	$3,978	$36,497	74.05%
6300	Supplies	$625,615	49.14%	$525,089	83.93%	$638,496	50.01%	$13,965	$425,937	66.71%
6400	Travel & Other Cost	$10,000	0.79%	$5,239	52.39%	$10,000	0.78%	$268	$3,637	0.00%
6600	Capital Outlay	$10,000	0.79%	$0	0.00%	$0	0.00%	$0	$0	0.00%
	Total Expenditures	**$1,273,057**	**100.00%**	**$1,058,578**	**83.15%**	**$1,276,701**	**100.00%**	**$65,877**	**$971,908**	**76.13%**

	INTEREST & SINKING	ADOPTED BUDGET	% to Total	YTD REV/EXP	% OF BUDGET	ADOPTED BUDGET	% to Total	ACTUAL MO. REV/EXP	YTD REV/EXP	% OF BUDGET
5700	Local Revenues	$1,836,376	97.66%	$1,821,481	99.19%	$1,786,853	98.09%	$16,939	$1,942,096	108.69%
5800	State Revenues	$43,920	2.34%	$43,463	98.96%	$34,880	1.91%	$0	$47,313	135.65%
5900	Federal Revenues	$0	0.00%	$0	0.00%	$0	0.00%	$0	$0	0.00%
	Total Revenues	**$1,880,296**	**100.00%**	**$1,864,944**	**99.18%**	**$1,821,733**	**100.00%**	**$16,939**	**$1,989,409**	**109.20%**
BY OBJECT										
6500	Debt Service	$1,820,258	100.00%	$1,489,679	81.84%	$1,821,733	100.00%	$0	$1,513,379	83.07%
	Total Expenditures	**$1,820,258**	**100.00%**	**$1,489,679**	**81.84%**	**$1,821,733**	**100.00%**	**$0**	**$1,513,379**	**83.07%**

July 2020 Board Meeting
Close of Books: June 2020

2019-2020 Cash and Investments Reports
Bellville Independent School District

Bank Accounts	Average Yield	Beginning Balance	Period Interest	Ending Balance
Industry State Bank				
General Operating	1.26%	$19,472,525	$19,197	$18,134,824
Interest & Sinking	1.26%	$1,539,288	$1,601	$1,556,227
Payroll	1.26%	$753,491	$839	$752,576
Cafeteria	1.26%	$124,460	$125	$109,733
Special Revenue	1.26%	$83,027	$94	$154,312
Trust	1.26%	$82,377	$85	$81,962
Auxilliary	1.26%	$97,851	$100	$95,623
Construction	1.26%	$0	$0	$0
Total Industry Bank		$22,153,019	$22,039	$20,885,256

Certificate of Deposits	**Principle**	**YTD Instrest**
Total Certificate of Deposits	$0	$0

Total Pledge Securities @ Instrusty State Bank	$ 26,142,230

Lone Star Investment Pool	**Beginning Balance**	**YTD Instrest**	**Endding Balance**
LoneStar Pool (gov)	$0	$0	$0
LoneStar Pool (corp+)	$0	$0	$0
Total Investment Pool Deposits	$0	$0	$0

Certification:

The above captioned report is an accurate representation summary of the records of the Bellville Independent School District for the period indicated. All investments are on deposit at the depository listed above, and have been properly secured and collateralized by a combination of pledged securities and FDIC insurance. This report is in compliance with the districts local investment policy, and the requirements of the public funds investment act.

Dennis Jurek, Assistant Superintendent
Bellville Independent School District

DEPOSITORY INFORMATION:

Current Depository - Industry State Bank

Depository Interest - higher of 90 day T-Bill plus 0.30% or 1.26% on all accounts held at Industry State Bank

BENCHMARK RATES

	2018 Sept	2018 Oct	2018 Nov	2018 Dec	2019 Jan	2019 Feb	2019 Mar	2019 Apr	2019 May	2019 June	2019 July	2019 Aug
90 day T-Bill	2.1500%	2.2300%	2.3700%	-	2.4300%	2.4300%	2.4300%	2.4700%	2.4300%	2.4300%	2.1900%	2.0500%
1 year T-Bill	2.5500%	2.6400%	2.7400%	-	2.5900%	2.5900%	2.5500%	2.5400%	2.4100%	2.3700%	2.0000%	1.9000%
TexPool	1.9725%	2.1162%	2.1794%	-	2.3821%	2.3821%	2.3919%	2.3870%	2.4198%	2.4118%	2.3702%	2.3877%
TexPool (Prime)	2.1993%	2.2975%	2.3696%	-	2.5939%	2.5939%	2.5793%	2.5837%	2.5798%	2.5680%	2.5167%	2.5013%
LoneStar Pool (gov)	1.9674%	2.1028%	2.1799%	-	2.3964%	2.3964%	2.3789%	2.3877%	2.4125%	2.4077%	2.3740%	2.3752%
LoneStar Pool (corp+)	2.2494%	2.3028%	2.3840%	-	2.6222%	2.6222%	2.6087%	2.6295%	2.6024%	2.5773%	2.5284%	2.4503%
TexSTAR	1.9920%	2.1327%	2.1925%	-	2.3734%	2.3734%	2.3869%	2.3980%	2.4140%	2.4099%	2.3743%	2.3952%
Texas Class Coop	2.2571%	2.3151%	2.4051%	-	2.6251%	2.6251%	2.6369%	2.6251%	2.4451%	2.5677%	2.5064%	2.3751%
Bellville ISD	2.4500%	2.5500%	2.6900%		2.7700%	2.7700%	2.7400%	2.7900%	2.7500%	2.7600%	2.6700%	2.5300%

	2019 Sept	2019 Oct	2019 Nov	2019 Dec	2020 Jan	2020 Feb	2020 Mar	2020 Apr	2020 May	2020 June	2018 July	2018 Aug
90 day T-Bill	1.9300%	1.6600%	1.5700%	1.5600%	1.5400%	1.5900%	0.0010%	0.1100%	0.1300%	0.1600%	0.1100%	2.0700%
1 year T-Bill	1.8800%	1.5900%	1.5400%	1.5400%	1.5600%	1.4800%	0.2500%	0.1700%	0.1600%	0.1700%	0.1400%	2.4500%
TexPool	2.6567%	1.9242%	1.6839%	1.6056%	1.5807%	1.5893%	0.6201%	0.4600%	0.2566%	0.2145%	0.2065%	1.9398%
TexPool (Prime)	2.5186%	2.0844%	1.8618%	1.8172%	1.8042%	1.7601%	1.1223%	0.9300%	0.7593%	0.4959%	0.3997%	2.1995%
LoneStar Pool (gov)	2.3793%	1.9221%	1.7126%	1.6205%	1.5714%	1.5600%	0.8138%	0.5338%	0.2869%	0.1913%	0.1428%	2.2405%
LoneStar Pool (corp+)	2.3335%	2.0790%	1.9293%	1.8929%	1.8425%	1.7700%	1.5679%	1.3148%	0.9601%	0.6721%	0.3579%	2.2114%
TexSTAR	2.5872%	1.9017%	1.6214%	1.5608%	1.5447%	1.5597%	0.5867%	0.4314%	0.1961%	0.1973%	0.2062%	1.9259%
Texas Class Coop	2.3451%	2.0855%	1.9441%	1.8692%	1.8410%	1.7753%	1.3222%	1.0667%	0.7061%	0.5773%	0.4341%	2.2351%
Bellville ISD	2.3100%	2.0700%	1.8500%	1.9200%	1.8800%	1.8900%	1.4400%	1.2600%	1.2600%	1.2600%	1.2600%	

MONITORING RATE CHANGES OF INVESTMENTS

Depository - rates have a fixed floor for term investment, use benchmark rates to evaluate floor and investment objectives

Certificates of Deposit - fixed term fo deposit, evaluate returns, cash flows and time principle is invested, work w/ broker

Pools - monthly pool reports

WEIGHTED AVERAGE MATURITY (WAM)

Security	Par Value	Book Value	Dates to Maturity	WAM
Depository	$20,885,256	$20,885,256	1	1.00
CD - Trust	$0	$0	365	0.00
Total	$20,885,256	$20,885,256	WAM	1.00

BISD CDA (LOCAL) Pool fund maximum dollar weighted maturity is 180 days
Individual investments shall not exceed one year from time of purchase

SUPERINTENDENT'S REPORT

JULY 2020

Informational Items:

- COVID-19 RESPONSE:
  - Updated Attendance & Enrollment FAQ
  - Update Health Guidelines
  - TEA Planning Guide
  - Updated 2020-2021 BISD DRAFT Operational Guidelines 2.0
  - Online Learning Expectations & Resources for Teachers
  - BISD Professional Learning: August 2020

Upcoming Events:

- July 20: Onsite Summer School Begins
- July 21: Board Retreat, Budget Workshop, Board Meeting
- July 21, 22, 23: BISD Professional Learning
  - Para Professional Book Study
  - Google Classroom 101
  - Teaching on a Block Schedule
  - CPI
- July 24-25: Services for student Zach Hood
- August 3-5: New Employee Orientation
- August 10: BISD Convocation and Professional Learning Conference
- August 10-17: BISD Professional Development/Professional Workdays

Personnel Update:

Current Openings:

- BJHS Science
- OBI Special Education/Resource
- Nurse: Campus TBD-Pending Board Consideration

Vantage Points

A Board Member's Guide to Update 115

Please note: *Vantage Points* is an executive summary, prepared specifically for board members, of the local policies included in the update. The topic-by-topic outline and brief descriptions focus on key issues to help local officials understand changes found in the policies.

The description of local policy changes in *Vantage Points* is highly summarized. Please pay careful attention to the more detailed, district-specific Explanatory Notes and the policies in your localized update packet.

For questions, contact Policy Service at policy.service@tasb.org, call us at 800-580-7529, or visit our website at policy.tasb.org.

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

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Update 115 focuses on updating and reorganizing several policies in the FFE series of the policy manual addressing student welfare. FFEA continues to focus on counseling, and a new code, FFEB, focuses on mental health provisions.

Several policies have been revised to incorporate the new Title IX regulations, effective August 14, 2020, which define sexual harassment under Title IX and establish detailed procedures for how districts must respond to notice or allegations of sexual harassment.

In addition to these changes, Update 115 includes several other policies affected by legislation from the 86th Legislative Session that were not included in Update 114 and incorporates numerous changes from revised Administrative Code rules.

We strongly encourage you to review the Explanatory Notes contained in your district's update packet for information specific to your local policies and background on changes to the legal policies. Please remember that (LEGAL) policies provide the legal framework for key areas of district operations; they are not adopted by the board.

Section B—Local Governance

Board Policy

A revision to **BF(LOCAL)** addressing board policy adoption clarifies that a district's legally referenced policies are not adopted by the board. The (LEGAL) policies provide information on current law and context for the district's (LOCAL) policies.

Section D—Personnel

Compensation and Benefits

For districts that provide paid vacation and holiday benefits, recommended revisions to **DED(LOCAL)** address the board's authorization of these programs, including which employees are eligible for the benefits. Administrative procedures are recommended to address the details of these programs to promote consistent, effective implementation and prevent conflict between policy and administrative procedures.

Discrimination, Harassment, and Retaliation

Revisions to **DIA(LOCAL)** incorporate the recent United States Supreme Court decision *Bostock v. Clayton County, Georgia*, which held that an adverse employment action against an employee on the basis of homosexuality or transgender status violates Title VII's prohibition on sex discrimination in employment. As a result, the policy clarifies that discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.

Other revisions address the new Title IX regulations and:

- Include sexual harassment as defined by Title IX in the definition of prohibited conduct and clarify employee reporting requirements;

- Indicate that the district will follow the district's existing investigation process to address allegations of prohibited conduct that would not meet the Title IX definition of sexual harassment;

- Add specific provisions outlining the legally required district response when the district receives notice or an allegation of conduct that could meet the definition of sexual harassment under Title IX;

- Add a requirement for the superintendent to develop a Title IX formal complaint process that will apply following a formal complaint and that must comply with the elements in the new regulations; and

- Designate the preponderance of the evidence standard to determine responsibility in formal complaints of sexual harassment under Title IX. **If the board wishes to instead use the clear and convincing evidence standard, which is a higher standard of evidence, please contact the district's policy consultant.** The district must use the same standard of evidence for investigation of all formal Title IX sexual harassment complaints, including complaints by employees.

Section E—Instruction

Academic Achievement

Revised Administrative Code rules prompted revisions to **EI(LOCAL)** on academic achievement. Provisions on partial credit reflect new terminology from the rules regarding awarding of credit proportionately when a student receives a passing grade in "half" of a course, rather than per "semester."

To provide flexibility, Policy Service recommends deletion of the statement in most districts' policies that a student shall be required to retake only the portion of the course with a failing grade. There are various methods for a student to earn credit for the failed part of a course, and board policy is not required to specify which particular method may be used.

For those districts that did not have existing provisions on awarding course credit proportionately to a student who successfully completes only half a course, provisions have been recommended for the district's consideration. **This is optional text; contact the district's policy consultant if the district does not wish to include it.**

Some districts' local policies included provisions on late enrollment or withdrawal of mobile students. To avoid conflict with new Administrative Code rules addressing transition assistance for highly mobile students who are homeless or in substitute care, which are addressed in FD(LOCAL), below, Policy Service recommends deleting these provisions from EI(LOCAL). Any specific practices in this area will need to align with the new rules and could be included in administrative procedures.

Section F—Students

Admissions

As mentioned above, recommended changes to **FD(LOCAL)** on admissions are based on new Administrative Code rules addressing transition assistance for highly mobile students who are homeless or in substitute care. The rules require districts to adopt local policy to assist with awarding credit to these students for a course that was earned prior to the student enrolling in or transferring to the district.

Attendance Accounting

Recommended revisions to **FEB(LOCAL)** on attendance accounting are to address amended Administrative Code rules. The rules remove the reference to taking attendance during the second or fifth instructional hour and specify that attendance shall be determined at the official attendance-taking time during the campus's instructional day. The recommended policy text assigns to the superintendent the responsibility of designating the district's official attendance-taking time. Note that there is no requirement to include the official attendance-taking time in policy; it may be designated in district procedures.

Child Abuse and Neglect

FFG(LOCAL) on child abuse and neglect has been significantly revised to comply with amended Administrative Code rules.

Recommended text is included to provide the required policy addressing sexual abuse, trafficking, and other maltreatment of children that must be included in the district improvement plan and the student handbook.

The rules also revise the elements of the required child abuse and neglect reporting policy. To ensure all the policy elements are addressed in board-adopted local policy, we have revised and moved provisions from FFG(EXHIBIT) into the local policy and recommend deletion of the exhibit.

Discrimination, Harassment, and Retaliation

Revisions to **FFH(LOCAL)** address the new Title IX regulations and are similar to those made at DIA(LOCAL), above. The FFH(LOCAL) revisions:

- Include sexual harassment as defined by Title IX in the definition of prohibited conduct and clarify employee reporting requirements;
- Indicate that the district will follow the district’s existing investigation process to address allegations of prohibited conduct that would not meet the Title IX definition of sexual harassment;
- Add specific provisions outlining the legally required district response when the district receives notice or an allegation of conduct that could meet the definition of sexual harassment under Title IX;
- Add a requirement for the superintendent to develop a Title IX formal complaint process that will apply following a formal complaint and that must comply with the elements in the new regulations; and

- Designate the preponderance of the evidence standard to determine responsibility in formal complaints of sexual harassment under Title IX. **If the board wishes to instead use the clear and convincing evidence standard, which is a higher standard of evidence, please contact the district's policy consultant.** The district must use the same standard of evidence for investigation of all formal Title IX sexual harassment complaints, including complaints by employees.

Provisions in **FB(LOCAL)** on the district's Title IX coordinator for students have been updated to include required language from the new Title IX regulations. Corresponding wording changes were also made to the ADA/Section 504 coordinator text.

Student and Parent Complaints

FNG(LOCAL) on grievances by students and parents includes a recommended revision to specify that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the board within 90 "calendar" days unless the complaint is resolved at the administrative level. This is an exception to how other timelines are calculated in the policy, which are based on "business" days in accordance with how days are defined. In addition, we have reordered the list of protected characteristics at Other Complaint Processes, item 1, to align with revisions at FFH(LOCAL) above.

Section G—Community and Governmental Relations

Public Complaints

As with FNG(LOCAL), above, **GF(LOCAL)** on complaints by members of the public includes a recommended revision to specify that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the board within 90 "calendar" days unless the complaint is resolved at the administrative level. This is an exception to how other timelines are calculated in the policy, which are based on "business" days in accordance with how days are defined.

Miscellaneous Deletions

Several local policies focusing on administrative details are recommended for deletion for those districts that had them. Board-adopted policy is not required on these topics.

- BDF(LOCAL)—citizen advisory committees
- DMD(LOCAL)—professional meetings
- FMF(LOCAL)—student contests and competitions

A message from TASB Governmental Relations

TASB Advocates for Public Schools

It's a given that state and federal legislation influences school district policy and practice. But did you know that school board members can influence legislation?

- As a private citizen who serves the public, your voice has weight with legislators.[1]
- By engaging with TASB[2] you can influence the TASB Advocacy Agenda by participating in our grassroots meetings, attending Delegate Assembly, serving on the TASB Legislative Advisory Council, and more.

If you have questions about TASB's advocacy efforts and programs, contact TASB Governmental Relations[3] at 800-580-4885 or Dax.Gonzalez@tasb.org.

[1] Working with Legislators: https://www.tasb.org/trustees/champion-your-district/working-with-legislators.aspx
[2] Engage with TASB: https://www.tasb.org/trustees/champion-your-district/engage-with-tasb.aspx
[3] TASB Governmental Relations: https://gr.tasb.org

Explanatory Notes
TASB Localized Policy Manual Update 115

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ATTN(NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

Update 115 includes new Title IX regulations, effective August 14, 2020, which define sexual harassment under Title IX and establish detailed procedures for how districts must respond to notice or allegations of sexual harassment. The final Title IX regulations and related materials are available on the U.S. Department of Education Office for Civil Rights website.

Multiple changes at Update 115 are based on legislation from the Regular Session of the 86th Texas Legislature that impose changes effective with the 2020–21 school year. Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 86th Legislature.

An overview video of the local policy changes is available under Policy Manual Update Resources in the myTASB Policy Service Resource Library. **(LEGAL) policies provide the legal framework for key areas of district operations; they are not adopted by the board.**

AF(LEGAL) INNOVATION DISTRICTS

Revisions to the Administrative Code, effective January 2020:

- Specify that an innovation district may not be exempted from Education Code Chapters 48 (Foundation School Program) and 49 (Options for Local Revenue Levels in Excess of Entitlement); and
- Authorize the commissioner to terminate district of innovation status for a district's failure to comply with the duty to discharge or refuse to hire certain employees or applicants as required by state law.

AIA(LEGAL) ACCOUNTABILITY: ACCREDITATION AND PERFORMANCE INDICATORS

Administrative rule changes, effective August 2019, specify that districts with a local accountability system must use the local accountability system rating standards established by the commissioner. These standards will be updated annually and published in the *Local Accountability System Manual*.

Definitions for the various accreditation statuses have also been added.

AIB(LEGAL) ACCOUNTABILITY: PERFORMANCE REPORTING

TEA has renamed the Performance-Based Monitoring Analysis System (PBMAS) to the Results Driven Accountability (RDA) system, effective December 3, 2019. This was to align with the Office of Special Education Programs (OSEP) framework.

AIC(LEGAL) ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

Beginning with the 2020–21 school year, HB 4205 creates a new option for campuses that are required to submit campus turnaround plans—an accelerated campus excellence (ACE) turnaround plan. The commissioner is required to approve an ACE turnaround plan if the commissioner determines that the plan meets the statutory requirements.

Other changes are from revised Administrative Code rules, effective March 31, 2020. The rules clarify interventions and sanctions provisions, including campus intervention team membership and participation and campus turnaround plan submission, approval, and implementation processes.

Additional detail has been included about the required notice the campus intervention team must provide regarding the public meeting for soliciting input on development of a targeted improvement plan.

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BBA(LEGAL) BOARD MEMBERS: ELIGIBILITY/QUALIFICATIONS

This legally referenced policy on eligibility and qualifications for board members has been revised to clarify that a person cannot *run* for the board if the person has a final felony conviction from which the person has not been pardoned or had the disabilities removed (see Eligibility). The provision at Ineligibility indicating that a person cannot *serve* as a member of the board if the person has been convicted of a felony remains unchanged.

BBBB(LEGAL) ELECTIONS: POST-ELECTION PROCEDURES

HB 2640 deleted the requirement for the presiding officer of the board to prepare a report of precinct results for the secretary of state.

BBD(LEGAL) BOARD MEMBERS: TRAINING AND ORIENTATION

Extensive changes to this legally referenced policy on board member training and orientation are from revised Administrative Code rules, effective March 24, 2020. See the TASB Board Development Services website for helpful overviews of the training requirements.

BDF(LEGAL) BOARD INTERNAL ORGANIZATION: CITIZEN ADVISORY COMMITTEES

HB 18 revised the list of persons that a board may appoint to the school health advisory council (SHAC). The bill also added requirements for a district to publish in the student handbook and on the district's website certain information on student physical and mental health resources, policies, and procedures and whether each campus has a full-time nurse or school counselor. The 2020–21 *TASB Model Student Handbook* has been updated to meet this requirement.

BF(LOCAL) BOARD POLICIES

A revision to this local policy clarifies that a district's legally referenced policies are not adopted by the board.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

BQ(LEGAL) PLANNING AND DECISION-MAKING PROCESS

HB 18 revised the list of strategies for improvement of student performance that must be included in the district improvement plan (DIP) to include positive behavior interventions and support and implementation of a comprehensive school counseling program. In addition, the DIP must include:

- Strategies for providing elementary school students information about higher education; and
- The district's procedures on mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention.

Details about dating violence have been moved to FFH addressing harassment; details about sexual abuse, sex trafficking, and other maltreatment of children have been moved to FFG addressing child abuse and neglect.

BQA(LEGAL) PLANNING AND DECISION-MAKING PROCESS: DISTRICT-LEVEL

Provisions on the district-level decision-making committee's responsibilities have been revised to better match statute.

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BQB(LEGAL) PLANNING AND DECISION-MAKING PROCESS: CAMPUS-LEVEL

Provisions on the campus-level decision-making committee's responsibilities have been revised to better match statute.

CBB(LEGAL) STATE AND FEDERAL REVENUE SOURCES: FEDERAL

The Note on page 5 has been adjusted to include a link to a USDA memo addressing micro-purchase and simplified acquisition thresholds for federal child nutrition programs.

CCA(LEGAL) LOCAL REVENUE SOURCES: BOND ISSUES

TASB Policy Service engaged an outside law firm with expertise in the area of bonds to review the federal securities law provisions in this legally referenced policy, which resulted in revisions throughout that section of the policy.

In addition, we have included two existing statutory provisions on:

- Attorney general review and approval of a public security and the record of proceedings, and
- Authority of the issuer of public securities to contract for certain services.

CCG(LEGAL) LOCAL REVENUE SOURCES: AD VALOREM TAXES

At Tax Rate Adoption, we have added information on the maximum compressed rate from HB 3 and new Administrative Code rules effective April 10, 2020.

HB 492 repeals existing law regarding reappraisal of property damaged in a disaster area. However, an amendment to the Texas constitution approved by voters in November 2019 authorizes a temporary exemption for property damaged in a disaster. These new provisions have been added to CCGA(LEGAL) addressing ad valorem tax exemptions.

A board must conduct an efficiency audit before holding an election seeking voter approval to adopt an M&O tax rate. In conducting the audit, the auditor selected by the board must follow the Legislative Budget Board (LBB) guidelines, to which we have included a link.

CCGA(LEGAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

HB 492 provides for a temporary exemption for property damaged in a disaster, as authorized in an amendment to the Texas Constitution approved by voters in November 2019.

CCGB(LEGAL) AD VALOREM TAXES: ECONOMIC DEVELOPMENT

Revisions to this legally referenced policy reflect amended Administrative Code rules, effective February 6, 2020, and include:

- The exclusion of any employee names or other personal identifying information from the definition of *substantive documents* submitted to the comptroller in connection with economic development applications,
- Clarification of the procedures for an applicant to obtain continued eligibility for a limitation on appraised value, and
- Extended timelines for the comptroller to review a written agreement for a limitation on appraised value.

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CCH(LEGAL) LOCAL REVENUE SOURCES: APPRAISAL DISTRICT

Effective September 1, 2020, SB 2 requires an appraisal district board in a county with a population of a million or more to increase the size of the appraisal review board (ARB) to an appropriate number of members. The ARB must establish special panels to conduct protest hearings.

CFA(LEGAL) ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS

Revisions to the provisions on the Annual Local Debt Report are from amended Administrative Code rules, effective April 5, 2020.

Other revisions are to add some existing legal provisions, delete nonessential provisions, and better match legal sources.

CFC(LEGAL) ACCOUNTING: AUDITS

This legally referenced policy on audits has been revised to add some existing legal provisions, delete nonessential provisions, and better match legal sources.

CKA(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: INSPECTIONS

This legally referenced policy on asbestos has been revised to add some existing legal provisions, delete nonessential provisions, and better match legal sources.

CKE(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: SECURITY PERSONNEL

Revisions regarding training are from amended Administrative Code rules, effective February 5, 2020, and require district police officers and school resource officers to receive a school-based law enforcement proficiency certificate within 180 days of commission or placement in the district.

CKEA(LEGAL) SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS

The addition of provisions regarding reporting on appointment and separation of licensed peace officers was prompted by amended Administrative Code rules, effective February 5, 2020.

CMD(LEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT: INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

Revisions to the provisions prohibiting certain expenditures of funds from the instructional materials allotment are from amended Administrative Code rules, effective February 6, 2020.

CO(LEGAL) FOOD AND NUTRITION MANAGEMENT

A Note has been added pointing to the Texas Department of Agriculture's Records Retention List, which can assist districts with retaining documentation to demonstrate program compliance.

CQ(LEGAL) TECHNOLOGY RESOURCES

This legally referenced policy has been revised to add some existing legal provisions, delete nonessential provisions, and better match legal sources. Citations to various laws pertaining to unlawful interception, use, or disclosure of communications have also been added to this policy for reference.

CQA(LEGAL) TECHNOLOGY RESOURCES: DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

Online posting provisions have been updated to:

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- Clarify that notification by the campus intervention team regarding public input on development of a targeted improvement plan must be published on the district and campus websites,
- Add the requirement to post a completed campus turnaround plan 30 days before the final plan is submitted to the board,
- Add details about posting of the Annual Local Debt Report,
- Add the requirement to post information on designated agents under the Digital Millennium Copyright Act for districts seeking to limit liability, and
- Add the requirement to post the district's family engagement plan.
- Add contact information for the district's Title IX coordinator and the district's policy of nondiscrimination; and
- Add materials used to train the Title IX coordinator and other individuals who are relevant to resolving complaints under Title IX.

CQB(LEGAL) TECHNOLOGY RESOURCES: CYBERSECURITY

We have removed provisions on the Electronic Communication Privacy Act that address the criminal consequences of the Act. A high-level reference to this information has been added to CQ(LEGAL).

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

We have removed case law addressing enforcement of a reasonable absence-control rule because the case is also included in DEC(LEGAL).

CS(LEGAL) FACILITY STANDARDS

Provisions on termination of LP-gas service have been revised as a result of amended Administrative Code rules, effective January 6, 2020.

CY(LEGAL) INTELLECTUAL PROPERTY

This legally referenced policy on intellectual property has been revised to add some existing legal provisions, delete nonessential provisions, and better match legal sources.

D(LEGAL) PERSONNEL

The D Section table of contents has been revised to rename DBAA Pre-Employment Reviews.

DAA(LEGAL) EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

This legally referenced policy has been revised at Bankruptcy Discrimination to better match statute.

The provisions addressing compliance coordinators for federal nondiscrimination laws have been updated in response to the new Title IX regulations.

DBAA(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: PRE-EMPLOYMENT REVIEWS

This legally referenced policy has been retitled and reorganized to include various pre-employment reviews. As a result, provisions on the required pre-employment affidavit and the Do Not Hire Registry have been moved to this policy from DC(LEGAL).

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Provisions have been added on the U.S. Department of Transportation's (DOT) national commercial driver license drug and alcohol clearinghouse. A district may not employ a driver subject to DOT drug and alcohol testing who will perform a safety-sensitive function without first conducting a pre-employment inquiry through the clearinghouse.

DC(LEGAL) EMPLOYMENT PRACTICES

As mentioned above, provisions on the required pre-employment affidavit and the Do Not Hire Registry have been moved to DBAA(LEGAL), which now addresses pre-employment reviews.

DED(LOCAL) COMPENSATION AND BENEFITS: VACATIONS AND HOLIDAYS

If your district offers paid vacation or holiday benefits to certain district employees, please contact the district's policy consultant for recommended policy language addressing board authorization and development of administrative procedures for consistent application.

TASB HR Services has a framework to help districts develop administrative procedures on these issues.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

DF(LEGAL) TERMINATION OF EMPLOYMENT

Failure to terminate an employee on the Do Not Hire Registry has been added as a reason for which the State Board for Educator Certification may impose sanctions on an educator. This change is from amended Administrative Code rules, effective March 5, 2020.

DHC(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: REPORTS TO TEXAS EDUCATION AGENCY

Changes to this legally referenced policy on reports to TEA regarding non-certified employee misconduct are from revised Administrative Code rules, effective December 31, 2019. The rules clarify the information that must be in a report and include several relevant definitions.

DHE(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: SEARCHES AND ALCOHOL/DRUG TESTING

Information on postaccident alcohol or controlled substances testing has been incorporated from DHE(EXHIBIT), which is being deleted.

Additional detail has been included regarding required Department of Transportation drug and alcohol testing of commercial vehicle operators.

DHE(EXHIBIT) EMPLOYEE STANDARDS OF CONDUCT: SEARCHES AND ALCOHOL/DRUG TESTING

This exhibit on postaccident alcohol or controlled substances testing is being deleted, as the content has been incorporated into DHE(LEGAL).

DIA(LEGAL) EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

The Note pointing to other relevant policies has been updated to reflect Title IX changes. We have added the recent U.S. Supreme Court case, *Bostock v. Clayton County, Georgia*, which held that firing an employee on the basis of homosexuality or transgender status violates Title VII's prohibition against sex discrimination in employment. Margin notes have also been updated.

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DIA(LOCAL) EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

Recommended revisions to this policy incorporate the recent United States Supreme Court decision *Bostock v. Clayton County, Georgia*, which held that an adverse employment action against an employee on the basis of homosexuality or transgender status violates Title VII's prohibition on sex discrimination in employment. As a result, the policy clarifies that discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.

Based on the new Title IX regulations, recommended revisions include the following.

- The definition of Prohibited Conduct has been revised to include conduct that meets the Title IX definition of sexual harassment, but the policy retains the broader definitions of prohibited conduct in districts' current policies to ensure that all prohibited conduct is addressed.
- Text at Sex-Based Harassment and Investigation of Reports Other than Title IX directs readers to new provisions on responding to allegations of prohibited conduct that if proved would meet the definition of sexual harassment under Title IX, as the law requires a specific response process for these allegations. Allegations of prohibited conduct not based on sex or that would not meet the definition of sexual harassment under Title IX will follow the district's existing investigation process.
- The Title IX regulations provide that a district has actual knowledge of sexual harassment if notice or allegations are made to any employee; therefore, a new provision at Notice of Report requires *any* employee who receives a report of prohibited conduct based on sex to notify the Title IX coordinator.
- Text at Response to Sexual Harassment—Title IX addresses legally required actions when the district receives notice or allegations of conduct that would meet the definition of sexual harassment under Title IX.
- New provisions direct the superintendent to develop a Title IX formal complaint process that will apply following a formal complaint and that must comply with the elements in the new regulations, as included in FFH(LEGAL).
- To determine responsibility in a Title IX formal complaint of sexual harassment, the policy designates that the district will use a *preponderance of the evidence* standard. **If the board wishes to instead use the *clear and convincing evidence* standard, which is a higher standard of evidence, please contact the district's policy consultant.** The district must use the same standard of evidence for investigation of all formal Title IX sexual harassment complaints, including complaints by students.
- Provisions on retaliation and records retention have been updated.

Policy Service also recommends updates to the examples for harassment to include cyberharassment and electronic communications and clarification of the provisions on distribution of the policy and any accompanying procedures.

TASB's Title IX model procedures are available in TASB School Law eSource.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

DIA(EXHIBIT) EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

The new Title IX regulations require districts to notify employees, students, parents, and others of the Title IX coordinator's contact information, which now must include an email address. For consistency, Policy

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Service recommends adding an email address for the ADA/Section 504 coordinator, if applicable to your district.

If you have not already completed the survey from Policy Service regarding coordinator contact information, including providing email addresses for each coordinator, please do so in order for your policy consultant to update this exhibit.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

DMA(LEGAL) PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT

HB 18 revises both optional and required training for district staff development. Required training, which must be provided annually, focuses on various aspects of student mental health, as listed in the policy. Suicide prevention training must address the specific components indicated.

Details about required mental health support programs have been updated in accordance with HB 18 and moved to FFEB addressing student mental health.

Provisions addressing required training on child abuse, trafficking, and maltreatment have been updated based on revised Administrative Code rules, effective November 6, 2019.

DMD(LOCAL) PROFESSIONAL DEVELOPMENT: PROFESSIONAL MEETINGS AND VISITATIONS

Policy Service recommends that the administrative details regarding professional meetings be removed from the local policy manual, as board-adopted policy is not required.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

DP(LEGAL) PERSONNEL POSITIONS

This legally referenced policy on personnel has been revised to include provisions on various physical and mental health professionals, including:

- School nurses,
- Certified school counselors,
- Nonphysician mental health professionals, and
- Licensed specialists in school psychology (LSSPs).

EEL(LEGAL) INSTRUCTIONAL ARRANGEMENTS: CONTRACTS WITH OUTSIDE AGENCIES

In accordance with new federal provisions, districts that have Junior Reserve Officers' Training Corps programs must permit homeschooled students to participate in the program.

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

Provisions on coordinated health programs have been updated based on HB 18.

HB 18 amends the SHAC's duties to include making recommendations about various aspects of student mental health.

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EHB(LEGAL) CURRICULUM DESIGN: SPECIAL PROGRAMS

New provisions on dyslexia compliance monitoring are from revised Administrative Code rules, effective December 25, 2019.

SB 2075 requires that a district notify the parent of a student who has or is at risk for dyslexia or a related disorder that the Texas State Library and Archives Commission provides audiobooks free of charge to students with eligible disabilities.

EHBA(LEGAL) SPECIAL PROGRAMS: SPECIAL EDUCATION

Provisions on off-campus programs to provide special education and related services during school hours in a non-district facility are from new Administrative Code rules, effective November 10, 2019. The rules address placement in the programs, notification to and review by TEA, contract requirements, and changes of student residence.

EHBAB(LEGAL) SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

New Administrative Code rules, effective March 30, 2020, address transition assistance for highly mobile students who are homeless or in substitute care. For such students who transfer into the district, the rules require the receiving district to:

- Accept a referral done by a previous district for a special education evaluation and complete any written report of a full individual and initial evaluation by the timelines in law, and
- Ensure that the district meets student transfer requirements relating to the ARD committee for a student who is already eligible for services.

EHBE(LEGAL) SPECIAL PROGRAMS: BILINGUAL EDUCATION/ESL

This legally referenced policy on bilingual education has been revised throughout as a result of amended Administrative Code rules, effective April 10, 2020. The rules address requirements for administering the home language survey, parental notice and consent, and assessment options for students in a two-way dual language immersion program.

Other revisions are to better match statute.

EHBG(LEGAL) SPECIAL PROGRAMS: PREKINDERGARTEN

Amended Administrative Code rules, effective February 13, 2020, prompted revisions throughout the high-quality prekindergarten program provisions.

EHBJ(LEGAL) SPECIAL PROGRAMS: INNOVATIVE AND MAGNET PROGRAMS

Changes to the application process for requesting approval from the State Board of Education or the commissioner to offer an innovative course are from amended Administrative Code rules, effective December 25, 2019.

EHDD(LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT: COLLEGE COURSE WORK/DUAL CREDIT

Provisions on dual credit agreements have been updated based on amended Administrative Code rules, effective November 24, 2019. We have also added some existing statutory provisions on dual credit programs to address faculty supervision and student transcripts.

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EI(LEGAL) ACADEMIC ACHIEVEMENT

Provisions on partial award of credit have been updated to reflect revised Administrative Code rules, effective March 15, 2020. The rules revised terminology regarding awarding of credit proportionately when a student receives a passing grade in "half" of a course, rather than per "semester."

New Administrative Code rules, effective March 30, 2020, address transition assistance for highly mobile students who are homeless or in substitute care and require districts to:

- Adopt local policy to assist with awarding credit for a course that was earned prior to the student enrolling in or transferring to the district [see FD(LOCAL) recommendations in Update 115],
- Develop credit recovery plans for students who were denied credits outside the district or if the student's credit deficit would impede on-time promotion or graduation,
- Create course transition plans for students who were denied credit,
- Develop and administer personal graduation plans for junior or middle school students, and
- Comply with existing Education Code provisions regarding awarding of diplomas.

EI(LOCAL) ACADEMIC ACHIEVEMENT

Provisions on partial credit have been updated to reflect revised Administrative Code rules, which changed terminology regarding awarding of credit proportionately when a student receives a passing grade in "half" of a course, rather than per "semester."

To provide flexibility, Policy Service is recommending deletion of the statement that a student shall be required to retake only the portion of the course with a failing grade. The ways a student can earn credit for the failed part of a course can include various methods other than retaking the failed portion, and board policy is not required to specify which particular method may be used.

EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

Beginning with students enrolled in the 12th grade in the 2021–22 school year, HB 3 will require a student to complete and submit a federal or Texas application for financial aid to graduate. The provision has been added to the policy manual now in case the district starts receiving questions about this provision. TEA will be issuing rules with more details.

Details on forming an individual graduation committee, including acceptable alternate members, have been added from amended Administrative Code rules, effective February 10, 2020.

Administrative Code rules effective November 24, 2019, provide that a student who completes the core curriculum of an institution of higher education meets the curriculum requirements for the foundation high school program, earns an endorsement and the distinguished level of achievement, and is entitled to a high school diploma.

Provisions on transitioning to the foundation high school program have been deleted from law.

EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

Changes to this legally referenced policy on assessments include:

- Additional detail on end-of-course assessments, for more complete information;
- Deletion of detailed provisions on use of the TSI as a substitute assessment in lieu of a statutory reference; and
- Revisions to testing requirements for accountability purposes based on amended Administrative Code rules, effective February 23, 2020.

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EKC(LEGAL) TESTING PROGRAMS: READING ASSESSMENT

Effective with the 2020–21 school year, HB 3 requires a district to administer the commissioner-adopted reading instrument or the commissioner-approved alternative reading instrument to students at the kindergarten level and report results of reading instruments to parents within 60 calendar days of administration.

ELA(LEGAL) CAMPUS OR PROGRAM CHARTERS: PARTNERSHIP CHARTERS

This legally referenced policy on partnership charters has been significantly revised in accordance with amended Administrative Code rules, effective March 31, 2020. The rules:

- State that operating partners have final and sole authority over certain campus decisions;
- Add numerous requirements for performance contracts; and
- Update the TEA approval process.

In accordance with amended Administrative Code rules, effective September 1, 2019, a performance contract for a partnership charter only needs to include assurances that the district has consulted with relevant campus personnel if the partnering entity is an open enrollment charter school and not for other partnering entities approved by TEA.

F(LEGAL) STUDENTS

Update 115 includes reorganization of student mental health provisions. As a result:

- FFE has been renamed Counseling and Mental Health;
- FFEA has been renamed Counseling; and
- FFEB has been renamed Mental Health.

FB(LEGAL) EQUAL EDUCATIONAL OPPORTUNITY

The provisions on required grievance procedures and retaliation have been updated based on the new Title IX regulations.

FB(LOCAL) EQUAL EDUCATIONAL OPPORTUNITY

The provision on the Title IX coordinator has been updated in response to the new Title IX regulations. Corresponding wording changes were made to the ADA/Section 504 coordinator text.

FB(EXHIBIT) EQUAL EDUCATIONAL OPPORTUNITY

The new Title IX regulations require districts to notify employees, students, parents, and others of the Title IX coordinator's contact information, which now must include an email address. For consistency, Policy Service recommends adding an email address for the district's ADA/Section 504 coordinator.

If you have not already completed the survey from Policy Service regarding coordinator contact information, including providing email addresses for each coordinator, please do so in order for your policy consultant to update this exhibit.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

FD(LOCAL) ADMISSIONS

New Administrative Code rules, effective March 30, 2020, address transition assistance for highly mobile students who are homeless or in substitute care and require districts to adopt local policy to assist with

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awarding credit to a student who is homeless or in substitute care for a course that was earned prior to the student enrolling in or transferring to the district. See Transition Assistance for recommended text to comply with this local policy requirement.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

FDB(LEGAL) ADMISSIONS: INTRADISTRICT TRANSFERS AND CLASSROOM ASSIGNMENTS

Clarification has been added regarding transfer of a student with a disability who receives special education services and who engaged in bullying.

FEA(LEGAL) ATTENDANCE: COMPULSORY ATTENDANCE

From HB 3, we have added a provision, effective September 1, 2020, clarifying that a student is not required to attend school for the additional instructional days for which a district receives a financial incentive under Education Code 48.0051. See FEB(LEGAL) for more information.

FEB(LEGAL) ATTENDANCE: ATTENDANCE ACCOUNTING

Amended Administrative Code rules, effective December 25, 2019, delete the reference to taking attendance during the second or fifth instructional hour and specify that attendance shall be taken at the official attendance-taking time during the campus's instructional day. There is no requirement to include the official attendance-taking time in policy; it may be designated in district procedures.

From HB 3, we have added a provision, effective September 1, 2020, under which a district may receive a financial incentive for offering an additional 30 days of half-day instruction above the required minimum number of minutes for students in prekindergarten through fifth grade.

FEB(LOCAL) ATTENDANCE: ATTENDANCE ACCOUNTING

Recommended revisions to this local policy on attendance accounting are to address amended Administrative Code rules that delete the reference to taking attendance during the second or fifth instructional hour and specify that attendance shall be determined at the official attendance-taking time during the campus's instructional day. The recommended text assigns to the superintendent the responsibility of designating the district's official attendance-taking time. Note that there is no requirement to include the official attendance-taking time in policy; it may be designated in district procedures.

See FEB in the *TASB Regulations Resource Manual*.

FFAC(LEGAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

Provisions on nursing peer review committees have been moved to DP(LEGAL).

Provisions on psychotropics and psychiatric evaluations have been moved to FFEB(LEGAL).

FFAE(LEGAL) WELLNESS AND HEALTH SERVICES: SCHOOL-BASED HEALTH CENTERS

HB 18 permits the board (in addition to a local health education and health-care advisory council) to initiate the establishment of a school-based health center at a campus. The bill also expands the list of services that may be provided at school-based health centers to include physical health care, treatment of mental health conditions, and treatment for substance abuse.

Other changes from HB 18 address parental consent for referrals, the membership of the advisory council, and coordination with existing providers.

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FFB(LEGAL) STUDENT WELFARE: CRISIS INTERVENTION

Provisions on the recommended best practice programs and research-based practices on student mental health have been moved to FFEB(LEGAL).

FFC(LEGAL) STUDENT WELFARE: STUDENT SUPPORT SERVICES

New Administrative Code rules, effective March 30, 2020, address transition assistance for highly mobile students who are homeless or in substitute care. The rules address processes and practices on the following:

- Transferring student records;
- Developing systems to ease transition for students, including welcome packets, introductions, and mechanisms for receiving school nutrition program benefits;
- Convening enrollment conferences;
- Determining appropriate placement in educational programs and courses;
- Facilitating participation in extracurricular programs;
- Promoting postsecondary information; and
- Notifying the educational decision-maker and caseworker of events that significantly impact the student's education.

FFE(LEGAL) STUDENT WELFARE: COUNSELING AND MENTAL HEALTH

Provisions on counseling have been moved to FFEA.

FFEA(LEGAL) COUNSELING AND MENTAL HEALTH: COUNSELING

This legally referenced policy has been reorganized to focus on both behavioral and academic counseling programs. As a result:

- Personnel provisions on school counselors and their duties have been moved to DP(LEGAL), and
- Various provisions regarding consent to counseling services previously at FFE(LEGAL) have been moved to this code.

From HB 18, we have added a provision requiring a school counselor to work with various stakeholders to plan, implement, and evaluate a comprehensive school counseling program.

From HB 114, we have added a provision applicable with the 2020–21 school year requiring a school counselor to provide information regarding availability of college credit for military experience, education, and training obtained during military service.

FFEB(LEGAL) COUNSELING AND MENTAL HEALTH: MENTAL HEALTH

This legally referenced policy has been added to focus on student mental health programs. As a result, provisions on psychotropics and psychiatric evaluations previously at FFAC(LEGAL) have been moved to this code.

The policy now addresses the various mental health programs, as revised by HB 18, for which the district must develop practices and procedures. The practices and procedures must be included in the student handbook and district improvement plan. The 2020–21 *TASB Model Student Handbook* has been updated to meet this requirement.

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FFG(LEGAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

This legally referenced policy on child abuse and neglect has been significantly revised based on amended Administrative Code rules, effective November 6, 2019. The rules address the required policy on sexual abuse, trafficking, and other maltreatment of students that must be included in the district improvement plan and the student handbook. The 2020–21 *TASB Model Student Handbook* has been updated to meet this requirement. The rules also revise the elements of the required child abuse and neglect reporting policy.

FFG(LOCAL) has been revised to comply with these rule changes.

FFG(LOCAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

This local policy on child abuse and neglect has been significantly revised based on amended Administrative Code rules.

Recommended text is included to provide the required policy addressing sexual abuse, trafficking, and other maltreatment of students that must be included in the district improvement plan and the student handbook. The 2020–21 *TASB Model Student Handbook* has been updated to meet this requirement.

The rules also revise the elements of the required child abuse and neglect reporting policy. To ensure all the policy elements are addressed in board-adopted local policy, we have revised and moved provisions from FFG(EXHIBIT) into this local policy and recommend deletion of the exhibit.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

FFG(EXHIBIT) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

As mentioned at FFG(LEGAL), Administrative Code rules on child abuse and neglect were recently revised. To ensure that all required policy elements are addressed in board-adopted local policy, we have revised and moved provisions from this exhibit into FFG(LOCAL). This exhibit is recommended for deletion.

FFH(LEGAL) STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

This legally referenced policy addressing discrimination, harassment, and retaliation against students has been significantly revised to include the new Title IX regulations, which define sexual harassment under Title IX and establish detailed procedures for how districts must respond to notice or allegations of sexual harassment.

The final Title IX regulations and related materials are available on the U.S. Department of Education Office for Civil Rights website.

Provisions on dating violence have been moved from BQ(LEGAL) to this code on discrimination, harassment, and retaliation.

FFH(LOCAL) STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

Based on the new Title IX regulations, recommended revisions include the following.

- The definition of Prohibited Conduct has been revised to include conduct that meets the Title IX definition of sexual harassment, but the policy retains the broader definitions of prohibited conduct in districts' current policies to ensure that all prohibited conduct is addressed.

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- Text at Sex-Based Harassment and Investigation of Reports Other than Title IX directs readers to new provisions on responding to allegations of prohibited conduct that if proved would meet the definition of sexual harassment under Title IX, as the law requires a specific response process for these allegations. Allegations of prohibited conduct not based on sex or that would not meet the definition of sexual harassment under Title IX will follow the district's existing investigation process.
- The provision requiring an employee to report prohibited conduct has been updated to include either direct or indirect reports.
- Text at Response to Sexual Harassment—Title IX addresses legally required actions when the district receives notice or allegations of conduct that would meet the definition of sexual harassment under Title IX.
- New provisions direct the superintendent to develop a Title IX formal complaint process that will apply following a formal complaint and that must comply with the elements in the new regulations, as included in FFH(LEGAL).
- To determine responsibility in a Title IX formal complaint of sexual harassment, the policy designates that the district will use a *preponderance of the evidence* standard. **If the board wishes to instead use the *clear and convincing evidence* standard, which is a higher standard of evidence, please contact the district's policy consultant.** The district must use the same standard of evidence for investigation of all formal Title IX sexual harassment complaints, including complaints by employees.
- Provisions on retaliation and false claims have been updated and moved to the end of the policy.

Policy Service also recommends updates to the examples for harassment to include cyberharassment and electronic communications.

TASB's Title IX model procedures are available in TASB School Law eSource.

FFH(EXHIBIT) STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

The new Title IX regulations require districts to notify employees, students, parents, and others of the Title IX coordinator's contact information, which now must include an email address. For consistency, Policy Service recommends adding an email address for the district's ADA/Section 504 coordinator.

If you have not already completed the survey from Policy Service regarding coordinator contact information, including providing email addresses for each coordinator, please do so in order for your policy consultant to update this exhibit.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

FM(LEGAL) STUDENT ACTIVITIES

The detailed list of honors classes for purposes of eligibility to participate in extracurricular activities has been deleted in lieu of a reference to the Administrative Code.

Existing statutory provisions on before- and after-school programs for elementary and middle school grades have been added.

FMF(LOCAL) STUDENT ACTIVITIES: CONTESTS AND COMPETITION

This local policy on student contests and competition is recommended for deletion. There is no requirement for board policy on these issues; the district's practices can be included in administrative procedures.

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FNG(LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES

Policy Service has revised the list of protected characteristics at Other Complaint Processes, item 1, to align with the list at FFH(LOCAL) above.

A recommended revision specifies that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the board within 90 "calendar" days. This is an exception to how other timelines are calculated in the policy, which are based on "business" days in accordance with how days are defined.

See FNG in the *TASB Regulations Resource Manual* for updated complaint forms.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

FNG(EXHIBIT) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES

Our records indicate that you have an exhibit at this code that you may need to review and revise in light of the changes in this update. Please advise us:

- If this exhibit is obsolete and should be deleted from your localized policy manual; or
- If you have revisions that you wish to submit for editorial and legal review and incorporation into your localized policy manual.

GBAA(EXHIBIT) INFORMATION ACCESS: REQUESTS FOR INFORMATION

This exhibit referring to the attorney general's guidelines for charges under the Public Information Act is being deleted. The citation to the Administrative Code where these charges are found has been added to GBAA(LEGAL).

See GBAA in the *TASB Regulations Resource Manual* for updated forms related to requests for information.

GF(LOCAL) PUBLIC COMPLAINTS

A recommended revision specifies that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the board within 90 "calendar" days. This is an exception to how other timelines are calculated in the policy, which are based on "business" days in accordance with how days are defined.

See GF in the *TASB Regulations Resource Manual* for updated complaint forms.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

GF(EXHIBIT) PUBLIC COMPLAINTS

Our records indicate that you have an exhibit at this code that you may need to review and revise in light of the changes in this update. Please advise us:

- If this exhibit is obsolete and should be deleted from your localized policy manual; or
- If you have revisions that you wish to submit for editorial and legal review and incorporation into your localized policy manual.

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GKA(LEGAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

Provisions on drones have been updated based on changes to federal law and replace previous provisions on model aircraft.

(LOCAL) Policy Comparison Packet

This packet is generated by an automated process that compares the updated policy to the district's current policy as found in TASB records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)
- Policies recommended for deletion (annotated in PDF; omitted in Word)

Annotations are shown 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.

Note: While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow. In addition, TASB's recent changes to the policy templates to facilitate accessibility sometimes makes formatting changes appear tracked, even though the text remains the same.

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

Contact:

School Districts and Education Service Centers	**Community Colleges**
policy.service@tasb.org	colleges@tasb.org
800.580.7529 512.467.0222	800.580.1488 512.467.3689

Within the context of current law, the District shall be guided by Board-adopted written policies that are given appropriate distribution and are accessible to staff members, parents, students, and community residents.

Organization

Legally referenced policies contain provisions from federal and state statutes and regulations, case law, and other legal authority that together form the framework for local decision making and implementation. These policies are binding on the District until the cited provisions are repealed, revised, or superseded by legislative, regulatory, or judicial action.

Legally referenced policies are not adopted by the Board.

At each policy code the legally referenced policy and the Board-adopted local policy must be read together to further a full understanding of a topic.

Terms

The terms “Trustee” and “Board member” are used interchangeably in the local policy manual. Both terms are intended to reflect all the duties and obligations of the office.

[See AB for District name terminology.]

Harmony with Law

Newly enacted law is applicable when effective. No policy or regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable law.

Severability

If any portion of a policy or its application to any person or circumstance is found to be invalid, that invalidity shall not affect other provisions or applications of policy that can be given effect without the invalid provision or application; and to this end the provisions of this policy manual are declared to be severable.

Policy Development

Policies and policy amendments may be initiated by the Superintendent, Board members, school personnel, or community citizens, but generally shall be recommended for the Board’s consideration by the Superintendent.

Official Policy Manual

The Board shall designate one copy of the local policy manual as the official policy manual of the District. The official copy shall be kept in the central administration office, and the Superintendent ~~or designee~~ shall be responsible for its accuracy and integrity and shall maintain a historical record of the District’s policy manual.

Adoption and Amendment

Local policies may be adopted or amended by a majority of the Board at any regular or special meeting, provided that Board members have had advance written notice of the proposed change and that it has been placed on the agenda for such meeting.

Local policies become effective upon Board adoption or at a future date designated by the Board at the time of adoption.

TASB Localized Updates

After Board review of legally referenced policies and adoption of local policies, the new material shall be incorporated into the official policy manual and into other localized policy manuals maintained by the District. If discrepancies occur between different copies of the manual, the version contained in the official policy manual shall be regarded as authoritative.

Note: This policy addresses discrimination, harassment, and retaliation against~~involving~~ District employees. For Title IX and other provisions regarding~~For~~ discrimination, harassment, and retaliation against~~involving~~ students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

Definitions

Solely for purposes of this policy, the term "employee" includes former employees, applicants for employment, and unpaid interns.

Statement of Nondiscrimination

The District prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, sex, ~~gender,~~ national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Discrimination

Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, religion, sex, ~~gender,~~ national origin, age, disability, or any other basis prohibited by law, that adversely affects the employee's employment.

In accordance with law, discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.

Prohibited Conduct

In this policy, the term "prohibited conduct" includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Prohibited conduct also includes sexual harassment as defined by Title IX. [See FFH(LEGAL)]

Prohibited Harassment

Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee's race, color, religion, sex, ~~gender,~~ national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

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

Examples

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or

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

Sex-Based Harassment

As required by law, the District shall follow the procedures below at Response to Sexual Harassment—Title IX upon a report of sex-based harassment, including sexual harassment, when such allegations, if proved, would meet the definition of sexual harassment under Title IX. [See FFH(LEGAL)]

Sexual Harassment

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

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

Examples

Examples of sexual harassment may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, contact, or communication, including electronic communicationor contact.

~~**Retaliation**~~

~~The District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.~~

~~Examples~~

~~Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.~~

~~**Prohibited Conduct**~~

~~In this policy, the term "prohibited conduct" includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.~~

Reporting Procedures

AnyAn employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced

prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor or campus principal.

Alternatively, the employee may report the alleged acts to one of the District officials below.

Definition of District Officials

For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

Title IX Coordinator

Reports of discrimination based on sex, including sexual harassment, may be directed to the designated Title IX coordinator. [See DIA(EXHIBIT)]

ADA / Section 504 Coordinator

Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator. [See DIA(EXHIBIT)]

Superintendent

The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination~~antidiscrimination~~ laws.

Alternative Reporting Procedures

An employee shall not be required to report prohibited conduct to the person alleged to have committed the conduct~~it~~. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

Timely Reporting

To ensure the District's prompt investigation, reports~~Reports~~ of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. ~~A failure to promptly report may impair the District's ability to investigate and address the prohibited conduct.~~

Notice of Report

Any District supervisor who receives a report of prohibited conduct shall immediately notify the appropriate District official listed above and take any other steps required by this policy.

Any District employee who receives a report of prohibited conduct based on sex, including sexual harassment, shall immediately notify the Title IX coordinator.

Investigation of Reports Other Than Title IX~~the Report~~

The following procedures apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. [See FFH(LEGAL)] For allegations of sex-based harassment that,

if proved, would meet the definition of sexual harassment under Title IX, see the procedures below at Response to Sexual Harassment—Title IX.

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

Initial Assessment

Upon receipt or notice of a report, the District official shall determine whether the allegations, if proved~~proven~~, would constitute prohibited conduct as defined by this policy. If so, the District ~~official~~ shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

Interim Action

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

District Investigation

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

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

Concluding the Investigation

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

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

District Action

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

The District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

Confidentiality

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

Appeal

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

The complainant may have a right to file a complaint with appropriate state or federal agencies.

Response to Sexual Harassment—Title IX

General Response

For purposes of the District's response to reports of harassment prohibited by Title IX, definitions can be found in FFH(LEGAL).

When the District receives notice or an allegation of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX coordinator shall promptly contact the complainant to:

- Discuss the availability of supportive measures and inform the complainant that they are available, with or without the filing of a formal complaint;
- Consider the complainant's wishes with respect to supportive measures; and
- Explain to the complainant the option and process for filing a formal complaint.

The District's response to sexual harassment shall treat complainants and respondents equitably by offering supportive measures to both parties, as appropriate, and by following the Title IX formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent.

If a formal complaint is not filed, the District reserves the right to investigate and respond to prohibited conduct in accordance with Board policies and administrative procedures.

Title IX Formal Complaint Process

To distinguish the process described below from the District's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of sexual harassment as the District's "Title IX formal complaint process."

The Superintendent shall ensure the development of a Title IX formal complaint process that complies with legal requirements. [See FFH(LEGAL)] The formal complaint process shall be posted on the

District's website. In compliance with Title IX regulations, the District's Title IX formal complaint process shall address the following basic requirements:

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
4. A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;
6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
7. A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a dismissal of a Title IX formal complaint or any allegations therein;
9. A description of the supportive measures available to the complainant and respondent;
10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;
11. Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and
12. Other local procedures as determined by the Superintendent.

Standard of Evidence

The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.

Retaliation

The District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or otherwise participates or refuses to participate in an investigation.

Examples

Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, intimidation, coercion, unjustified negative evaluations, unjustified negative references, or increased surveillance.

Records Retention

The District shall retain copies of allegations~~Copies of reports alleging prohibited conduct~~, investigation reports, and related records regarding any prohibited conduct in accordance with ~~shall be maintained by~~ the District's records control schedules, but ~~District~~ for no less than the minimum amount~~a period~~ of time required by law.~~at least three years.~~ [See CPC]

[For Title IX recordkeeping and retention provisions, see FFH(LEGAL) and the District's Title IX formal complaint process.]

Access to Policy and Procedures

Information regarding this~~This~~ policy and any accompanying procedures shall be distributed annually to District employees. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and readily available at each campus and the District's~~District~~ administrative offices.

Meetings, Conferences, and Workshops

Professional personnel may attend and participate in meetings, conferences, and workshops that will contribute to their professional growth and development. [See also DMA and DMC]

When attendance at such events is recommended or required by the administration, the Board, TEA, or UIL, personnel may attend with the Superintendent's approval. No salary deduction or loss of leave shall occur when attendance is recommended or required.

The Superintendent may grant additional absences to employees for attendance at meetings, conferences, and workshops that are of special interest to the employee.

Release Time

Requests for release time with pay to attend employee organization meetings, other than any such meetings approved for required staff development purposes, shall be considered on a case-by-case basis. The responsibility for justifying the school-related purpose to be accomplished by attendance shall rest with the employee. Approval shall be given only if the employee is on the program, has some official function, or can obtain specific information related to his or her job description that will assist the District in improving the instructional program.

Certificate of Coursework Completion

The District shall issue a certificate of coursework completion to a student who has successfully completed state and local credit requirements for graduation but has failed to meet all applicable state testing requirements. [See EIF, FMH]

Partial Credit

When a student earns a passing grade in only half~~one semester~~ of a ~~two semester~~ course and the combined grade for both halves~~the two semesters~~ is lower than 70, the District shall award the student credit for the half~~semester~~ with the passing grade. ~~The student shall be required to retake only the semester in which he or she earned the failing grade.~~

Note: The following provisions address equal educational opportunity for all students in accordance with law. For provisions addressing discrimination, harassment, and retaliation involving District students, see FFH.

Title IX Coordinator

The District designates and authorizes the~~has designated a~~ Title IX coordinator for students to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended. [See FB(EXHIBIT)]

ADA / Section 504 Coordinator

The District designates and authorizes the~~has designated an~~ ADA/Section 504 coordinator for students to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), as amended. [See FB(EXHIBIT)]

Superintendent

The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws.

Equal Educational Opportunity

General Education

The District shall provide necessary services and supports to provide students equal access to educational opportunities. [See EHBC]~~-~~ Certain instructional or other accommodations, including on state-mandated assessments, may be made when necessary, when allowable, and when these accommodations do not modify the rigor or content expectations of a subject, course, or assessment. [See EKB]

Additional Services and Supports

If the District has reason to believe that a student has a disability that may require additional services and supports in order for the student to receive an appropriate education as this term is defined by law, Section 504 and/or the Individuals with Disabilities Education Act (IDEA) shall govern the evaluation, services, and supports provided by the District. [See also EHBA series]

[For information regarding dyslexia and related disorders, see EHB.]

Note: The following provisions address the District's compliance efforts and system of procedural safeguards as required by federal regulations for a student with a disability as defined by Section 504. A report of discrimination or harassment based on a student's disability shall be made in accordance with FFH.

Section 504

Committees

The District shall form Section 504 committees as necessary. The Section 504 coordinator and members of each Section 504 committee shall receive training in the procedures and requirements for identifying and providing educational and related services and supports to a student who has a disability that results in a substantial limitation of a major life activity.

Each Section 504 committee shall be composed of a group of persons knowledgeable about the student, the meaning of the evaluation data, placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.

Referrals

If a teacher, school counselor, administrator, or other District employee has reason to believe that a student may have a disability as defined by Section 504, the District shall evaluate the student. A student may also be referred for evaluation by the student's parent.

Notice and Consent

The District shall seek written parental consent prior to conducting a formal evaluation. Ordinary observations in the classroom or other school setting shall not require prior parental consent.

Evaluation and Placement

The results of an evaluation shall be considered before any action is taken to place a student with a disability or make a significant change in placement in an instructional program. The Superintendent shall ensure that the District's procedures for tests and other evaluation materials comply with the minimum requirements of law. In interpreting evaluation data and when making decisions related to necessary services and supports, each Section 504 committee shall carefully consider and document information from a variety of sources in accordance with law.

Review and Reevaluation Procedure

To address the periodic reevaluation requirement of law, the District shall adhere to the reevaluation timelines in the IDEA regulations.

A parent, teacher, or other District employee may request a review of a student's services and supports at any time, but a formal reevaluation shall generally occur no more frequently than once a year.

Examining Records

A parent shall make any request to review his or her child's education records to the campus principal or other identified custodian of records. [See FL]

Right to Impartial Hearing

A parent shall be given written notice of the due process right to an impartial hearing if the parent has a concern or complaint about the District's actions regarding the identification, evaluation, or educational placement of a student with a disability. The impartial hearing

	shall be conducted by a person who is knowledgeable about Section 504 issues and who is not employed by the District or related to a member of the Board in a degree that would be prohibited under the nepotism statute [see DBE]. The impartial hearing officer is not required to be an attorney. The District and the parent shall be entitled to legal representation at the impartial hearing.
Records Retention	Records specific to identification, evaluation, and placement as these pertain to Section 504 shall be retained by the District in accordance with law and the District's local records control~~retention~~ schedules. [See CPC]

Persons Age 21 and~~And~~ Over

The District shall not admit into its public schools any person age 21 or over unless otherwise required by law.

Registration Forms

The student's parent, legal guardian, or other person having lawful control shall annually complete registration forms. A student who has reached age 18 shall be permitted to complete these forms.

Proof of Residency

At the time of initial registration and on an annual basis thereafter, the parent, guardian, or other person having lawful control of the student under order of a court shall present proof of residency in accordance with administrative regulations developed by the Superintendent. The District may investigate stated residency as necessary.

Minor Living Apart

Person Standing in Parental Relation

A minor student residing in the District but whose parent, guardian, or other person having lawful control under a court order does not reside in the District shall present a power of attorney or an authorization agreement as provided in Chapter 34 of the Family Code assigning responsibility for the student in all school-related matters to an adult resident of the District.

Misconduct

A minor student living apart who has engaged in misconduct that results in any of the consequences found in Education Code 25.001(d) shall not be permitted to attend a District school.

Exceptions

Based on an individual student's circumstance, the Superintendent shall have authority to grant exceptions to the requirement for a power of attorney or authorization agreement and to the exclusion for misconduct.

Extracurricular Activities

The Superintendent shall determine whether a minor student living apart is present in the District for the primary purpose of participating in extracurricular activities.

Nonresident Student in Grandparent's After-School Care

The parent and grandparent of a nonresident student requesting admission under Education Code 25.001(b)(9) shall provide to the Superintendent the required information on the grandparent's residency and complete a form provided by the District describing the extent of after-school care to be provided by the grandparent.

The Superintendent shall have authority to approve or deny such admissions requests in accordance with criteria approved by the Board.

"Accredited" Defined

For the purposes of this policy, "accredited" shall be defined as accreditation by TEA, an equivalent agency from another state, or an accrediting association recognized by the commissioner of education.

Grade-Level Placement

Accredited Schools

The parent, guardian, or other person having lawful control of a student enrolling in a District school from an accredited public, private, or parochial school shall provide evidence of the prior schooling outside the District. The student shall be placed initially at the grade level reached elsewhere, pending observation by the classroom teacher, guidance personnel, and the principal. On the basis of these observations and results of tests that may be administered by appropriate District personnel, the principal shall determine the final grade placement.

Nonaccredited Schools

A student enrolling in a District school from a nonaccredited public, private, or parochial school, including a homeschool, shall be placed initially at the discretion of the principal, pending observation by classroom teachers, guidance personnel, and the principal. Criteria for placement may include:

1. Scores on achievement tests, which may be administered by appropriate District personnel.
2. Recommendation of the sending school.
3. Prior academic record.
4. Chronological age and social and emotional development of the student.
5. Other criteria deemed appropriate by the principal.

Transfer of Credit

Accredited Texas Public Schools

Credit toward state graduation requirements earned in an accredited public school district in Texas shall be transferable and recognized by the District.

Other Accredited or Nonaccredited Schools

Before recognizing credit in a course earned in an accredited nonpublic school, an accredited school outside of Texas, or a nonaccredited school, appropriate personnel shall evaluate a student's records and transcript. The District may require the student to demonstrate mastery of the content or use alternative methods to verify course content for the award of credit. ~~[See EI]~~

Transition Assistance

In accordance with law, when a student who is identified as homeless or in substitute care enrolls in the District, the District shall assess the student's available records and other relevant information to determine transfer of credit for subjects and courses taken prior to enrollment.

[See EI]

Withdrawal

A parent or guardian wishing to withdraw a minor student shall present a signed statement that includes the reason for the withdraw-

al. A student who is 18 or older may submit a withdrawal statement without a parent's or guardian's signature.

[For District withdrawal of students no longer in attendance, see FEA(LOCAL).]

Attendance Accounting System

The Superintendent shall be responsible for designating the official attendance-taking time during the campus's instructional day and maintaining a student attendance accounting system in accordance with statutory and TEA requirements. [See also FD for admissions and residency requirements.]

Alternative Attendance-Taking~~Recording~~ Time

The ~~When appropriate, the~~ Superintendent is authorized to ~~shall~~ establish written procedures permitting a campus to record absences in~~specify~~ an alternative hour from the District's official ~~time for taking~~ attendance-taking time ~~other than the second or fifth instructional hour. Exceptions may be authorized for an entire campus~~ or for a designated group of students at a campus. The alternative ~~time for recording~~ attendance-taking time shall be determined in accordance with TEA's *Student Attendance Accounting Handbook* and administrative regulations.

Parental Consent to Leave Campus

The Superintendent shall establish procedures regarding parental consent for a student to leave campus, including procedures for documenting a student's absence. The procedures shall be communicated in the employee and student handbooks.

Program to Address Child Sexual Abuse, Trafficking, and Maltreatment

The District's program to address child sexual abuse, trafficking, and other maltreatment of children, as included in the District improvement plan and the student handbook, shall include:

1. Methods for increasing staff, student, and parent awareness regarding these issues, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Age-appropriate, research-based antivictimization programs for students;
3. Actions that a child who is a victim should take to obtain assistance and intervention; and
4. Available counseling options for affected students.

Training

The District shall provide training to employees as required by law. Training shall address techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children, including children with significant cognitive disabilities. [See DMA]

[See BBD for Board member training requirements and BJCB for Superintendent continuing education requirements.]

Reporting Child Abuse and Neglect

Any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a legal responsibility, under state law, to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

The following individuals have an additional legal obligation to submit a written or oral report within 48 hours of learning of the facts giving rise to the suspicion of abuse or neglect:

1. Any District employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect.
2. A professional who has cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child. A professional is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A~~by any~~ person is required to~~shall~~ make a report if the person has cause to believe that an adult was a victim of abuse or neglect ~~immediately~~ as a child and the person determines in good faith that

disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.~~required by law.~~

~~Reports shall be made in accordance with FFG(EXHIBIT).~~

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

Restrictions on Reporting

In accordance with law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Making a Report

Reports may be made to any of the following:

1. A state or local law enforcement agency;
2. The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (DFPS) at (800) 252-5400 or the Texas Abuse Hotline Website[i];
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility.

An individual does not fulfill his or her responsibilities under the law by only reporting suspicion of abuse or neglect to a campus principal, school counselor, or another District staff member. Furthermore, the District is prohibited from requiring an employee to first report his or her suspicion to a District or campus administrator.

Confidentiality

In accordance with state law, the identity of a person making a report of suspected child abuse or neglect shall be kept confidential

and disclosed only in accordance with the rules of the investigating agency.

Immunity

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

Failing to Report Suspected Child Abuse or Neglect

By failing to report suspicion of child abuse or neglect, an employee:

1. May be placing a child at risk of continued abuse or neglect;
2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report;
3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment; and
4. May have his or her certification from the State Board for Educator Certification suspended, revoked, or canceled in accordance with 19 Administrative Code Chapter 249.

It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.

Responsibilities Regarding Investigations

In accordance with law, District officials shall be prohibited from:

1. Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect;
2. Requiring that a parent or school employee be present during the interview; or
3. Coercing someone into suppressing or failing to report child abuse or neglect.

District personnel shall cooperate fully and without parental consent, if necessary, with an investigation of reported child abuse or neglect. [See GKA]

[i] Texas Abuse Hotline Website: http://www.txabusehotline.org

Note: This policy addresses discrimination, harassment, and retaliation against~~involving~~ District students. For provisions regarding discrimination, harassment, and retaliation against~~involving~~ District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. Note that FFH shall be used in conjunction with FFI (bullying) for certain prohibited conduct.

Statement of Nondiscrimination

The District prohibits discrimination, including harassment, against any student on the basis of race, color, religion, sex, gender, national origin, age, disability~~, age~~, or any other basis prohibited by law. The District prohibits dating violence, as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Discrimination

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, sex, gender, national origin, age, disability, ~~age,~~ or ~~on~~ any other basis prohibited by law, that adversely affects the student.

Prohibited Conduct

In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Prohibited conduct also includes sexual harassment as defined by Title IX. [See FFH(LEGAL)]

Prohibited Harassment

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, sex, gender, national origin, age, disability, ~~age,~~ or any other basis prohibited by law, when the conduct ~~that~~ is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Prohibited harassment includes dating violence as defined by law and this policy.

Examples

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or

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

Sex-Based Harassment

As required by law, the District shall follow the procedures below at Response to Sexual Harassment—Title IX upon a report of sex-based harassment, including sexual harassment, gender-based harassment, and dating violence, when such allegations, if proved, would meet the definition of sexual harassment under Title IX. [See FFH(LEGAL)]

Sexual Harassment

By an Employee

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
    a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
    b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or other inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See DH]

By Others

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or

3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, contact, or communications, including electronic communication~~or contact~~.

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

Gender-Based Harassment

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or

3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; cyberharassment; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Dating Violence

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student's spouse or current dating partner, or encouraging others to engage in these behaviors.

~~**Retaliation**~~

~~The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, serves as a witness, or participates in an investigation.~~

~~Examples~~

~~Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.~~

~~**False Claim**~~

~~A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action.~~

~~**Prohibited Conduct**~~

~~In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.~~

Reporting Procedures

Student Report

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, school counselor, principal, other District employee, or the appropriate District official listed in this policy.

Employee Report	Any District employee who suspects or receives direct or indirect notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy.
Definition of District Officials	For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.
Title IX Coordinator	Reports of discrimination based on sex, including sexual harassment, ~~or~~ gender-based harassment, or dating violence, may be directed to the designated Title IX coordinator for students. [See FFH(EXHIBIT)]
ADA / Section 504 Coordinator	Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator for students. [See FFH(EXHIBIT)]
Superintendent	The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws.
Alternative Reporting Procedures	An individual~~A student~~ shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent. A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.
Timely Reporting	To ensure the District's prompt investigation, reports~~Reports~~ of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. ~~A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.~~
Notice to Parents	The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult. [For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]
Investigation of Reports Other Than Title IX~~the Report~~	The following procedures apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. [See FFH(LEGAL)] For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX, including sexual harassment, gender-based harassment,

	and dating violence, see the procedures below at Response to Sexual Harassment—Title IX. The District may request, but shall not require, a written report. If a report is made orally, the District official shall reduce the report to written form.
Initial Assessment	Upon receipt or notice of a report, the District official shall determine whether the allegations, if provedproven, would constitute prohibited conduct as defined by this policy. If so, the District shall immediately undertake an investigation, except as provided below at Criminal Investigation. If the District official determines that the allegations, if provedproven, would not constitute prohibited conduct as defined by this policy, the District official shall refer the complaint for consideration under FFI.
Interim Action	If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the District shall promptly take interim action calculated to address prohibited conduct or bullying prior to the completion of the District's investigation.
District Investigation	The investigation may be conducted by the District official or a designee, such as the principal, or by a third party designated by the District, such as an attorney. When appropriate, the principal shall be involved in or informed of the investigation. The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.
Criminal Investigation	If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, the District shall confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation. The District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the District shall promptly resume its investigation.
Concluding the Investigation	Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the District to delay its investigation, the investigation should be completed within ten District business days from the date of the report; however, the investiga-

tor shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited conduct or bullying occurred. The report shall be filed with the District official overseeing the investigation.

Notification of Outcome

Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.

District Action

Prohibited Conduct

If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.

Corrective Action

Examples of corrective action may include a training program for those involved in the report~~complaint~~, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the District's policy against discrimination and harassment.

Bullying

If the results of an investigation indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.

Improper Conduct

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.

Confidentiality

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

Appeal

A student or parent who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student or parent shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

Response to Sexual Harassment–Title IX

For purposes of the District's response to reports of harassment prohibited by Title IX, definitions can be found in FFH(LEGAL).

General Response

When the District receives notice or an allegation of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX coordinator shall promptly contact the complainant to:

- Discuss the availability of supportive measures and inform the complainant that they are available, with or without the filing of a formal complaint;
- Consider the complainant's wishes with respect to supportive measures; and
- Explain to the complainant the option and process for filing a formal complaint.

The District's response to sexual harassment shall treat complainants and respondents equitably by offering supportive measures to both parties, as appropriate, and by following the Title IX formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent.

If a formal complaint is not filed, the District reserves the right to investigate and respond to prohibited conduct in accordance with Board policies and the Student Code of Conduct.

Title IX Formal Complaint Process

To distinguish the process described below from the District's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of sexual harassment as the District's "Title IX formal complaint process."

The Superintendent shall ensure the development of a Title IX formal complaint process that complies with legal requirements. [See FFH(LEGAL)] The formal complaint process shall be posted on the District's website. In compliance with Title IX regulations, the District's Title IX formal complaint process shall address the following basic requirements:

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;

4. A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;
6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
7. A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a dismissal of a Title IX formal complaint or any allegations therein;
9. A description of the supportive measures available to the complainant and respondent;
10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;
11. Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and
12. Other local procedures as determined by the Superintendent.

Standard of Evidence

The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.

Retaliation

The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or participates in an investigation. The definition of prohibited retaliation under this policy also includes retaliation against a student who refuses to participate in any manner in an investigation under Title IX.

Examples	Examples of retaliation may include threats, intimidation, coercion, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.
False Claim	A student who intentionally makes a false claim or offers false statements in a District investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action in accordance with law.
Records Retention	The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records control~~retention~~ schedules, but for no less than the minimum amount of time required by law. [See CPC] [For Title IX recordkeeping and retention provisions, see FFH(LEGAL) and the District's Title IX formal complaint process.]
Access to Policy and Procedures	Information regarding this policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and readily available at each campus and the District's administrative offices.

UIL Activities

State Board and UIL rules shall govern interscholastic activities; however, Board policies and District rules may supplement State Board and UIL rules.

No event shall be scheduled and no student allowed to participate in any UIL event unless all pertinent rules and regulations are strictly enforced. The Superintendent or designee shall maintain all necessary records and reports. Sponsors and coaches are responsible for knowledge of and compliance with rules for eligibility and participation. [See FM]

Athletic Program

A well-rounded program of interscholastic athletics shall be maintained in the District secondary schools. The operation of the total program, including the starting and ending dates for each sport, shall be in accordance with regulations set by the UIL and the Board.

Supervision of the program shall be the responsibility of the Superintendent, but certain responsibilities may be delegated to other staff members. In each school, the principal shall have direct responsibility to maintain the athletic program as an integral part of the educational program of that school.

Interschool competitive athletics shall not be part of the elementary grades' program. To the extent practicable, a program of intraschool sports activities for elementary students shall be maintained as part of the physical education program.

Non-UIL Activities

Contests and competitive activities that are sponsored by outside organizations shall not be recommended to students unless the activities supplement and do not interfere with the regular school program. Contests and competitive activities shall have the prior approval of the Superintendent or designee, who shall develop the necessary rules and regulations to implement this policy. [See FM]

Overnight Trips

Students involved in UIL competition that requires an overnight trip shall have their expenses paid by the District. [See also FM, FMG]

Complaints

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

Other Complaint Processes

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

1. Complaints alleging discrimination or harassment based on race, color, religion, sex, gender, national origin, age, or disability~~, or religion~~ shall be submitted in accordance with FFH.
2. Complaints concerning dating violence shall be submitted in accordance with FFH.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with FFH.
4. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with FFI.
5. Complaints concerning failure to award credit or a final grade on the basis of attendance shall be submitted in accordance with FEC.
6. Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.
7. Complaints concerning any final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program shall be submitted in accordance with EHBB.
8. Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504 shall be submitted in accordance with FB and the procedural safeguards handbook.
9. Complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of all students referred to special education.
10. Complaints concerning instructional resources shall be submitted in accordance with EF.
11. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.

12. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.

13. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

Notice to Students and Parents

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

Guiding Principles

Informal Process

The Board encourages students and parents to discuss their concerns with the appropriate teacher, principal, 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 but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

A student or parent may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent 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 District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by 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 post-marked 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 District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student or parent fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the student's or parent's absence.
Response	At Levels One and Two, "response" shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the student's or parent's email address of record, or sent by U.S. Mail to the student's or parent'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 District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."
Representative	"Representative" shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint. The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.
Consolidating Complaints	Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent 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.
Untimely Filings	All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent 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.

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent 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 or parent unless the student or parent did not know the documents existed before the Level One conference.

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 refiling is within the designated time for filing.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and

2. With the lowest level administrator who has the authority to remedy the alleged problem.

   In most circumstances, students and parents shall file Level One complaints with the campus principal.

   If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the student or parent 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 administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

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

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response 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 Level Two administrator. The student or parent 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 or parent 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.

The Superintendent or designee 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 or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the student or parent 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 Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board.

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

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The student or parent may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or parent and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student's representative, any

presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

Complaints

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

Other Complaint Processes

Complaints by members of the public shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with GF after the relevant complaint process:

1. Complaints concerning instructional resources shall be filed in accordance with EF.
2. Complaints concerning a commissioned peace officer who is an employee of the District shall be filed in accordance with CKE.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

Guiding Principles

Informal Process

The Board encourages the public to discuss concerns with an appropriate 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 but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

An individual may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual 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 District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by 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 post-marked 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 District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the individual's absence.
Response	At Levels One and Two, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the individual's email address of record, or sent by U.S. Mail to the individual'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 District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."
Representative	"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process. The individual may designate a representative through written notice to the District at any level of this process. If the individual designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.
Consolidating Complaints	Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual 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.
Untimely Filings	All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual 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.

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the Level One conference.

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 refiling is within the designated time for filing.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the individual 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.

   If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the individual within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the individual 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 administrator may consider information provided at the Level One conference and any other

relevant documents or information the administrator believes will help resolve the complaint.

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

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Level Three

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

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The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the individual or his or her representative, any presentation

from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

Update 115 contains (LOCAL) policies that require board action before we can incorporate Update 115 into your district's Policy On Line manual.

Please notify Policy Service of your policy adoption by completing the electronic Notify TASB of Policy Adoption form* on myTASB. As an alternative option, you may complete, scan, and submit this form via email to pol-support@tasb.org.

008901 Bellville ISD

Your Name: _____

Your Email: _____

Previous Updates

☐ I confirm that all updates prior to Update 115 have been adopted. (Visit Local Manual Updates† to see updates pending adoption.)

Update 115 Adoption Date: _____

Status (please check one):

☐ Adopted as presented by TASB—place online immediately

☐ Adopted with further changes, described below

_____

_____

_____

_____

Policy Changes

If you wish to make changes to policies issued in Update 115, submit those changes with your adoption notification. If you wish to make changes to policies not issued in Update 115, please email those changes directly to your policy consultant.

Changes will be processed as a Local District Update. Your policy consultant may contact you about policy changes if necessary.

If you have questions, please call Travis Damron at 800-580-7529.

* Notify TASB of Policy Adoption: https://www.tasb.org/apps/PolicyAdmin/
† Local Manual Updates: https://www.tasb.org/apps/policyUpdates/index.aspx*

Update 115

Adoption Notification Form

Policy On Line®

TASB Policy Service

Localized Policy Manual Update 115

Bellville ISD

You can download a PDF of this update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more under Local Manual Updates in the myTASB Policy Service Resource Library.

Other materials, including an overview video of the (LOCAL) policy changes, are available under Policy Manual Update Resources.

Need help? Please call your policy consultant at 800-580-7529 or email Policy.Service@TASB.org.

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Overview

Update 115 focuses on updating and reorganizing several policies in the FFE series of the policy manual addressing student welfare. FFEA continues to focus on counseling, and a new code, FFEB, focuses on mental health provisions.

In addition to these changes, Update 115 includes several other policies affected by legislation from the 86th Legislative Session that were not included in Update 114 and incorporates numerous changes from revised Administrative Code rules.

Your Localized Update 115 packet also contains:

- **Explanatory Notes** describing the changes to each policy. Please note that, where appropriate, the Explanatory Notes ask you to verify that a particular policy reflects current district practice and to advise us of any changes needed so that our records and the district's policy manual accurately track the district's practice.

Explanatory notes may also provide important information about policies not included in the update packet.

- ***Vantage Points—A Board Member's Guide to Update 115***, which provides local officials a highly summarized first glance at the local policies included in the update. Please distribute the *Vantage Points* to your board members with the review copies of the update.
- **Instructions** for incorporating this update into each of the district's Localized Policy Manuals after board adoption. Use the enclosed Instruction Sheet as a guide to which policies should be added, replaced, and removed from your manual.

Legal Services Update Memo

TASB Legal Services' Legal Issues in Update 115 memo (available in the myTASB Policy Service Resource Library under Policy Manual Update Resources) describes common legal concerns specific to the local policies recommended in this update for your consideration prior to board adoption of any local policies. Local policies will not be sent for a separate review by Legal Services as part of the update process. If after reviewing the memo you have questions about any specific provisions in your local policies, please contact TASB Legal Services at 800-580-5345.

(LEGAL) vs. (LOCAL) Policies: Remember the Difference

(LEGAL) policies:

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

(LOCAL) policies:

- Require close attention by both the administration and the board
- Must reflect the practices of the district and the intentions of the board
- May only be changed by board action (adopt, revise, or repeal)

If your board adopts changes to the (LOCAL) policies contained in this packet, please notify your policy consultant.

How to Place Policy Changes on the Agenda for Board Action

TASB recommends that the district address this update on the agenda as follows:

"*Policy Update 115:*

- *(LEGAL) policies*
- *(LOCAL) policies (see attached list of codes)"*

(LEGAL) policies sub-item: TASB recommends that the board review, but not adopt, the (LEGAL) policies issued in the update. If the board may discuss certain issues addressed by the updated (LEGAL) policies, particularly if those issues are of interest to the public, then, for purposes of discussion, the relevant policy codes, titles, and subtitles should be listed under the sub-item.

(LOCAL) policies sub-item: Board action on the (LOCAL) policies included in the update must occur within a properly posted, open meeting of the board.

- You may use the "(LOCAL) Policy Action List" provided online in Local Manual Updates and include the list under the sub-item, or you may compile a list of (LOCAL) policy codes, titles, and subtitles from the Instruction Sheet and Explanatory Notes included in the update packet.
- A suggested motion for board action on the (LOCAL) policies included in the update:

  "I move that the board add, revise, or delete (LOCAL) policies as recommended by TASB Policy Service and according to the Instruction Sheet for TASB Localized Policy Manual Update 115 [with the following changes:]"

How to Notify Policy Service of Board Action

Notify Policy Service of the board's action on Update 115 by completing the electronic Notify TASB of Policy Adoption form on myTASB or by using the Update 115 Adoption Notification Form, enclosed, so Policy Service records remain accurate.

How to Keep Minutes

The board's action on Localized Update 115 must be reflected in board minutes. Your minutes should include:

- The list of proposed (LOCAL) policy actions, such as the Instruction Sheet—annotated to reflect any changes made by the board

- The Explanatory Notes for the update (filed as an attachment to the minutes)
- Copies of new, replaced, or rescinded (LOCAL) policies

How to Maintain Your Historical Record

To construct a separate historical record of the manual, you must track the history of individual (LOCAL) policies. You should maintain a permanent historical record of every (LOCAL) policy adopted, revised, or rescinded by the board.

At a minimum, this record should include the following key pieces of information:

- Policy code
- Date of board action
- Text of policy

For more guidance on maintaining this record, please refer to:

- *The Administrator's Guide to Policy Management*
- Tutorial videos on handling an update

These guides are available in the myTASB Policy Service Resource Library.

How to Keep Your Administrative Regulations Current

Regulations Resource Manual Update 61, which includes revisions to model regulations and forms corresponding with Update 115, is now available on myTASB.

Inspect your district's administrative procedures and documents—including (EXHIBIT)s, (REGULATION)s, handbooks, and guides—that may be affected by Update 115 policy changes.

If you must make changes to the (REGULATION)s or (EXHIBIT)s contained in your board policy manual, please notify your policy consultant.

Disclaimer and Copyright

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

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Instruction Sheet
TASB Localized Policy Manual Update 115

Bellville ISD

Code	Type	Action To Be Taken	Note
ATTN	(NOTE)	No policy enclosed	See explanatory note
AF	(LEGAL)	Replace policy	Revised policy
AIA	(LEGAL)	Replace policy	Revised policy
AIB	(LEGAL)	Replace policy	Revised policy
AIC	(LEGAL)	Replace policy	Revised policy
BBA	(LEGAL)	Replace policy	Revised policy
BBBB	(LEGAL)	Replace policy	Revised policy
BBD	(LEGAL)	Replace policy	Revised policy
BDF	(LEGAL)	Replace policy	Revised policy
BF	(LOCAL)	Replace policy	Revised policy
BQ	(LEGAL)	Replace policy	Revised policy
BQA	(LEGAL)	Replace policy	Revised policy
BQB	(LEGAL)	Replace policy	Revised policy
CBB	(LEGAL)	Replace policy	Revised policy
CCA	(LEGAL)	Replace policy	Revised policy
CCG	(LEGAL)	Replace policy	Revised policy
CCGA	(LEGAL)	Replace policy	Revised policy
CCGB	(LEGAL)	Replace policy	Revised policy
CCH	(LEGAL)	Replace policy	Revised policy
CFA	(LEGAL)	Replace policy	Revised policy
CFC	(LEGAL)	Replace policy	Revised policy
CKA	(LEGAL)	Replace policy	Revised policy
CKE	(LEGAL)	Replace policy	Revised policy
CKEA	(LEGAL)	Replace policy	Revised policy
CMD	(LEGAL)	Replace policy	Revised policy
CO	(LEGAL)	Replace policy	Revised policy
CQ	(LEGAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
CQB	(LEGAL)	Replace policy	Revised policy
CRE	(LEGAL)	Replace policy	Revised policy
CS	(LEGAL)	Replace policy	Revised policy
CY	(LEGAL)	Replace policy	Revised policy
D	(LEGAL)	Replace table of contents	Revised table of contents
DAA	(LEGAL)	Replace policy	Revised policy

Bellville ISD

Code	Type	Action To Be Taken	Note
DBAA	(LEGAL)	Replace policy	Revised policy
DC	(LEGAL)	Replace policy	Revised policy
DED	(LOCAL)	No policy enclosed	See explanatory note
DF	(LEGAL)	Replace policy	Revised policy
DHC	(LEGAL)	Replace policy	Revised policy
DHE	(LEGAL)	Replace policy	Revised policy
DHE	(EXHIBIT)	DELETE exhibit	See explanatory note
DIA	(LEGAL)	Replace policy	Revised policy
DIA	(LOCAL)	Replace policy	Revised policy
DIA	(EXHIBIT)	No exhibit enclosed	See explanatory note
DMA	(LEGAL)	Replace policy	Revised policy
DMD	(LOCAL)	DELETE policy	See explanatory note
DP	(LEGAL)	Replace policy	Revised policy
EEL	(LEGAL)	Replace policy	Revised policy
EHAA	(LEGAL)	Replace policy	Revised policy
EHB	(LEGAL)	Replace policy	Revised policy
EHBA	(LEGAL)	Replace policy	Revised policy
EHBAB	(LEGAL)	Replace policy	Revised policy
EHBE	(LEGAL)	Replace policy	Revised policy
EHBG	(LEGAL)	Replace policy	Revised policy
EHBJ	(LEGAL)	Replace policy	Revised policy
EHDD	(LEGAL)	Replace policy	Revised policy
EI	(LEGAL)	Replace policy	Revised policy
EI	(LOCAL)	Replace policy	Revised policy
EIF	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
EKC	(LEGAL)	Replace policy	Revised policy
ELA	(LEGAL)	Replace policy	Revised policy
F	(LEGAL)	Replace table of contents	Revised table of contents
FB	(LEGAL)	Replace policy	Revised policy
FB	(LOCAL)	Replace policy	Revised policy
FB	(EXHIBIT)	No exhibit enclosed	See explanatory note
FD	(LOCAL)	Replace policy	Revised policy
FDB	(LEGAL)	Replace policy	Revised policy

Bellville ISD

Code	Type	Action To Be Taken	Note
FEA	(LEGAL)	Replace policy	Revised policy
FEB	(LEGAL)	Replace policy	Revised policy
FEB	(LOCAL)	Replace policy	Revised policy
FFAC	(LEGAL)	Replace policy	Revised policy
FFAE	(LEGAL)	Replace policy	Revised policy
FFB	(LEGAL)	Replace policy	Revised policy
FFC	(LEGAL)	Replace policy	Revised policy
FFE	(LEGAL)	DELETE policy	See explanatory note
FFEA	(LEGAL)	Replace policy	Revised policy
FFEB	(LEGAL)	ADD policy	See explanatory note
FFG	(LEGAL)	Replace policy	Revised policy
FFG	(LOCAL)	Replace policy	Revised policy
FFG	(EXHIBIT)	DELETE exhibit	See explanatory note
FFH	(LEGAL)	Replace policy	Revised policy
FFH	(LOCAL)	Replace policy	Revised policy
FFH	(EXHIBIT)	No exhibit enclosed	See explanatory note
FM	(LEGAL)	Replace policy	Revised policy
FMF	(LOCAL)	DELETE policy	See explanatory note
FNG	(LOCAL)	Replace policy	Revised policy
FNG	(EXHIBIT)	Review exhibit	Revise as necessary
GBAA	(EXHIBIT)	DELETE exhibit	See explanatory note
GF	(LOCAL)	Replace policy	Revised policy
GF	(EXHIBIT)	Review exhibit	Revise as necessary
GKA	(LEGAL)	Replace policy	Revised policy

Explanatory Notes
TASB Localized Policy Manual Update 115

Bellville ISD

ATTN(NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

Update 115 includes new Title IX regulations, effective August 14, 2020, which define sexual harassment under Title IX and establish detailed procedures for how districts must respond to notice or allegations of sexual harassment. The final Title IX regulations and related materials are available on the U.S. Department of Education Office for Civil Rights website.

Multiple changes at Update 115 are based on legislation from the Regular Session of the 86th Texas Legislature that impose changes effective with the 2020–21 school year. Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 86th Legislature.

An overview video of the local policy changes is available under Policy Manual Update Resources in the myTASB Policy Service Resource Library. **(LEGAL) policies provide the legal framework for key areas of district operations; they are not adopted by the board.**

AF(LEGAL) INNOVATION DISTRICTS

Revisions to the Administrative Code, effective January 2020:

- Specify that an innovation district may not be exempted from Education Code Chapters 48 (Foundation School Program) and 49 (Options for Local Revenue Levels in Excess of Entitlement); and
- Authorize the commissioner to terminate district of innovation status for a district's failure to comply with the duty to discharge or refuse to hire certain employees or applicants as required by state law.

AIA(LEGAL) ACCOUNTABILITY: ACCREDITATION AND PERFORMANCE INDICATORS

Administrative rule changes, effective August 2019, specify that districts with a local accountability system must use the local accountability system rating standards established by the commissioner. These standards will be updated annually and published in the *Local Accountability System Manual*.

Definitions for the various accreditation statuses have also been added.

AIB(LEGAL) ACCOUNTABILITY: PERFORMANCE REPORTING

TEA has renamed the Performance-Based Monitoring Analysis System (PBMAS) to the Results Driven Accountability (RDA) system, effective December 3, 2019. This was to align with the Office of Special Education Programs (OSEP) framework.

AIC(LEGAL) ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

Beginning with the 2020–21 school year, HB 4205 creates a new option for campuses that are required to submit campus turnaround plans—an accelerated campus excellence (ACE) turnaround plan. The commissioner is required to approve an ACE turnaround plan if the commissioner determines that the plan meets the statutory requirements.

Other changes are from revised Administrative Code rules, effective March 31, 2020. The rules clarify interventions and sanctions provisions, including campus intervention team membership and participation and campus turnaround plan submission, approval, and implementation processes.

Additional detail has been included about the required notice the campus intervention team must provide regarding the public meeting for soliciting input on development of a targeted improvement plan.

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BBA(LEGAL) BOARD MEMBERS: ELIGIBILITY/QUALIFICATIONS

This legally referenced policy on eligibility and qualifications for board members has been revised to clarify that a person cannot *run* for the board if the person has a final felony conviction from which the person has not been pardoned or had the disabilities removed (see Eligibility). The provision at Ineligibility indicating that a person cannot *serve* as a member of the board if the person has been convicted of a felony remains unchanged.

BBBB(LEGAL) ELECTIONS: POST-ELECTION PROCEDURES

HB 2640 deleted the requirement for the presiding officer of the board to prepare a report of precinct results for the secretary of state.

BBD(LEGAL) BOARD MEMBERS: TRAINING AND ORIENTATION

Extensive changes to this legally referenced policy on board member training and orientation are from revised Administrative Code rules, effective March 24, 2020. See the TASB Board Development Services website for helpful overviews of the training requirements.

BDF(LEGAL) BOARD INTERNAL ORGANIZATION: CITIZEN ADVISORY COMMITTEES

HB 18 revised the list of persons that a board may appoint to the school health advisory council (SHAC). The bill also added requirements for a district to publish in the student handbook and on the district's website certain information on student physical and mental health resources, policies, and procedures and whether each campus has a full-time nurse or school counselor. The 2020–21 *TASB Model Student Handbook* has been updated to meet this requirement.

BF(LOCAL) BOARD POLICIES

A revision to this local policy clarifies that a district's legally referenced policies are not adopted by the board.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

BQ(LEGAL) PLANNING AND DECISION-MAKING PROCESS

HB 18 revised the list of strategies for improvement of student performance that must be included in the district improvement plan (DIP) to include positive behavior interventions and support and implementation of a comprehensive school counseling program. In addition, the DIP must include:

- Strategies for providing elementary school students information about higher education; and
- The district's procedures on mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention.

Details about dating violence have been moved to FFH addressing harassment; details about sexual abuse, sex trafficking, and other maltreatment of children have been moved to FFG addressing child abuse and neglect.

BQA(LEGAL) PLANNING AND DECISION-MAKING PROCESS: DISTRICT-LEVEL

Provisions on the district-level decision-making committee's responsibilities have been revised to better match statute.

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BQB(LEGAL) PLANNING AND DECISION-MAKING PROCESS: CAMPUS-LEVEL

Provisions on the campus-level decision-making committee's responsibilities have been revised to better match statute.

CBB(LEGAL) STATE AND FEDERAL REVENUE SOURCES: FEDERAL

The Note on page 5 has been adjusted to include a link to a USDA memo addressing micro-purchase and simplified acquisition thresholds for federal child nutrition programs.

CCA(LEGAL) LOCAL REVENUE SOURCES: BOND ISSUES

TASB Policy Service engaged an outside law firm with expertise in the area of bonds to review the federal securities law provisions in this legally referenced policy, which resulted in revisions throughout that section of the policy.

In addition, we have included two existing statutory provisions on:

- Attorney general review and approval of a public security and the record of proceedings, and
- Authority of the issuer of public securities to contract for certain services.

CCG(LEGAL) LOCAL REVENUE SOURCES: AD VALOREM TAXES

At Tax Rate Adoption, we have added information on the maximum compressed rate from HB 3 and new Administrative Code rules effective April 10, 2020.

HB 492 repeals existing law regarding reappraisal of property damaged in a disaster area. However, an amendment to the Texas constitution approved by voters in November 2019 authorizes a temporary exemption for property damaged in a disaster. These new provisions have been added to CCGA(LEGAL) addressing ad valorem tax exemptions.

A board must conduct an efficiency audit before holding an election seeking voter approval to adopt an M&O tax rate. In conducting the audit, the auditor selected by the board must follow the Legislative Budget Board (LBB) guidelines, to which we have included a link.

CCGA(LEGAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

HB 492 provides for a temporary exemption for property damaged in a disaster, as authorized in an amendment to the Texas Constitution approved by voters in November 2019.

CCGB(LEGAL) AD VALOREM TAXES: ECONOMIC DEVELOPMENT

Revisions to this legally referenced policy reflect amended Administrative Code rules, effective February 6, 2020, and include:

- The exclusion of any employee names or other personal identifying information from the definition of *substantive documents* submitted to the comptroller in connection with economic development applications,
- Clarification of the procedures for an applicant to obtain continued eligibility for a limitation on appraised value, and
- Extended timelines for the comptroller to review a written agreement for a limitation on appraised value.

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CCH(LEGAL) LOCAL REVENUE SOURCES: APPRAISAL DISTRICT

Effective September 1, 2020, SB 2 requires an appraisal district board in a county with a population of a million or more to increase the size of the appraisal review board (ARB) to an appropriate number of members. The ARB must establish special panels to conduct protest hearings.

CFA(LEGAL) ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS

Revisions to the provisions on the Annual Local Debt Report are from amended Administrative Code rules, effective April 5, 2020.

Other revisions are to add some existing legal provisions, delete nonessential provisions, and better match legal sources.

CFC(LEGAL) ACCOUNTING: AUDITS

This legally referenced policy on audits has been revised to add some existing legal provisions, delete nonessential provisions, and better match legal sources.

CKA(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: INSPECTIONS

This legally referenced policy on asbestos has been revised to add some existing legal provisions, delete nonessential provisions, and better match legal sources.

CKE(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: SECURITY PERSONNEL

Revisions regarding training are from amended Administrative Code rules, effective February 5, 2020, and require district police officers and school resource officers to receive a school-based law enforcement proficiency certificate within 180 days of commission or placement in the district.

CKEA(LEGAL) SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS

The addition of provisions regarding reporting on appointment and separation of licensed peace officers was prompted by amended Administrative Code rules, effective February 5, 2020.

CMD(LEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT: INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

Revisions to the provisions prohibiting certain expenditures of funds from the instructional materials allotment are from amended Administrative Code rules, effective February 6, 2020.

CO(LEGAL) FOOD AND NUTRITION MANAGEMENT

A Note has been added pointing to the Texas Department of Agriculture's Records Retention List, which can assist districts with retaining documentation to demonstrate program compliance.

CQ(LEGAL) TECHNOLOGY RESOURCES

This legally referenced policy has been revised to add some existing legal provisions, delete nonessential provisions, and better match legal sources. Citations to various laws pertaining to unlawful interception, use, or disclosure of communications have also been added to this policy for reference.

CQA(LEGAL) TECHNOLOGY RESOURCES: DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

Online posting provisions have been updated to:

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- Clarify that notification by the campus intervention team regarding public input on development of a targeted improvement plan must be published on the district and campus websites,
- Add the requirement to post a completed campus turnaround plan 30 days before the final plan is submitted to the board,
- Add details about posting of the Annual Local Debt Report,
- Add the requirement to post information on designated agents under the Digital Millennium Copyright Act for districts seeking to limit liability, and
- Add the requirement to post the district's family engagement plan.
- Add contact information for the district's Title IX coordinator and the district's policy of nondiscrimination; and
- Add materials used to train the Title IX coordinator and other individuals who are relevant to resolving complaints under Title IX.

CQB(LEGAL) TECHNOLOGY RESOURCES: CYBERSECURITY

We have removed provisions on the Electronic Communication Privacy Act that address the criminal consequences of the Act. A high-level reference to this information has been added to CQ(LEGAL).

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

We have removed case law addressing enforcement of a reasonable absence-control rule because the case is also included in DEC(LEGAL).

CS(LEGAL) FACILITY STANDARDS

Provisions on termination of LP-gas service have been revised as a result of amended Administrative Code rules, effective January 6, 2020.

CY(LEGAL) INTELLECTUAL PROPERTY

This legally referenced policy on intellectual property has been revised to add some existing legal provisions, delete nonessential provisions, and better match legal sources.

D(LEGAL) PERSONNEL

The D Section table of contents has been revised to rename DBAA Pre-Employment Reviews.

DAA(LEGAL) EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

This legally referenced policy has been revised at Bankruptcy Discrimination to better match statute.

The provisions addressing compliance coordinators for federal nondiscrimination laws have been updated in response to the new Title IX regulations.

DBAA(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: PRE-EMPLOYMENT REVIEWS

This legally referenced policy has been retitled and reorganized to include various pre-employment reviews. As a result, provisions on the required pre-employment affidavit and the Do Not Hire Registry have been moved to this policy from DC(LEGAL).

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Provisions have been added on the U.S. Department of Transportation's (DOT) national commercial driver license drug and alcohol clearinghouse. A district may not employ a driver subject to DOT drug and alcohol testing who will perform a safety-sensitive function without first conducting a pre-employment inquiry through the clearinghouse.

DC(LEGAL) EMPLOYMENT PRACTICES

As mentioned above, provisions on the required pre-employment affidavit and the Do Not Hire Registry have been moved to DBAA(LEGAL), which now addresses pre-employment reviews.

DED(LOCAL) COMPENSATION AND BENEFITS: VACATIONS AND HOLIDAYS

If your district offers paid vacation or holiday benefits to certain district employees, please contact the district's policy consultant for recommended policy language addressing board authorization and development of administrative procedures for consistent application.

TASB HR Services has a framework to help districts develop administrative procedures on these issues.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

DF(LEGAL) TERMINATION OF EMPLOYMENT

Failure to terminate an employee on the Do Not Hire Registry has been added as a reason for which the State Board for Educator Certification may impose sanctions on an educator. This change is from amended Administrative Code rules, effective March 5, 2020.

DHC(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: REPORTS TO TEXAS EDUCATION AGENCY

Changes to this legally referenced policy on reports to TEA regarding non-certified employee misconduct are from revised Administrative Code rules, effective December 31, 2019. The rules clarify the information that must be in a report and include several relevant definitions.

DHE(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: SEARCHES AND ALCOHOL/DRUG TESTING

Information on postaccident alcohol or controlled substances testing has been incorporated from DHE(EXHIBIT), which is being deleted.

Additional detail has been included regarding required Department of Transportation drug and alcohol testing of commercial vehicle operators.

DHE(EXHIBIT) EMPLOYEE STANDARDS OF CONDUCT: SEARCHES AND ALCOHOL/DRUG TESTING

This exhibit on postaccident alcohol or controlled substances testing is being deleted, as the content has been incorporated into DHE(LEGAL).

DIA(LEGAL) EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

The Note pointing to other relevant policies has been updated to reflect Title IX changes. We have added the recent U.S. Supreme Court case, *Bostock v. Clayton County, Georgia*, which held that firing an employee on the basis of homosexuality or transgender status violates Title VII's prohibition against sex discrimination in employment. Margin notes have also been updated.

Explanatory Notes
TASB Localized Policy Manual Update 115

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DIA(LOCAL) EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

Recommended revisions to this policy incorporate the recent United States Supreme Court decision *Bostock v. Clayton County, Georgia*, which held that an adverse employment action against an employee on the basis of homosexuality or transgender status violates Title VII's prohibition on sex discrimination in employment. As a result, the policy clarifies that discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.

Based on the new Title IX regulations, recommended revisions include the following.

- The definition of Prohibited Conduct has been revised to include conduct that meets the Title IX definition of sexual harassment, but the policy retains the broader definitions of prohibited conduct in districts' current policies to ensure that all prohibited conduct is addressed.
- Text at Sex-Based Harassment and Investigation of Reports Other than Title IX directs readers to new provisions on responding to allegations of prohibited conduct that if proved would meet the definition of sexual harassment under Title IX, as the law requires a specific response process for these allegations. Allegations of prohibited conduct not based on sex or that would not meet the definition of sexual harassment under Title IX will follow the district's existing investigation process.
- The Title IX regulations provide that a district has actual knowledge of sexual harassment if notice or allegations are made to any employee; therefore, a new provision at Notice of Report requires *any* employee who receives a report of prohibited conduct based on sex to notify the Title IX coordinator.
- Text at Response to Sexual Harassment—Title IX addresses legally required actions when the district receives notice or allegations of conduct that would meet the definition of sexual harassment under Title IX.
- New provisions direct the superintendent to develop a Title IX formal complaint process that will apply following a formal complaint and that must comply with the elements in the new regulations, as included in FFH(LEGAL).
- To determine responsibility in a Title IX formal complaint of sexual harassment, the policy designates that the district will use a *preponderance of the evidence* standard. **If the board wishes to instead use the *clear and convincing evidence* standard, which is a higher standard of evidence, please contact the district's policy consultant.** The district must use the same standard of evidence for investigation of all formal Title IX sexual harassment complaints, including complaints by students.
- Provisions on retaliation and records retention have been updated.

Policy Service also recommends updates to the examples for harassment to include cyberharassment and electronic communications and clarification of the provisions on distribution of the policy and any accompanying procedures.

TASB's Title IX model procedures are available in TASB School Law eSource.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

DIA(EXHIBIT) EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

The new Title IX regulations require districts to notify employees, students, parents, and others of the Title IX coordinator's contact information, which now must include an email address. For consistency, Policy

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Service recommends adding an email address for the ADA/Section 504 coordinator, if applicable to your district.

If you have not already completed the survey from Policy Service regarding coordinator contact information, including providing email addresses for each coordinator, please do so in order for your policy consultant to update this exhibit.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

DMA(LEGAL) PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT

HB 18 revises both optional and required training for district staff development. Required training, which must be provided annually, focuses on various aspects of student mental health, as listed in the policy. Suicide prevention training must address the specific components indicated.

Details about required mental health support programs have been updated in accordance with HB 18 and moved to FFEB addressing student mental health.

Provisions addressing required training on child abuse, trafficking, and maltreatment have been updated based on revised Administrative Code rules, effective November 6, 2019.

DMD(LOCAL) PROFESSIONAL DEVELOPMENT: PROFESSIONAL MEETINGS AND VISITATIONS

Policy Service recommends that the administrative details regarding professional meetings be removed from the local policy manual, as board-adopted policy is not required.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

DP(LEGAL) PERSONNEL POSITIONS

This legally referenced policy on personnel has been revised to include provisions on various physical and mental health professionals, including:

- School nurses,
- Certified school counselors,
- Nonphysician mental health professionals, and
- Licensed specialists in school psychology (LSSPs).

EEL(LEGAL) INSTRUCTIONAL ARRANGEMENTS: CONTRACTS WITH OUTSIDE AGENCIES

In accordance with new federal provisions, districts that have Junior Reserve Officers' Training Corps programs must permit homeschooled students to participate in the program.

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

Provisions on coordinated health programs have been updated based on HB 18.

HB 18 amends the SHAC's duties to include making recommendations about various aspects of student mental health.

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EHB(LEGAL) CURRICULUM DESIGN: SPECIAL PROGRAMS

New provisions on dyslexia compliance monitoring are from revised Administrative Code rules, effective December 25, 2019.

SB 2075 requires that a district notify the parent of a student who has or is at risk for dyslexia or a related disorder that the Texas State Library and Archives Commission provides audiobooks free of charge to students with eligible disabilities.

EHBA(LEGAL) SPECIAL PROGRAMS: SPECIAL EDUCATION

Provisions on off-campus programs to provide special education and related services during school hours in a non-district facility are from new Administrative Code rules, effective November 10, 2019. The rules address placement in the programs, notification to and review by TEA, contract requirements, and changes of student residence.

EHBAB(LEGAL) SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

New Administrative Code rules, effective March 30, 2020, address transition assistance for highly mobile students who are homeless or in substitute care. For such students who transfer into the district, the rules require the receiving district to:

- Accept a referral done by a previous district for a special education evaluation and complete any written report of a full individual and initial evaluation by the timelines in law, and
- Ensure that the district meets student transfer requirements relating to the ARD committee for a student who is already eligible for services.

EHBE(LEGAL) SPECIAL PROGRAMS: BILINGUAL EDUCATION/ESL

This legally referenced policy on bilingual education has been revised throughout as a result of amended Administrative Code rules, effective April 10, 2020. The rules address requirements for administering the home language survey, parental notice and consent, and assessment options for students in a two-way dual language immersion program.

Other revisions are to better match statute.

EHBG(LEGAL) SPECIAL PROGRAMS: PREKINDERGARTEN

Amended Administrative Code rules, effective February 13, 2020, prompted revisions throughout the high-quality prekindergarten program provisions.

EHBJ(LEGAL) SPECIAL PROGRAMS: INNOVATIVE AND MAGNET PROGRAMS

Changes to the application process for requesting approval from the State Board of Education or the commissioner to offer an innovative course are from amended Administrative Code rules, effective December 25, 2019.

EHDD(LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT: COLLEGE COURSE WORK/DUAL CREDIT

Provisions on dual credit agreements have been updated based on amended Administrative Code rules, effective November 24, 2019. We have also added some existing statutory provisions on dual credit programs to address faculty supervision and student transcripts.

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EI(LEGAL) ACADEMIC ACHIEVEMENT

Provisions on partial award of credit have been updated to reflect revised Administrative Code rules, effective March 15, 2020. The rules revised terminology regarding awarding of credit proportionately when a student receives a passing grade in "half" of a course, rather than per "semester."

New Administrative Code rules, effective March 30, 2020, address transition assistance for highly mobile students who are homeless or in substitute care and require districts to:

- Adopt local policy to assist with awarding credit for a course that was earned prior to the student enrolling in or transferring to the district [see FD(LOCAL) recommendations in Update 115],
- Develop credit recovery plans for students who were denied credits outside the district or if the student's credit deficit would impede on-time promotion or graduation,
- Create course transition plans for students who were denied credit,
- Develop and administer personal graduation plans for junior or middle school students, and
- Comply with existing Education Code provisions regarding awarding of diplomas.

EI(LOCAL) ACADEMIC ACHIEVEMENT

Provisions on partial credit have been updated to reflect revised Administrative Code rules, which changed terminology regarding awarding of credit proportionately when a student receives a passing grade in "half" of a course, rather than per "semester."

To provide flexibility, Policy Service is recommending deletion of the statement that a student shall be required to retake only the portion of the course with a failing grade. The ways a student can earn credit for the failed part of a course can include various methods other than retaking the failed portion, and board policy is not required to specify which particular method may be used.

EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

Beginning with students enrolled in the 12th grade in the 2021–22 school year, HB 3 will require a student to complete and submit a federal or Texas application for financial aid to graduate. The provision has been added to the policy manual now in case the district starts receiving questions about this provision. TEA will be issuing rules with more details.

Details on forming an individual graduation committee, including acceptable alternate members, have been added from amended Administrative Code rules, effective February 10, 2020.

Administrative Code rules effective November 24, 2019, provide that a student who completes the core curriculum of an institution of higher education meets the curriculum requirements for the foundation high school program, earns an endorsement and the distinguished level of achievement, and is entitled to a high school diploma.

Provisions on transitioning to the foundation high school program have been deleted from law.

EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

Changes to this legally referenced policy on assessments include:

- Additional detail on end-of-course assessments, for more complete information;
- Deletion of detailed provisions on use of the TSI as a substitute assessment in lieu of a statutory reference; and
- Revisions to testing requirements for accountability purposes based on amended Administrative Code rules, effective February 23, 2020.

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EKC(LEGAL) TESTING PROGRAMS: READING ASSESSMENT

Effective with the 2020–21 school year, HB 3 requires a district to administer the commissioner-adopted reading instrument or the commissioner-approved alternative reading instrument to students at the kindergarten level and report results of reading instruments to parents within 60 calendar days of administration.

ELA(LEGAL) CAMPUS OR PROGRAM CHARTERS: PARTNERSHIP CHARTERS

This legally referenced policy on partnership charters has been significantly revised in accordance with amended Administrative Code rules, effective March 31, 2020. The rules:

- State that operating partners have final and sole authority over certain campus decisions;
- Add numerous requirements for performance contracts; and
- Update the TEA approval process.

In accordance with amended Administrative Code rules, effective September 1, 2019, a performance contract for a partnership charter only needs to include assurances that the district has consulted with relevant campus personnel if the partnering entity is an open enrollment charter school and not for other partnering entities approved by TEA.

F(LEGAL) STUDENTS

Update 115 includes reorganization of student mental health provisions. As a result:

- FFE has been renamed Counseling and Mental Health;
- FFEA has been renamed Counseling; and
- FFEB has been renamed Mental Health.

FB(LEGAL) EQUAL EDUCATIONAL OPPORTUNITY

The provisions on required grievance procedures and retaliation have been updated based on the new Title IX regulations.

FB(LOCAL) EQUAL EDUCATIONAL OPPORTUNITY

The provision on the Title IX coordinator has been updated in response to the new Title IX regulations. Corresponding wording changes were made to the ADA/Section 504 coordinator text.

FB(EXHIBIT) EQUAL EDUCATIONAL OPPORTUNITY

The new Title IX regulations require districts to notify employees, students, parents, and others of the Title IX coordinator's contact information, which now must include an email address. For consistency, Policy Service recommends adding an email address for the district's ADA/Section 504 coordinator.

If you have not already completed the survey from Policy Service regarding coordinator contact information, including providing email addresses for each coordinator, please do so in order for your policy consultant to update this exhibit.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

FD(LOCAL) ADMISSIONS

New Administrative Code rules, effective March 30, 2020, address transition assistance for highly mobile students who are homeless or in substitute care and require districts to adopt local policy to assist with

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awarding credit to a student who is homeless or in substitute care for a course that was earned prior to the student enrolling in or transferring to the district. See Transition Assistance for recommended text to comply with this local policy requirement.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

FDB(LEGAL) ADMISSIONS: INTRADISTRICT TRANSFERS AND CLASSROOM ASSIGNMENTS

Clarification has been added regarding transfer of a student with a disability who receives special education services and who engaged in bullying.

FEA(LEGAL) ATTENDANCE: COMPULSORY ATTENDANCE

From HB 3, we have added a provision, effective September 1, 2020, clarifying that a student is not required to attend school for the additional instructional days for which a district receives a financial incentive under Education Code 48.0051. See FEB(LEGAL) for more information.

FEB(LEGAL) ATTENDANCE: ATTENDANCE ACCOUNTING

Amended Administrative Code rules, effective December 25, 2019, delete the reference to taking attendance during the second or fifth instructional hour and specify that attendance shall be taken at the official attendance-taking time during the campus's instructional day. There is no requirement to include the official attendance-taking time in policy; it may be designated in district procedures.

From HB 3, we have added a provision, effective September 1, 2020, under which a district may receive a financial incentive for offering an additional 30 days of half-day instruction above the required minimum number of minutes for students in prekindergarten through fifth grade.

FEB(LOCAL) ATTENDANCE: ATTENDANCE ACCOUNTING

Recommended revisions to this local policy on attendance accounting are to address amended Administrative Code rules that delete the reference to taking attendance during the second or fifth instructional hour and specify that attendance shall be determined at the official attendance-taking time during the campus's instructional day. The recommended text assigns to the superintendent the responsibility of designating the district's official attendance-taking time. Note that there is no requirement to include the official attendance-taking time in policy; it may be designated in district procedures.

See FEB in the *TASB Regulations Resource Manual*.

FFAC(LEGAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

Provisions on nursing peer review committees have been moved to DP(LEGAL).

Provisions on psychotropics and psychiatric evaluations have been moved to FFEB(LEGAL).

FFAE(LEGAL) WELLNESS AND HEALTH SERVICES: SCHOOL-BASED HEALTH CENTERS

HB 18 permits the board (in addition to a local health education and health-care advisory council) to initiate the establishment of a school-based health center at a campus. The bill also expands the list of services that may be provided at school-based health centers to include physical health care, treatment of mental health conditions, and treatment for substance abuse.

Other changes from HB 18 address parental consent for referrals, the membership of the advisory council, and coordination with existing providers.

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FFB(LEGAL) STUDENT WELFARE: CRISIS INTERVENTION

Provisions on the recommended best practice programs and research-based practices on student mental health have been moved to FFEB(LEGAL).

FFC(LEGAL) STUDENT WELFARE: STUDENT SUPPORT SERVICES

New Administrative Code rules, effective March 30, 2020, address transition assistance for highly mobile students who are homeless or in substitute care. The rules address processes and practices on the following:

- Transferring student records;
- Developing systems to ease transition for students, including welcome packets, introductions, and mechanisms for receiving school nutrition program benefits;
- Convening enrollment conferences;
- Determining appropriate placement in educational programs and courses;
- Facilitating participation in extracurricular programs;
- Promoting postsecondary information; and
- Notifying the educational decision-maker and caseworker of events that significantly impact the student's education.

FFE(LEGAL) STUDENT WELFARE: COUNSELING AND MENTAL HEALTH

Provisions on counseling have been moved to FFEA.

FFEA(LEGAL) COUNSELING AND MENTAL HEALTH: COUNSELING

This legally referenced policy has been reorganized to focus on both behavioral and academic counseling programs. As a result:

- Personnel provisions on school counselors and their duties have been moved to DP(LEGAL), and
- Various provisions regarding consent to counseling services previously at FFE(LEGAL) have been moved to this code.

From HB 18, we have added a provision requiring a school counselor to work with various stakeholders to plan, implement, and evaluate a comprehensive school counseling program.

From HB 114, we have added a provision applicable with the 2020–21 school year requiring a school counselor to provide information regarding availability of college credit for military experience, education, and training obtained during military service.

FFEB(LEGAL) COUNSELING AND MENTAL HEALTH: MENTAL HEALTH

This legally referenced policy has been added to focus on student mental health programs. As a result, provisions on psychotropics and psychiatric evaluations previously at FFAC(LEGAL) have been moved to this code.

The policy now addresses the various mental health programs, as revised by HB 18, for which the district must develop practices and procedures. The practices and procedures must be included in the student handbook and district improvement plan. The 2020–21 *TASB Model Student Handbook* has been updated to meet this requirement.

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FFG(LEGAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

This legally referenced policy on child abuse and neglect has been significantly revised based on amended Administrative Code rules, effective November 6, 2019. The rules address the required policy on sexual abuse, trafficking, and other maltreatment of students that must be included in the district improvement plan and the student handbook. The 2020–21 *TASB Model Student Handbook* has been updated to meet this requirement. The rules also revise the elements of the required child abuse and neglect reporting policy.

FFG(LOCAL) has been revised to comply with these rule changes.

FFG(LOCAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

This local policy on child abuse and neglect has been significantly revised based on amended Administrative Code rules.

Recommended text is included to provide the required policy addressing sexual abuse, trafficking, and other maltreatment of students that must be included in the district improvement plan and the student handbook. The 2020–21 *TASB Model Student Handbook* has been updated to meet this requirement.

The rules also revise the elements of the required child abuse and neglect reporting policy. To ensure all the policy elements are addressed in board-adopted local policy, we have revised and moved provisions from FFG(EXHIBIT) into this local policy and recommend deletion of the exhibit.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

FFG(EXHIBIT) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

As mentioned at FFG(LEGAL), Administrative Code rules on child abuse and neglect were recently revised. To ensure that all required policy elements are addressed in board-adopted local policy, we have revised and moved provisions from this exhibit into FFG(LOCAL). This exhibit is recommended for deletion.

FFH(LEGAL) STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

This legally referenced policy addressing discrimination, harassment, and retaliation against students has been significantly revised to include the new Title IX regulations, which define sexual harassment under Title IX and establish detailed procedures for how districts must respond to notice or allegations of sexual harassment.

The final Title IX regulations and related materials are available on the U.S. Department of Education Office for Civil Rights website.

Provisions on dating violence have been moved from BQ(LEGAL) to this code on discrimination, harassment, and retaliation.

FFH(LOCAL) STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

Based on the new Title IX regulations, recommended revisions include the following.

- The definition of Prohibited Conduct has been revised to include conduct that meets the Title IX definition of sexual harassment, but the policy retains the broader definitions of prohibited conduct in districts' current policies to ensure that all prohibited conduct is addressed.

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- Text at Sex-Based Harassment and Investigation of Reports Other than Title IX directs readers to new provisions on responding to allegations of prohibited conduct that if proved would meet the definition of sexual harassment under Title IX, as the law requires a specific response process for these allegations. Allegations of prohibited conduct not based on sex or that would not meet the definition of sexual harassment under Title IX will follow the district's existing investigation process.
- The provision requiring an employee to report prohibited conduct has been updated to include either direct or indirect reports.
- Text at Response to Sexual Harassment—Title IX addresses legally required actions when the district receives notice or allegations of conduct that would meet the definition of sexual harassment under Title IX.
- New provisions direct the superintendent to develop a Title IX formal complaint process that will apply following a formal complaint and that must comply with the elements in the new regulations, as included in FFH(LEGAL).
- To determine responsibility in a Title IX formal complaint of sexual harassment, the policy designates that the district will use a *preponderance of the evidence* standard. **If the board wishes to instead use the *clear and convincing evidence* standard, which is a higher standard of evidence, please contact the district's policy consultant.** The district must use the same standard of evidence for investigation of all formal Title IX sexual harassment complaints, including complaints by employees.
- Provisions on retaliation and false claims have been updated and moved to the end of the policy.

Policy Service also recommends updates to the examples for harassment to include cyberharassment and electronic communications.

TASB's Title IX model procedures are available in TASB School Law eSource.

FFH(EXHIBIT) STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

The new Title IX regulations require districts to notify employees, students, parents, and others of the Title IX coordinator's contact information, which now must include an email address. For consistency, Policy Service recommends adding an email address for the district's ADA/Section 504 coordinator.

If you have not already completed the survey from Policy Service regarding coordinator contact information, including providing email addresses for each coordinator, please do so in order for your policy consultant to update this exhibit.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

FM(LEGAL) STUDENT ACTIVITIES

The detailed list of honors classes for purposes of eligibility to participate in extracurricular activities has been deleted in lieu of a reference to the Administrative Code.

Existing statutory provisions on before- and after-school programs for elementary and middle school grades have been added.

FMF(LOCAL) STUDENT ACTIVITIES: CONTESTS AND COMPETITION

This local policy on student contests and competition is recommended for deletion. There is no requirement for board policy on these issues; the district's practices can be included in administrative procedures.

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FNG(LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES

Policy Service has revised the list of protected characteristics at Other Complaint Processes, item 1, to align with the list at FFH(LOCAL) above.

A recommended revision specifies that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the board within 90 "calendar" days. This is an exception to how other timelines are calculated in the policy, which are based on "business" days in accordance with how days are defined.

See FNG in the *TASB Regulations Resource Manual* for updated complaint forms.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

FNG(EXHIBIT) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES

Our records indicate that you have an exhibit at this code that you may need to review and revise in light of the changes in this update. Please advise us:

- If this exhibit is obsolete and should be deleted from your localized policy manual; or
- If you have revisions that you wish to submit for editorial and legal review and incorporation into your localized policy manual.

GBAA(EXHIBIT) INFORMATION ACCESS: REQUESTS FOR INFORMATION

This exhibit referring to the attorney general's guidelines for charges under the Public Information Act is being deleted. The citation to the Administrative Code where these charges are found has been added to GBAA(LEGAL).

See GBAA in the *TASB Regulations Resource Manual* for updated forms related to requests for information.

GF(LOCAL) PUBLIC COMPLAINTS

A recommended revision specifies that a person filing a complaint regarding refusal of entry to or ejection from property based on Education Code 37.105 shall be permitted to address the board within 90 "calendar" days. This is an exception to how other timelines are calculated in the policy, which are based on "business" days in accordance with how days are defined.

See GF in the *TASB Regulations Resource Manual* for updated complaint forms.

The *Legal Issues in Update 115* memo describes common legal concerns and best practices specific to this policy topic.

GF(EXHIBIT) PUBLIC COMPLAINTS

Our records indicate that you have an exhibit at this code that you may need to review and revise in light of the changes in this update. Please advise us:

- If this exhibit is obsolete and should be deleted from your localized policy manual; or
- If you have revisions that you wish to submit for editorial and legal review and incorporation into your localized policy manual.

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GKA(LEGAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

Provisions on drones have been updated based on changes to federal law and replace previous provisions on model aircraft.

Definitions

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

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

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

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

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

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

19 TAC 102.1301

District of Innovation

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

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

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

Education Code 12A.001; 19 TAC 102.1303

Public Hearing

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

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

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

Education Code 12A.002; 19 TAC 102.1305

Local Innovation Plan

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

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

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

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

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

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

Prohibited Exemptions

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

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

1. A state or federal requirement, imposed by statute or rule, applicable to an open-enrollment charter school operating under

Education Code Chapter 12, Subchapter D, including, but not limited to, the requirements listed in Education Code 12.104(b), and:

a. Education Code Chapter 22, Subchapter B;

b. Education Code Chapter 25, Subchapter A, sections 25.001, .002, .0021, .0031, and .004;

c. Education Code Chapter 28, sections 28.002, .0021, .0023, .005, .0051, .006, .016, .0211, .0213, .0217, .025, .0254, .02541, .0255, .0258, .0259, and .026;

d. Education Code Chapter 29, Subchapter G;

e. Education Code Chapter 30, Subchapter A;

f. Education Code 30.104;

g. Education Code Chapter 34;

h. Education Code Chapter 37, sections 37.006(l), .007(e), .011, .012, .013, and .020; and

i. Education Code Chapter 39;

2. Education Code Chapter 11, Subchapters A, C, D, and E, except that a district may be exempt from Education Code 11.1511(b)(5) and (14) and 11.162;

3. Education Code Chapter 13;

4. Education Code Chapter 41;

5. Education Code Chapter 42;

6. Education Code Chapter 44, sections 44.0011, .002, .003, .004, .0041, .005, .0051, .006, .007, .0071, .008, .009, .011, .0312, .032, .051, .052, .053, and .054;

7. Education Code Chapter 45, sections 45.003, .0031, .005, .105, .106, .202, and .203;

8. Education Code Chapter 46;

9. Education Code Chapter 48; and

10. Education Code Chapter 49.

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

1. A requirement of a grant or other state program in which the district voluntarily participates;

2. Duties that the statute applies to the execution of that power if a district chooses to implement an authorized power that is optional under the terms of the statute; and

3. Requirements imposed by provisions outside the Education Code, including requirements under Government Code Chapter 822.

19 TAC 102.1309; Education Code 12A.004

Adoption of Local Innovation Plan

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

1. The final version of the proposed plan has been available on the district's website for at least 30 days;

2. The board has notified the commissioner of the board's intention to vote on adoption of the proposed plan; and

3. The district-level committee [see BQA] has held a public meeting to consider the final version of the proposed plan and has approved the plan by a majority vote of the committee members. The public meeting may occur at any time, including up to or on the same date at which the board intends to vote on final adoption of the proposed plan.

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

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

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

A district's exemption under the plan includes any subsequent amendment or redesignation of an identified state requirement, unless the subsequent amendment or redesignation specifically applies to an innovation district.

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

Education Code 12A.005; 19 TAC 102.1307

Notice to TEA	Not later than the 15th day after the date on which the board finalizes a local innovation plan either through adoption, amendment, or renewal, the district shall provide a copy of the current local innovation plan to TEA, which shall promptly post the current local innovation plan on the agency's website. *Education Code 12A.0071(b); 19 TAC 102.1307(g)*
Term	The term of a district's designation as a district of innovation may not exceed five years and is effective upon district approval and notification of the plan to the Texas Education Agency (TEA). A district may only have one innovation plan at any given time. *Education Code 12A.006; 19 TAC 102.1311*
Amendment, Rescission, or Renewal of Local Innovation Plan	A local innovation plan may be amended, rescinded, or renewed if the action is approved by a vote of the district-level committee [see BQA] and a two-thirds majority vote of the board of trustees. An amendment to an approved plan does not change the date of the term of designation as an innovation district. Exemptions that were already formally approved are not required to be reviewed. A district must notify TEA within five business days of rescission and provide a date at which time it will be in compliance with all sections of the Education Code, but no later than the start of the following school year. During renewal, all sections of the plan and exemptions shall be reviewed, and the district must follow all components outlined in 19 Administrative Code 102.1307 relating to Adoption of Local Innovation Plans. The district shall notify the commissioner of any actions taken along with the associated exemptions and local approval dates. *Education Code 12A.007; 19 TAC 102.1313*
Website Posting	A district designated as a district of innovation shall ensure that a copy of the district's current local innovation plan is available to the public by posting and maintaining the plan in a prominent location on the district's internet website. *Education Code 12A.0071(a); 19 TAC 102.1307(f)* The district's innovation plan must be clearly posted on the district's website for the term of the designation as an innovation district. *19 TAC 102.1307(f)*
Criminal History Background Checks	A prohibition, restriction, or requirement imposed by Education Code Chapter 22, Subchapter C (district employee and volunteer criminal history records), applies to the same extent to a district of innovation or other charter entity.

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

Education Code 22.0815(b)–(c)

Termination by Commissioner

Discretionary Termination

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

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

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

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

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

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

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

Mandatory Termination

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

1. A final unacceptable academic performance rating under Education Code 39.054;

2. A final unacceptable financial accountability rating under Education Code 39.082; or

3. Any combination of one or more unacceptable ratings Education Code 39.054 and one or more unacceptable ratings under Education Code 39.082.

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

No Appeal

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

Accreditation

Each district must be accredited by Texas Education Agency (TEA). A district that is not accredited may not receive funds from TEA or hold itself out as operating a public school of this state. *Education Code 11.001, 39.052(f)*

District accreditation is determined in accordance with Education Code Chapter 39, Subchapter C and rules adopted by the commissioner of education at 19 Administrative Code, Chapter 97, Subchapter EE (related to Accreditation Status, Standards, and Sanctions). *Education Code 39.051*

Statuses

The commissioner shall determine criteria for the following accreditation statuses:

1. Accredited. Accredited means TEA recognizes the district as a public school of this state that meets the standards determined by the commissioner under Education Code 39.052(b) and (c), and specified in 19 Administrative Code 97.1059; and is not currently assigned an accreditation status of Accredited-Warned or Accredited-Probation;

2. Accredited-Warned. Accredited-Warned means the district exhibits deficiencies in performance, as specified in 19 Administrative Code 97.1055(b), that, if not addressed, will lead to probation or revocation of its accreditation status;

3. Accredited-Probation. Accredited-Probation means the district exhibits deficiencies in performance, as specified in 19 Administrative Code 97.1055(c), that must be addressed to avoid revocation of its accreditation status; and

4. Not Accredited-Revoked. Not Accredited-Revoked means TEA does not recognize the district as a Texas public school because the district's performance has failed to meet standards adopted by the commissioner under Education Code 39.052(b) and (c), and specified in 19 Administrative Code 97.1055(d).

Education Code 39.051; 19 TAC 97.1055(a)(1)

Annual Evaluation

Each year, the commissioner shall determine the accreditation status of each district. In determining the accreditation status of a district, the commissioner:

1. Shall evaluate and consider performance:

   a. On achievement indicators under Education Code 39.053 [see Performance Indicators, below]; and

b. Under the financial accountability rating system developed under Education Code, Chapter 39, Subchapter D [see CFA].

2. May evaluate and consider:

a. The district's compliance with statutory requirements and requirements imposed by rule of the commissioner or State Board of Education that relate to:

(1) Reporting data through the Public Education Information Management System (PEIMS) or other reports required by state or federal law or court order;

(2) High school graduation requirements; or

(3) Extracurricular activities, student health and safety, purchasing, elementary class size limits, removal of a disruptive student from the classroom, at-risk programs, and prekindergarten programs;

b. The effectiveness of the district's programs for special populations; and

c. The effectiveness of the district's career and technology program.

Based on a district's performance, the commissioner shall assign each district an accreditation status or revoke the accreditation of the district and order closure of the district.

A district's accreditation status may be raised or lowered based on the district's performance or may be lowered based on the performance of one or more campuses in the district that is below a standard required by Education Code Chapter 39, Subchapter C.

Education Code 7.056(e)(3)(C)-(I), 39.052; 19 TAC 97.1055

For additional information on the commissioner process for assigning accreditation status, see 19 Administrative Code 97.1055.

Notice of Status

The commissioner shall notify a district if the district has received an accreditation status of accredited-warned or accredited-probation, or a campus's performance is below standard. *Education Code 39.052(e)*

To Parents and Property Owners

A district assigned an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked shall notify the parents of students enrolled in the district and property owners in the district as specified in 19 Administrative Code 97.1055. The district's notice must contain information about the accreditation sta-

tus, the implications of such status, and the steps the district is taking to address the areas of deficiency identified by the commissioner. The district's notice shall use the format and language determined by the commissioner.

The district's notice must:

1. Not later than 30 calendar days after the accreditation status is assigned, appear on the home page of the district's website, with a link to the required notification, and remain until the district is assigned the accredited status; and

2. Appear in a newspaper of general circulation, as defined in 19 Administrative Code 97.1051 (relating to Definitions), in the district for three consecutive days as follows:

   a. From Sunday through Tuesday of the second week following assignment of the status; or

   b. If the newspaper is not published from Sunday through Tuesday, then for three consecutive issues of the newspaper beginning the second week following assignment of the status; or

3. Not later than 30 calendar days after the status is assigned, be sent by first class mail addressed individually to each parent of a student enrolled in the district and each property owner in the district; or

4. Not later than 30 calendar days after the status is assigned, be presented as a discussion item in a public meeting of the board of trustees conducted at a time and location that allows parents of students enrolled in the district and property owners in the district to attend and provide public comment.

To TEA

A district required to act under this subsection shall send the following to TEA via certified mail, return receipt requested:

1. The universal resource locator (URL) for the link to the notification required above; and

2. Copies of the notice in the newspaper showing dates of publication, or a paid invoice showing the notice content and its dates of publication; or

3. Copies of the notice sent by mail and copies of all mailing lists and postage receipts; or

4. Copies of the notice presented at a public meeting and copies of the board of trustees meeting notice and minutes for the

board meeting in which the notice was presented and publicly discussed.

19 TAC 97.1055(f)

Performance Indicators

The commissioner shall adopt a set of indicators of the quality of learning and achievement, including three domains of achievement indicators. [See Achievement Indicators, below] *Education Code 39.053(a)*

The indicators must measure and evaluate districts and campuses with respect to:

1. Improving student preparedness for success in subsequent grade levels and entering the workforce, the military, or post-secondary education;
2. Reducing, with the goal of eliminating, student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds; and
3. Informing parents and the community regarding campus and district performance.

Education Code 39.053(a-1)

Achievement Indicators

Districts and campuses must be evaluated based on indicators of achievement grouped in three domains:

1. Student achievement domain;
2. School progress domain; and
3. Closing the gaps domain.

Education Code 39.053(c)

Performance on the achievement indicators in the three domains shall be compared to state-established standards. The indicators must be based on information that is disaggregated by race, ethnicity, and socioeconomic status. *Education Code 39.053(b)*

Each school district shall submit the data required for the indicators to the commissioner. *Education Code 39.053(i)*

A–F Performance Ratings

The commissioner shall adopt rules to evaluate district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F.

In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain performance rating of A, B, C, D, or F for each domain under Education Code 39.053(c) [see Achievement Indicators, above].

An overall or domain performance rating of:

1. A reflects exemplary performance.
2. B reflects recognized performance.
3. C reflects acceptable performance.
4. D reflects performance that needs improvement.
5. F reflects unacceptable performance.

A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F. A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, C, or D or exemplary, recognized, or acceptable performance, or performance that needs improvement.

For purposes of assigning districts and campuses an overall and a domain performance rating, the commissioner shall ensure that the method used to evaluate performance is implemented in a manner that provides the mathematical possibility that all districts and campuses receive an A rating.

Not later than August 15 of each year, the performance ratings of each district and campus shall be made publicly available as provided by rules adopted by the commissioner.

Education Code 39.054(a), (a-3), (b)

Local Accountability System

The local accountability system rating standards established by the commissioner under Education Code 39.0544 shall be used by districts to locally evaluate the performance of districts and campuses. The procedures and criteria required to determine campus grades by the districts will be annually published in official TEA publications.

Ratings may be revised as a result of investigative activities by the commissioner as authorized under Education Code 39.057(d) and (e).

The specific criteria and standards used in the local accountability system manual are established annually by the commissioner and communicated to all districts.

19 TAC 97.1003(a), (c)–(d)

Campus Performance Ratings

A district authorized to assign campus performance ratings shall evaluate the performance of each campus and assign each cam-

pus a performance rating of A, B, C, D, or F for overall performance and for each locally developed domain or set of accountability measures. Not later than a date established by the commissioner, the district shall:

1. Report the performance ratings to the agency; and
2. Make the performance ratings available to the public as provided by commissioner rule.

Education Code 39.0544(e)

If a district has been approved under Education Code 39.0544 to assign campus performance ratings and the commissioner has not assigned a campus overall performance rating of D or F, the commissioner shall assign the campus an overall performance rating based on the district-assigned performance rating under the local accountability system. A reference in law to an acceptable rating or acceptable performance includes an overall domain performance rating of A, B, C, or D or performance that is exemplary, recognized, or acceptable performance, or performance that needs improvement. *Education Code 39.054(a)*

Distinction Designations for Outstanding Performance

The commissioner shall award distinction designations for outstanding performance. A distinction designation awarded to a district or campus shall be referenced directly in connection with the performance rating assigned to the district or campus and made publicly available together with the A–F performance ratings.

A district or campus may not be awarded a distinction designation unless the district or campus has acceptable performance under the A–F performance ratings.

Education Code 39.201

Academic Distinction

The commissioner shall establish an academic distinction designation for districts and campuses for outstanding performance in attainment of postsecondary readiness based on the commissioner's adopted criteria. *Education Code 39.202*

Campus Distinction

The commissioner shall award a campus a distinction designation for outstanding performance in:

1. Improvement in student achievement;
2. Closing student achievement differentials; and
3. Academic achievement in English language arts, mathematics, science, or social studies.

Education Code 39.203

The commissioner may award a distinction designation for outstanding performance in advanced middle or junior high school student achievement. *Education Code 39.203(d)*

Excellence Exemptions

Except as listed below, a district or campus that is rated A (exemplary) is exempt from requirements and prohibitions imposed under the Education Code, including regulations adopted under the Education Code.

An exemplary campus or district is not exempt from:

1. A prohibition on conduct that constitutes a criminal offense;
2. Requirements imposed by federal law or rule, including requirements for special education or bilingual education programs;
3. A requirement, restriction, or prohibition relating to:
    a. Curriculum essential knowledge and skills or high school graduation requirements;
    b. Public school accountability;
    c. Extracurricular activities;
    d. Health and safety;
    e. Purchasing;
    f. Elementary class size limits;
    g. Removal of a disruptive student from the classroom;
    h. At-risk programs;
    i. Prekindergarten programs;
    j. Rights and benefits of school employees;
    k. Special education programs; or
    l. Bilingual education programs.

The commissioner may exempt an exemplary campus from class size limits if the campus submits a written plan showing steps that will be taken to ensure that the exemption will not be harmful to the academic achievement of the students on the school campus. If granted, the exemption remains in effect until the commissioner determines that achievement levels of the campus have declined.

Education Code 39.232

District Annual Report

The board shall publish an annual report describing the educational performance of the district and of each campus in the district that includes uniform student performance and descriptive information as determined under rules adopted by the commissioner of education. *Education Code 39.306(a)*

Texas Academic Performance Report (TAPR)

The performance report provided by the Texas Education Agency (TEA) under Education Code 39.306 shall be termed the Texas Academic Performance Report (TAPR). The intent of the TAPR is to inform the public about the educational performance of the district and of each campus in the district in relation to the district, the state, and a comparable group of schools. The TAPR will present the campus performance information as well as the student, staff, and financial information required by statute. It will also include any explanations and additional information deemed appropriate to the intent of the report.

The district may not alter the report provided by TEA. However, the district may concurrently provide additional information to the public that supplements or explains information in the TAPR.

19 TAC 61.1022(a)–(b), (e); Education Code 39.306(d)

Other Annual Report Information

The annual report must also include:

1. Campus performance objectives established under Education Code 11.253 and the progress of each campus toward those objectives, which shall be available to the public;
2. Information indicating the district's accreditation status and identifying each district campus awarded a distinction designation or considered an unacceptable campus under Education Code Chapter 39A;
3. The district's current special education compliance status with the agency;
4. A statement of the number, rate, and type of violent or criminal incidents that occurred on each district campus, to the extent permitted under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);
5. Information concerning school violence prevention and violence intervention policies and procedures that the district is using to protect students;
6. The findings that result from evaluations conducted under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.);

7. Information received under Education Code 51.403(e) for each high school campus in the district, presented in a form determined by the commissioner; and

8. Progress of the district and each campus in the district toward meeting the goals set in the district's early childhood literacy and mathematics proficiency plans and college, career, and military readiness plans [see EA].

Education Code 39.306(a)

The report must include a statement of the amount, if any, of the school district's unencumbered surplus fund balance as of the last day of the preceding fiscal year and the percentage of the preceding year's budget that the surplus represents. *Education Code 39.306(g)*

The report must also include the number of school counselors providing counseling services at each campus. *Education Code 39.306(d-1)*

The report may include the following information:

1. Student information, including total enrollment, enrollment by ethnicity, socioeconomic status, and grade groupings and retention rates;

2. Financial information, including revenues and expenditures;

3. Staff information, including number and type of staff by sex, ethnicity, years of experience, and highest degree held; teacher and administrator salaries; and teacher turnover;

4. Program information, including student enrollment by program, teachers by program, and instructional operating expenditures by program; and

5. The number of students placed in a disciplinary alternative education program (DAEP) under Education Code Chapter 37.

Education Code 39.306(e)

Supplemental information to be included in the reports shall be determined by the board. *Education Code 39.306(b)*

Public Hearing

The board shall hold a hearing for public discussion of the report. The board shall give notice of the hearing to property owners in the district and parents of and other persons standing in parental relation to a district student. The notice of hearing must include notice to a newspaper of general circulation in the district and notice to electronic media serving the district. *Education Code 39.306(c)*

A board shall hold a hearing for public discussion of the TAPR within 90 days after the report is received from TEA. The hearing may take place during a regularly scheduled or special meeting of the board. *19 TAC 61.1022(c)*

Publication

The TAPR must be published within two weeks after the public hearing, in the same format as it was received from TEA. *19 TAC 61.1022(d)*

The board shall disseminate the report by posting it on the district website and in public places, such as each school office, local businesses, and public libraries. *Education Code 39.306(c); 19 TAC 61.1022(f)*

Report Uses

The information in the annual report shall be a primary consideration in district and campus planning. It shall also be a primary consideration of the board in the evaluation of the performance of the superintendent, and of the superintendent in the evaluation of the performance of campus principals. *Education Code 39.307*

Campus Performance Report

Each school year, TEA shall prepare and distribute to each district a report card for each campus. The campus report card distributed by TEA shall be termed the “school” report card (SRC). The intent of the SRC is to inform each student’s parents or guardians about the school’s performance and characteristics. The SRC will present the student, staff, financial, and performance information required by statute, as well as any explanations and additional information deemed appropriate to the intent of the report.

Distribution

The district must disseminate each SRC within six weeks after the SRC is received from TEA. The school may not alter the report provided by TEA; however, it may concurrently provide additional information to the parents or guardians that supplements or explains information in the SRC.

The SRC must be distributed to the parent, guardian, conservator, or other person having lawful control of each student at the campus. On written request, a district shall provide a copy of the SRC to any other party.

The campus administration may provide the SRC in the same manner it would normally transmit official communications to parents and guardians, such as including the SRC in a weekly folder sent home with each student, mailing it to the student’s residence, providing it at a teacher-parent conference, enclosing it with the student report card, or sending it via electronic mail.

Education Code 39.305; 19 TAC 61.1021

Website Notices

Not later than the tenth day after the first day of instruction of each school year, a district that maintains an internet website shall make the following information available:

1. The information in the most recent campus report card for each campus in the district;
2. The information contained in the most recent performance report for the district;
3. The most recent accreditation status and performance rating of the district; and
4. A definition and explanation of each accreditation status, based on commissioner rule.

Education Code 39.362

Student Performance Report

Each year, TEA shall report to a district whether each student fell below, met, or exceeded the necessary target for improvement necessary to be prepared to perform satisfactorily on, as applicable, the grade five assessments, the grade eight assessments, and the end-of-course assessments required for graduation. *Education Code 39.034, .302*

Notice to Parents

The district a student attends shall provide a record of the annual improvement information from TEA in a written notice to the student's parent or other person standing in parental relationship. If a student failed to perform satisfactorily on a state assessment, the district shall include in the notice specific information relating to access to online educational resources at the appropriate assessment instrument content level, including educational resources and assessment instrument questions and released answers. *Education Code 39.303*

Notice to Teachers and Students

A district shall prepare a report of the annual improvement information and provide the report at the beginning of the school year to:

1. Each teacher for all students, including incoming students, who took a state assessment; and
2. All students who were provided instruction by that teacher in the subject for which the assessment instrument was administered.

The report shall indicate whether the student performed satisfactorily or, if the student did not perform satisfactorily, whether the student met the standard for annual improvement.

Education Code 39.304

Quality of Learning Indicators

The commissioner shall also adopt indicators of the quality of learning for the purpose of preparing performance reports. Performance on the indicators shall be evaluated in the same manner provided for evaluation of the achievement indicators under Education Code 39.053(c) [see Achievement Indicators, AIA].

The quality of learning indicators must include:

1. The percentage of graduating students who meet the course requirements for the foundation high school program, the distinguished level of achievement under the foundation high school program, and each endorsement described by Education Code 28.025(c-1) [see EIF];
2. The results of the SAT, ACT, and certified workforce training programs;
3. For students who have failed to satisfy the state standard on an assessment, the performance of those students on subsequent assessments, aggregated by grade level and subject area;
4. For each campus, the number of students, disaggregated by major student subpopulations, who take courses under the foundation high school program and take additional courses to earn an endorsement, disaggregated by type of endorsement;
5. The percentage of students, aggregated by grade level, provided accelerated instruction under after unsatisfactory performance on a state assessment; the results of assessment instruments administered under the accelerated instruction program; the percentage of students promoted through the grade placement committee process; the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard; and the performance of those students in the school year following that promotion on the state assessments;
6. The percentage of students of limited English proficiency exempted from the administration of an assessment;
7. The percentage of students in a special education program assessed through alternative assessment instruments;
8. The percentage of students who satisfy the college readiness measure;
9. The measure of progress toward dual language proficiency for students of limited English proficiency;

10. The percentage of students who are not educationally disadvantaged;

11. The percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and

12. The percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

Education Code 39.301

Results Driven Accountability (RDA)

In accordance with Education Code 7.028(a), the purpose of the Results Driven Accountability (RDA) is to report annually on the performance of districts in selected program areas: bilingual education/English as a Second Language, career and technical education, special education, and certain Title programs under federal law. The performance of a district is reported through indicators of student performance and program effectiveness and corresponding performance levels established by the commissioner. *19 TAC 97.1005; Education Code 7.028(a)*

Federal Report Card

A district that receives Title I funding shall prepare and disseminate an annual federal report card that includes information on the district as a whole and each school within the district.

Implementation

The federal report card shall be concise; presented in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and accessible to the public, which shall include placing the report card on the district's website. If the district does not operate a website, the information in the report card must be provided to the public in another manner determined by the district.

Minimum Requirements

The federal report card shall include the information required in the annual state report card described at 20 U.S.C. 6311(h)(1)(C), as applied to the district and each school served by the district, including:

1. In the case of the district, information that shows how students served by the district achieved on state academic assessments compared to students in the state as a whole;

2. In the case of a school, information that shows how the school's students' achievement on state academic assessments compared to students served by the district and the state as a whole; and

3. Any other information that the district determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the district, whether or not such information is included in the annual state report card.

20 U.S.C. 6311(h)(2)

District Data on Academic Achievement

On request by the board, TEA shall create a website that members of the board may use to review campus and district academic achievement data. The website must also be made available to campuses in a similar manner that access is provided to the board.

The website must:

1. Include district information, disaggregated by campus, grade, sex, race, academic quarter or semester, as applicable, and school year, regarding the following:
    a. Student academic achievement and growth;
    b. Teacher and student attendance; and
    c. Student discipline records; and
2. Be updated at least once each quarter of the school year.

The commissioner shall provide information that permits a board member to compare the district's academic performance with the academic performance of other districts of similar size and racial and economic demographics.

A district must provide requested information to the commissioner for the creation of the website. Confidential information received by the commissioner remains confidential. The commissioner shall design the website to ensure that public information is made available to the public, and information submitted by districts noted as confidential is not made available to the public.

A request for public information under this provision shall be submitted to the district that provides the agency with the information. TEA may not release information submitted by a district that is noted as confidential information.

Education Code 11.1516

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Interventions and Sanctions for School Districts

The commissioner of education shall take any of the actions authorized by Education Code, Chapter 39A, Subchapter A, to the extent the commissioner determines necessary if:

Grounds for Commissioner Action

1. A district does not satisfy:
    a. The accreditation criteria under Education Code 39.052 [see AIA];
    b. The academic performance standards under Education Code 39.053 or 39.054 [see AIA]; or
    c. Any financial accountability standard as determined by commissioner rule [see CFA]; or
2. The commissioner considers the action to be appropriate on the basis of a special accreditation investigation under Education Code 39.057.

Education Code 39A.001

Authorized Commissioner Actions

If a district is subject to commissioner action, the commissioner may:

1. Issue public notice of the deficiency to the board;
2. Order a hearing to be conducted by the board to notify the public of:
    a. The insufficient performance;
    b. The improvements in performance expected by the Texas Education Agency (TEA); and
    c. The interventions and sanctions that may be imposed if the performance does not improve;
3. Order the preparation of a student achievement improvement plan that addresses each academic achievement indicator under Education Code 39.053(c) for which the district's performance is insufficient, the submission of the plan to the commissioner for approval, and the implementation of the plan;
4. Order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board and the district's superintendent shall appear and explain the district's low performance, lack of improvement, and plans for improvement;
5. Arrange a monitoring review of the district;
6. Appoint a TEA monitor to participate in and report to TEA on the activities of the board or superintendent;

7. Appoint a conservator to oversee the operations of the district;

8. Appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a contract with another person; or

9. Authorize the district to enter into a memorandum of understanding with an institution of higher education that provides for the assistance of the institution of higher education in improving the district's performance.

Education Code 39A.002

Regardless of whether the commissioner lowers a district's status or rating, the commissioner may take action under Education Code Chapters 39 and 39A or 19 Administrative Code 97.1057 if the commissioner determines that the action is necessary to improve any area of performance by the district or campus.

Subject to 19 Administrative Code 97.1057(h)–(k), once the commissioner takes action under 19 Administrative Code Subchapter EE (accreditation status, standards, and sanctions), the commissioner may impose on the district or campus any other sanction under Education Code Chapter 39 or 39A, or Subchapter EE, singly or in combination, to the extent the commissioner determines is reasonably required to achieve the purposes specified in 19 Administrative Code 97.1053.

19 TAC 97.1057(c), (e)

In making a determination to impose district and campus accreditation sanctions under 19 Administrative Code Chapter 97, Subchapter EE, the commissioner shall meet the requirements of 19 Administrative Code 97.1059. *19 TAC 97.1059*

Conservator or Management Team

The commissioner shall clearly define the powers and duties of a conservator or management team appointed to oversee the operations of a district.

At least every 90 days, the commissioner shall review the need for the conservator or management team and shall remove the conservator or management team unless the commissioner determines that continued appointment is necessary for effective governance of the district or delivery of instructional services.

A conservator or management team, if directed by the commissioner, shall prepare a plan for the implementation of the appointment of a board of managers or the revocation of accreditation.

The conservator or management team may:

1. Direct an action to be taken by the principal of a campus, the superintendent of the district, or the board; and

2. Approve or disapprove any action of the principal of a campus, the superintendent of the district, or the board.

The conservator or management team may not:

1. Take any action concerning a district election, including ordering or canceling an election or altering the date of or the polling places for an election;

2. Change the number of or method of selecting the board;

3. Set a tax rate for the district; and

4. Adopt a budget for the district that provides for spending a different amount, exclusive of required debt service, from that previously adopted by the board.

Education Code 39A.003

Regardless of whether a district has satisfied the accreditation criteria, if for two consecutive school years, including the current school year, a district has had a conservator or management team assigned, the commissioner may appoint a board of managers, a majority of whom must be residents of the district, to exercise the powers and duties of the board of trustees. For purposes of this subsection, a school year begins on the first day of instruction and includes any portion of the school year. *19 TAC 97.1057(d); Education Code 39A.006(b)*

Board of Managers

The commissioner may appoint a board of managers to exercise the powers and duties of a district's board if the district is subject to commissioner action and:

1. Has a current accreditation status of accredited-warned or accredited-probation;

2. Fails to satisfy any standard under Education Code 39.054(e); or

3. Fails to satisfy financial accountability standards as determined by commissioner rule.

Education Code 39A.004

Revocation of Accreditation

The commissioner may revoke the accreditation of a district if the district is subject to commissioner action, and for two consecutive school years, including the current school year, the district has:

1. Received an accreditation status of accredited-warned or accredited-probation;
2. Failed to satisfy any standard under Education Code 39.054(e); or
3. Failed to satisfy financial accountability standards as determined by commissioner rule.

In addition to revoking a district's accreditation, the commissioner may:

1. Order closure of the district and annex the district to one or more adjoining districts under Education Code 13.054; or
2. In the case of a home-rule school district, order closure of all programs operated under the district's charter.

Education Code 39A.005

Intervention to Improve High School Completion Rate

If a district is subject to commissioner action and the district has failed to satisfy any standard under Education Code 39.054(e) because of the district's dropout rates, the commissioner may impose sanctions against a district designed to improve high school completion rates, including:

1. Ordering the development of a dropout prevention plan for approval by the commissioner;
2. Restructuring the district or appropriate campuses to improve identification of and service to students who are at risk of dropping out of school, as defined by Education Code 29.081;
3. Ordering lower student-to-counselor ratios on campuses with high dropout rates; and
4. Ordering the use of any other intervention strategy effective in reducing dropout rates, including mentor programs and flexible class scheduling.

Education Code 39A.007

Campus Intervention Team and Targeted Improvement Plan

Actions Based on Campus Performance

If the performance of a campus is below any standard under Education Code 39.054(e), the commissioner shall:

1. Take actions, to the extent the commissioner determines necessary, as provided by Education Code, Chapter 39A; and
2. Assign a campus intervention team.

To the extent the commissioner determines necessary, the commissioner may:

1. Order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board, the superintendent, and the campus principal shall appear and explain the campus's low performance, lack of improvement, and plans for improvement; or

2. Establish a school community partnership team composed of members of the campus-level planning and decision-making committee and additional community representatives as determined appropriate by the commissioner.

Education Code 39A.051

Texas Accountability Intervention System

If a campus's performance is below any standard under Education Code 39.054(e), the campus shall engage in interventions as described by TEA. The commissioner shall assign members to a campus intervention team as outlined in 19 Administrative Code 97.1063 and Education Code 39A.052. The campus shall establish a campus leadership team (CLT) that includes the campus principal and other campus leaders responsible for the development, implementation, and monitoring of the targeted improvement plan.

If a campus is assigned an unacceptable rating under Education Code 39.054(e):

1. For a second consecutive year, the campus must engage in the processes outlined in this provision, and the campus must develop a campus turnaround plan to be approved by the commissioner.

2. For a third or fourth consecutive year, the campus must engage in the processes outlined in this provision, and the campus must implement the commissioner-approved campus turnaround plan as described in 19 Administrative Code 97.1064.

3. For a fifth consecutive year, the commissioner shall order the appointment of a board of managers to govern the district or the closure of the campus.

Based on a campus's progress toward improvement, the commissioner may order a hearing if a campus's performance is below any standard under Education Code 39.054(e).

Interventions and sanctions listed under this provision begin upon release of preliminary ratings and may be adjusted based on final accountability ratings.

19 TAC 97.1061(a)–(c), (e)–(i)

Campus Intervention Team

The campus intervention team shall follow the requirements of 19 Administrative Code 97.1061 and Education Code 39.106.

A campus intervention team assigned by the commissioner may include teachers, principals, other educational professionals, and superintendents recognized for excellence in their roles and appointed by the commissioner to serve as members of a team. *Education Code 39A.052*

A campus intervention team must include a district coordinator of school improvement (DCSI) and the campus principal's direct supervisor, if the DCSI is not the campus principal's direct supervisor. The DCSI must submit qualifications to TEA for approval.

An education professional, approved through an application either by TEA or TEA's technical assistance provider, who is not an employee of the campus or district, shall assist with the needs assessment.

19 TAC 97.1063(b)–(c)

On-Site Needs Assessment

A campus intervention team shall:

1. Conduct, with the involvement and advice of the school community partnership team, if applicable:
    a. If the commissioner determines necessary, a comprehensive on-site needs assessment; or
    b. A targeted on-site needs assessment relevant to an area of insufficient performance of the campus; and
2. Recommend appropriate actions as provided by Education Code 39A.054.

An on-site needs assessment must determine the factors resulting in the campus's low performance and lack of progress, including the contributing education-related factors.

In conducting a comprehensive on-site needs assessment, the campus intervention team shall use each of the guidelines and procedures at Education Code 39A.053(c) and 19 Administrative Code 97.1061(d).

In conducting a targeted on-site needs assessment, the campus intervention team shall use the appropriate guidelines and procedures described above relevant to each area of insufficient performance.

Education Code 39A.053

Recommendations

On completing the on-site needs assessment, the campus intervention team shall, with the involvement and advice of the school community partnership team, if applicable, recommend actions relating to any area of insufficient performance, including:

1. Reallocation of resources;
2. Technical assistance;
3. Changes in school procedures or operations;
4. Staff development for instructional and administrative staff;
5. Intervention for individual administrators or teachers;
6. Waivers from state statutes or rules;
7. Teacher recruitment or retention strategies and incentives provided by the district to attract and retain appropriately certified and experienced teachers; or
8. Other actions the campus intervention team considers appropriate.

Education Code 39A.054

Targeted Improvement Plan

In addition to the duties relating to the on-site needs assessment, the campus intervention team shall:

1. Assist the campus in developing a targeted improvement plan;
2. Conduct a public meeting at the campus with the campus principal, the members of the campus-level planning and decision-making committee, parents of students attending the campus, and community members residing in the district to review the campus performance rating and solicit input for the development of the targeted improvement plan [see Notice of Public Meeting, below];
3. Assist the campus in submitting the targeted improvement plan to the board for approval and presenting the plan in a public hearing [see Public Hearing, below]; and
4. Assist the commissioner in monitoring the progress of the campus in executing the targeted improvement plan.

Education Code 39A.055; 19 TAC 97.1061(d)(3)–(4)

Notice of Public Meeting

The campus intervention team must provide written notice of the public meeting to the parents of students attending the campus and post notice of the meeting on the campus's internet website.

The notice must include the date, time, and place of the meeting. *Education Code 39A.056*

The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspapers, or other media that reach the general public, and the parent liaison, if present on the campus. *19 TAC 97.1061(d)(3)(A)(2)*

Public Hearing

After a targeted improvement plan or an updated targeted improvement plan is submitted to the board, the board shall conduct a hearing to:

1. Notify the public of:
    a. The insufficient performance of the campus;
    b. The improvements in performance expected by TEA; and
    c. The intervention measures or sanctions that may be imposed under Education Code, Chapter 39A if the performance does not improve within a designated period; and
2. Solicit public comment on the targeted improvement plan or updated targeted improvement plan.

The board must post the targeted improvement plan on the district's internet website before the hearing.

The board may conduct one hearing relating to one or more campuses subject to a targeted improvement plan or an updated targeted improvement plan.

Education Code 39A.057

Submission to Commissioner

The board shall submit the targeted improvement plan or updated targeted improvement plan to the commissioner for approval. The campus intervention team shall assist the campus in submitting the targeted improvement plan to the commissioner. *Education Code 39A.058*

Executing Plan

In executing the targeted improvement plan, the campus intervention team shall, if appropriate:

1. Assist the campus in implementing research-based practices for curriculum development and classroom instruction, including bilingual education and special education programs, and financial management;
2. Provide research-based technical assistance, including data analysis, academic deficiency identification, intervention implementation, and budget analysis, to strengthen and improve the instructional programs at the campus; and

3. Require the district to develop a teacher recruitment and retention plan to address the qualifications and retention of the teachers at the campus.

Education Code 39A.059

Continuing Duties of the Campus Intervention Team

For each year a campus is assigned an unacceptable performance rating, the campus intervention team shall:

1. Assist in updating the targeted improvement plan to identify and analyze areas of growth and areas that require improvement; and

2. Submit each updated targeted improvement plan to the board.

Education Code 39A.060

Needs Improvement Rating

If a district or campus is assigned an overall or domain performance rating of D:

1. The commissioner shall order the district or campus to develop and implement a targeted improvement plan approved by the board; and

2. The interventions and sanctions provided by Education Code, Chapter 39A based on failure to satisfy performance standards under Education Code 39.054(e) apply to the district or campus only as provided below.

The interventions and sanctions based on failure to satisfy performance standards under Education Code 39.054(e) apply to a district or campus ordered to develop and implement a targeted improvement plan if the district or campus is assigned:

1. An overall or domain performance rating of F; or

2. An overall performance rating of D as provided below.

If a district or campus is assigned an overall performance rating of D for a school year after the district or campus is ordered to develop and implement a targeted improvement plan, the commissioner shall implement interventions and sanctions that apply to an unacceptable campus and those interventions and sanctions shall continue for each consecutive school year thereafter in which the campus is assigned an overall performance rating of D.

Education Code 39A.0545

Campus Planning and Site-Based Decision-Making

The commissioner may authorize a school community partnership team established under Education Code 39A.051 to supersede the

authority of and satisfy the requirements of establishing and maintaining a campus-level planning and decision-making committee.

The commissioner may authorize a targeted improvement plan or an updated targeted improvement plan to supersede the provisions of and satisfy the requirements of developing, reviewing, and revising a campus improvement plan.

Education Code 39A.061

Submission of Campus Improvement Plan

If the performance of a campus satisfies performance standards under Education Code 39.054(e) for the current school year but would not satisfy the performance standards if the standards to be used for the following school year were applied to the current school year, on the request of the commissioner, the campus-level planning and decision-making committee shall revise and submit to the commissioner the portions of the campus improvement plan that are relevant to those areas for which the campus would not satisfy performance standards. The revised portions of the improvement plan must be submitted in an electronic format. *Education Code 39A.062*

Compliance Through Federal Accountability

Notwithstanding the provisions of Education Code Chapter 39A, if the commissioner determines that a campus subject to interventions or sanctions has implemented substantially similar intervention measures under federal accountability requirements, the commissioner may accept the substantially similar intervention measures as measures in compliance with Education Code Chapter 39A. *Education Code 39A.063*

Campus Turnaround Plan

If a campus has been identified as unacceptable for two consecutive school years, the commissioner shall order the campus to prepare and submit a campus turnaround plan.

Updated Targeted Improvement Plan

A campus intervention team shall assist the campus in:

1. Developing an updated targeted improvement plan, including a campus turnaround plan to be implemented by the campus;
2. Submitting the updated targeted improvement plan to the board for approval and presenting the plan in a public hearing as provided by Education Code 39A.057;
3. Obtaining approval of the updated plan from the commissioner; and
4. Executing the updated plan on approval by the commissioner.

The updated targeted improvement plan submitted to the board must include all plans and details that are required to execute the

campus turnaround plan without any additional action or approval by the board.

Education Code 39A.101

Public Notice

Within 60 days of receiving a campus's preliminary accountability rating, the district must notify parents, community members, and stakeholders that the campus received an unacceptable rating for two consecutive years and request assistance in developing the campus turnaround plan in accordance with 19 Administrative Code 97.1064. *19 TAC 97.1064(d)*

Submission and Approval

Upon approval of the board, the district must submit the campus turnaround plan electronically to TEA by March 1 unless otherwise specified. Not later than June 15 of each year, the commissioner must either approve or reject any campus turnaround plan prepared and submitted by a district. *19 TAC 97.1064(g)–(h); Education Code 39A.103–.104*

Implementation

A campus may implement, modify, or withdraw its campus turnaround plan with board approval if the campus receives an academically acceptable rating for the school year following the development of the campus turnaround plan.

A campus that has received an unacceptable rating for the school year following the development of the campus turnaround plan must implement its commissioner-approved campus turnaround plan with fidelity until the campus operates for two consecutive school years without an unacceptable rating.

The commissioner may appoint a monitor, conservator, management team, or board of managers for a school district that has a campus that has been ordered to implement an updated targeted improvement plan. The commissioner may order any of the interventions as necessary to ensure district-level support for the low-performing campus and the implementation of the updated targeted improvement plan. The commissioner may make the appointment at any time during which the campus is required to implement the updated targeted improvement plan.

19 TAC 97.1064(j)–(k)

Required Contents

A campus turnaround plan must include:

1. Details on the method for restructuring, reforming, or reconstituting the campus;
2. A detailed description of the academic programs to be offered at the campus, including:
    a. Instructional methods;

b. Length of school day and school year;

c. Academic credit and promotion criteria; and

d. Programs to serve special student populations;

3. If a district charter is to be granted for the campus under Education Code 12.0522:

a. The term of the charter; and

b. Information on the implementation of the charter;

4. Written comments from:

a. The campus-level committee established under Education Code 11.251, if applicable;

b. Parents; and

c. Teachers at the campus;

5. A detailed description of the budget, staffing, and financial resources required to implement the plan, including any supplemental resources to be provided by the district or other identified sources; and

6. A detailed description for developing and supporting the oversight of academic achievement and student performance by the board of trustees under Education Code 11.1515.

Education Code 39A.105(a) [Acts of the 85th Legislative Session, Senate Bill 1566, amended former Education Code 39.107(b-1) to include the information provided at Subsection (6)]

ACE Turnaround Plan

A campus may submit an accelerated campus excellence (ACE) turnaround plan. The plan must provide:

1. The assignment of a principal to the campus who has demonstrated a history of improvement in student academic growth at campuses in which the principal has previously worked;

2. That the principal has final authority over personnel decisions at the campus;

3. That at least 60 percent of the classroom teachers assigned to the campus be teachers who demonstrated instructional effectiveness during the previous school year, with instructional effectiveness determined by:

a. For a teacher who taught in the district during the previous school year:

(1) The teacher's impact on student growth as determined using a locally developed value-added model that measures student performance on at least one assessment selected by the district; and

(2) An evaluation of the teacher based on classroom observation; and

b. For a teacher who did not teach in the district during the previous school year, data and other evidence indicating that if the teacher had taught in the district during the previous school year, the teacher would have performed in the top half of teachers in the district;

4. A detailed description of the employment and compensation structures for the principal and classroom teachers, which must include significant incentives for a high-performing principal or teacher to remain at the campus and a three-year commitment by the district to continue incentives for the principal and teachers;

5. Policies and procedures for the implementation of best practices at the campus, including:

a. Data-driven instructional practices;

b. A system of observation of and feedback for classroom teachers;

c. Positive student culture on the campus;

d. Family and community engagement, including partnerships with parent and community groups;

e. Extended learning opportunities for students, which may include service or workforce learning opportunities; and

f. Providing student services before or after the instructional day that improve student performance, which may include tutoring, extracurricular activities, counseling services, and offering breakfast, lunch, and dinner to all students at the campus; and

6. Assistance by a third-party provider that is approved by the commissioner in the development and implementation of the district's plan.

Education Code 39A.105(b)

Implementing Entities

A campus ordered to prepare a campus turnaround plan shall implement the updated targeted improvement plan as approved by the commissioner.

The commissioner may appoint a monitor, conservator, management team, or board of managers to the district to ensure and oversee district-level support to low-performing campuses and the implementation of the updated targeted improvement plan.

In making appointments, the commissioner shall consider individuals who have demonstrated success in managing campuses with student populations similar to the campus at which the individual appointed will serve.

Education Code 39A.102, .108

Effective Date

A campus turnaround plan must take effect not later than the school year following the third consecutive school year that the campus has received an unacceptable performance rating. *Education Code 39A.106*

Commissioner Approval or Rejection

Not later than June 15 of each year, the commissioner shall, in writing, either approve or reject any campus turnaround plan prepared and submitted to the commissioner by a district. If the commissioner rejects a campus turnaround plan, the commissioner must also send the district an outline of the specific concerns regarding the turnaround plan that resulted in the rejection. *Education Code 39A.107(a-1)*

If the commissioner rejects a campus turnaround plan, the district must create a modified plan with assistance from TEA staff and submit the modified plan to the commissioner for approval not later than the 60th day after the date the commissioner rejects the campus turnaround plan. The commissioner shall notify the district in writing of the commissioner's decision regarding the modified plan not later than the 15th day after the date the commissioner receives the modified plan. *Education Code 39A.107(a-2)*

The commissioner may approve a campus turnaround plan only if the commissioner determines that the campus will satisfy all student performance standards required under Education Code 39.054(e) not later than the second year the campus receives a performance rating following the implementation of the campus turnaround plan.

Education Code 12.0522(b) does not apply to a district charter approved by the commissioner. An approved district charter may be renewed or continue in effect after the campus is no longer subject to the commissioner’s order under Education Code 39A.101.

If the commissioner does not approve a campus turnaround plan, the commissioner shall order:

1. Appointment of a board of managers to govern the district;

2. Alternative management of the campus; or

3. Closure of the campus.

Education Code 39A.107; 19 TAC 97.1065

Implementation

Following approval of a campus turnaround plan by the commissioner, the district, in consultation with the campus intervention team, may take any actions needed to prepare for the implementation of the plan. *Education Code 39A.108*

Assistance and Partnerships

A district may:

1. Request that a regional education service center provide assistance in the development and implementation of a campus turnaround plan; or

2. Partner with an institution of higher education to develop and implement a campus turnaround plan.

Education Code 39A.109

Change in Campus Performance Rating

If a campus for which a campus turnaround plan has been ordered receives an acceptable performance rating for the school year following the order, the board may:

1. Implement the campus turnaround plan;

2. Implement a modified version of the campus turnaround plan; or

3. Withdraw the campus turnaround plan.

A district required to implement a campus turnaround plan may modify the plan if the campus receives an acceptable performance rating for two consecutive school years following implementation of the plan.

Education Code 39A.110

Continued Unacceptable Performance Rating

If a campus is considered to have an unacceptable performance rating for three consecutive school years after the campus is ordered to submit a campus turnaround plan, the commissioner shall order:

1. Appointment of a board of managers to govern the district; or

2. Closure of the campus.

Education Code 39A.111; 19 TAC 97.1065(a)(2)

Parent Petition for Action

"Parent" means the parent who is indicated on the student registration form at that campus and the signature of only one parent of a student is required.

If the commissioner is presented, in the time and manner specified by commissioner rule, with a written petition signed by the parents of a majority of the students enrolled at a campus with an unacceptable performance rating for three consecutive school years, specifying an authorized action that the parents request the commissioner to order, the commissioner shall order the specific action requested.

If the board presents to the commissioner, in the time and manner specified by commissioner rule, a written request that the commissioner order specific authorized action other than the specific action requested in the parents' petition and a written explanation of the basis for the board's request, the commissioner may order the action requested by the board.

Education Code 12.051, 39A.112; 19 TAC 97.1065(d)

Repurposing of Closed Campus

If the commissioner orders the closure of a campus, that campus may be repurposed to serve students at that campus location only if the commissioner finds that the repurposed campus offers a distinctly different academic program and approves a new campus identification number for the repurposed campus. A campus may be repurposed if the campus:

1. Serves a majority of grade levels not served at the original campus; or
2. Is operated under a contract, approved by the school board, with a nonprofit organization exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986 that:
    a. Has a governing board that is independent of the district;
    b. Has a successful history of operating school district campuses or open-enrollment charter schools:
        (1) That cumulatively serve 10,000 or more students; and
        (2) A majority of which have been assigned an overall performance rating of B or higher under Education Code 39.054 for the preceding school year; and
    c. Has been assigned an overall performance rating of B or higher under Education Code 39.054 for the preceding school year.

Student Enrollment and Assignment

Any student assigned to a campus that has been closed must be allowed to transfer to any other campus in the district that serves that student's grade level and on request must be provided transportation to the other campus.

The commissioner may grant an exemption allowing students assigned to a closed campus to attend the repurposed campus if there is no other campus in the district at which the students may enroll.

Noncontracted Repurposed Campus

The majority of students assigned to a campus that has been closed and repurposed may not have attended that campus in the previous school year if the campus was repurposed to serve a majority of grade levels not served at the original campus.

Enrollment Provision in Contract

A contract approved by the school board with a nonprofit organization must provide that a student residing in the attendance zone of the campus immediately before the campus was repurposed shall be admitted for enrollment at the repurposed campus.

Education Code 39A.113

Targeted Technical Assistance

If the commissioner determines that the basis for the unacceptable performance of a campus for more than two consecutive school years is limited to a specific condition that may be remedied with targeted technical assistance, the commissioner may require the district to contract for the appropriate technical assistance. *Education Code 39A.114*

Commissioner Authority

A decision by the commissioner under the campus turnaround plan subchapter of the Education Code is final and may not be appealed. *Education Code 39A.116*

Alternative Management

The commissioner shall appoint a monitor, conservator, management team, or board of managers whenever such action is required, as determined by 19 Administrative Code 1073. Action under any other section of 19 Administrative Code Chapter 97, Subchapter EE is not a prerequisite to acting under this section. *19 TAC 97.1073*

Solicitation of Proposals

If the commissioner orders alternative management of a campus, the commissioner shall solicit proposals from qualified nonprofit entities to assume management of the campus or appoint a school district as provided below. The commissioner may solicit proposals from qualified for-profit entities if a nonprofit entity has not responded to the commissioner's request for proposals.

The commissioner may appoint a school district to assume management of the campus if the district:

1. Is not the district in which the campus is located; and
2. Is located within the boundaries of the same regional education service center as the campus.

If a school district is appointed, the district shall assume management of the campus in the same manner as a qualified entity or in accordance with commissioner rule.

The commissioner may annually solicit proposals for the alternative management of a campus. The commissioner shall notify a qualified entity that has been approved as a provider under this section.

Education Code 39A.151

Qualifications of Managing Entity

To qualify for consideration as a managing entity, the entity must submit a proposal that provides information relating to the entity's management and leadership team that will participate in management of the campus under consideration, including information relating to individuals who have:

1. Documented success in whole school interventions that increased the educational and performance levels of students in campuses considered to have an unacceptable performance rating;
2. A proven record of effectiveness with programs assisting low-performing students;
3. A proven ability to apply research-based school intervention strategies;
4. A proven record of financial ability to perform under the management contract; and
5. Any other experience or qualifications the commissioner determines necessary.

In selecting a managing entity, the commissioner shall give preference to a qualified entity that:

1. Meets any of the commissioner’s qualifications; and
2. Has documented success in educating students from similar demographic groups and with similar educational needs as the students who attend the campus to be operated by the managing entity.

Education Code 39A.152

Contract with Managing Entity

If the commissioner has ordered alternative management of a campus, the district shall execute a contract with an approved provider to serve as a managing entity for the campus. The term of the contract may not exceed five years with an option to renew the contract. The district must execute the contract and relinquish control of the campus before January 1 of the school year.

The management contract must include:

1. A provision describing the district's responsibilities in supporting the operation of the campus; and

2. Provisions approved by the commissioner requiring the managing entity to demonstrate improvement in campus performance, including negotiated performance measures.

Performance measures must be consistent with the priorities of Education Code Chapters 39 and 39A.

The management contract must be approved by the commissioner before the contract is executed. As appropriate, the commissioner may require the district, as a term of the contract, to support the campus in the same manner as the district was required to support the campus before the execution of the contract.

Education Code 39A.153; 19 TAC 97.1067

Extension of Management Contract

The commissioner may require a district to extend the term of a management contract with a managing entity if the commissioner determines that extending the contract on expiration of the initial term is in the best interest of the students attending the campus. The terms of the contract must be approved by the commissioner. *Education Code 39A.154*

Evaluation of Managing Entity

The commissioner shall evaluate a managing entity's performance on the first and second anniversaries of the date of the management contract.

If the evaluation fails to demonstrate improvement as negotiated under the management contract by the first anniversary of the date of the contract, the district may:

1. Terminate the contract, with the commissioner's consent, for nonperformance or breach of contract; and

2. Select another provider from an approved list provided by the commissioner.

If the evaluation fails to demonstrate significant improvement, as determined by the commissioner, by the second anniversary of the date of the management contract, the district shall:

1. Terminate the contract; and

2. Select another provider from an approved list provided by the commissioner or resume operation of the campus if approved by the commissioner.

If the commissioner approves the district's resumed operation of the campus, the commissioner shall assign a technical assistance team to assist the campus.

Education Code 39A.155

Cancellation of Management Contract

If a campus receives an unacceptable performance rating for two consecutive school years after a managing entity assumes management of the campus, the commissioner shall cancel the contract with the managing entity. *Education Code 39A.156*

Return of Management to District

Unless a campus has an unacceptable performance rating for three consecutive school years [see Continued Unacceptable Performance Rating, above], at the end of a management contract term or on the cancellation of a management contract, the board shall resume management of the campus. *Education Code 39A.157*

Applicability of Accountability Provisions

Each campus operated by a managing entity is subject to Education Code Chapters 39 and 39A in the same manner as any other campus in the district. *Education Code 39A.158*

Funding

The funding for a campus operated by a managing entity may not be less than the funding of the other campuses in the district on a per student basis so that the managing entity receives at least the same funding the campus would otherwise have received. *Education Code 39A.159*

Open Meetings and Public Information

With respect to the management of a campus by a managing entity:

1. A managing entity is considered to be a governmental body for purposes of the Texas Open Meetings Act and Public Information Act; and
2. Any requirement in the Texas Open Meetings Act or Public Information Act that applies to a school district or the board of trustees of a district applies to a managing entity.

Education Code 39A.160

Board of Managers

General Powers and Duties

A board of managers may exercise all of the powers and duties assigned to a board of trustees of a school district by law, rule, or regulation.

A board of managers appointed by the commissioner is required to take appropriate actions to resolve the conditions that caused a campus to be subject to the commissioner’s order, including

amending the district's budget, reassigning staff, or relocating academic programs. The commissioner may adopt rules necessary to implement this subsection.

Education Code 39A.201

Board of Managers of District

If the commissioner appoints a board of managers to govern a district:

1. The powers of the board are suspended for the period of the appointment; and
2. The commissioner shall appoint a district superintendent.

A board of managers appointed to govern a school district may amend the budget of the district.

Education Code Chapter 39A applies to a school district governed by a board of managers in the same manner it applies to any other district.

Education Code 39A.202

Board of Managers of Campus

If the commissioner appoints a board of managers to govern a campus:

1. The powers of the board of trustees of the school district in relation to the campus are suspended for the period of the appointment; and
2. The commissioner shall appoint a campus principal.

A board of managers appointed to govern a campus may submit to the commissioner for approval amendments to the budget of the school district for the benefit of the campus. If the commissioner approves the amendments, the board of trustees of the school district shall adopt the amendments.

Education Code 39A.203

Composition of Board of Managers

A board of managers appointed by the commissioner must, if possible, include community leaders, business representatives who have expertise in leadership, and individuals who have knowledge or expertise in the field of education. *Education Code 39A.204*

Training of Board of Managers

The commissioner must provide each individual appointed to a board of managers with training in effective leadership strategies. *Education Code 39A.205*

The training in effective leadership strategies shall be provided by TEA-approved authorized providers of board training to each individual appointed by the commissioner to a board of managers,

and, following the expiration of the appointment of the board of managers, to the board of trustees of the school district. *19 TAC 97.1073(h)*

Compensation

The commissioner may authorize payment of a board of managers from TEA funds.

A conservator or a member of a management team appointed to serve on a board of managers may continue to be compensated as determined by the commissioner.

Education Code 39A.206

Replacement of Member of Board of Managers

The commissioner may at any time replace a member of a board of managers. The commissioner may adopt rules necessary to implement this section. *Education Code 39A.207*

Expiration of Appointment

A board of managers shall, during the period of the appointment, order the election of members of the board of trustees of the school district in accordance with the law. The members of the board of trustees do not assume any powers or duties after the election until the appointment of the board of managers expires.

Not later than the second anniversary of the date the board of managers of a school district was appointed, the commissioner shall notify the board of managers and the board of trustees of the date on which the appointment of the board of managers will expire. Following each of the last three years of the period of the appointment, one-third of the members of the board of managers shall be replaced by the number of members of the board of trustees who were elected at an election that constitutes, as closely as possible, one-third of the membership of the board of trustees.

If, before the second anniversary of the date the board of managers of a school district was appointed, the commissioner determines, after receiving local feedback, that insufficient progress has been made toward improving the academic or financial performance of the district, the commissioner may extend the authority of the board of managers for a period of up to two additional years.

On the expiration of the appointment of the board of managers, the board of trustees assumes all of the powers and duties assigned to a board of trustees by law, rule, or regulation.

Following the expiration of the period of appointment of a board of managers for a school district, the commissioner shall provide training in effective leadership strategies to the board of trustees.

Education Code 39A.208; 19 TAC 97.1073

Removal of Board of Managers

The commissioner may remove a board of managers appointed to govern a school district only if the campus that was the basis for the appointment of the board of managers receives an acceptable performance rating for two consecutive school years.

If a campus that was the basis for the appointment of a board of managers receives an unacceptable performance rating for two additional consecutive years following the appointment of the board of managers, the commissioner may remove the board of managers and, in consultation with the local community, may appoint a new board of managers to govern the district.

Following the removal of a board of managers, or at the request of a managing entity to oversee the implementation of alternative management, the commissioner may appoint a conservator or monitor for the district to ensure district-level support for low-performing campuses and to oversee the implementation of the updated targeted improvement plan.

Education Code 39A.209; 19 TAC 97.1073

Challenge of Intervention or Sanction

A district that challenges the commissioner's decision to close the district or a campus or to pursue alternative management of a campus must appeal the decision as provided below.

Review of Sanctions by SOAH

A challenge is under the substantial evidence rule [see Government Code, Chapter 2001, Subchapter G]. The commissioner shall adopt procedural rules for a challenge under this section.

Notwithstanding other law:

1. The State Office of Administrative Hearings (SOAH) shall conduct an expedited review of a challenge;
2. The administrative law judge shall issue a final order not later than the 30th day after the date on which the hearing is finally closed;
3. The decision of the administrative law judge is final and may not be appealed; and
4. The decision of the administrative law judge may set an effective date for an action under this section.

Education Code 39A.301

Annual Review

The commissioner shall annually review the performance of a district or campus subject to intervention and sanction to determine the appropriate actions to be implemented.

The commissioner must review at least annually the performance of a district for which the accreditation status or performance rating

has been lowered due to insufficient student performance and may not raise the accreditation status or performance rating until the district has demonstrated improved student performance.

If the review reveals a lack of improvement, the commissioner shall increase the level of state intervention and sanction unless the commissioner finds good cause for maintaining the current status.

Education Code 39A.901

Increasing Intensity

If a district or campus does not exhibit improvement in student performance, the commissioner may increase the intensity of intervention and sanction that would otherwise be required by statute or rule, including ordering campus closure, district annexation, or appointment of a board of managers.

For purposes of this section, improvement means an increase in the scaled score for the overall academic performance rating under Education Code Chapter 39.

19 TAC 97.1070(a)–(b)

Special Accreditation Investigations

The commissioner may authorize a special accreditation investigation:

1. When excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;
2. When excessive numbers of allowable exemptions from the required state assessment are determined;
3. In response to complaints to TEA of alleged violations of civil rights or other requirements imposed on the state by federal law or court order;
4. In response to established compliance reviews of the district's financial accounting practices and state and federal reporting requirements;
5. When extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Education Code 37.006 and 37.007, are determined;
6. In response to an allegation involving a conflict between members of the board or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by the Education Code. If TEA's findings indicate the board has observed a lawfully adopted policy, TEA may not substitute its judgment for that of the board;

7. When excessive numbers of students in special education programs are assessed through modified assessment instruments;

8. In response to an allegation regarding, or an analysis using a statistical method result indicating, a possible violation of an assessment instrument security procedure;

9. When a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily on the state assessments;

10. When excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;

11. When resource allocation practices indicate a potential for significant improvement in resource allocation;

12. When a disproportionate number of students of a particular demographic group is graduating with a particular endorsement;

13. When an excessive number of students is graduating with a particular endorsement;

14. When a school district for any reason fails to produce, at the request of TEA, evidence or an investigation report relating to an educator who is under investigation by the State Board for Educator Certification;

15. In response to a complaint with respect to alleged inaccurate data that is reported through PEIMS or through other reports required by state or federal law or rule or court order and that is used by TEA to make a determination relating to public school accountability, including accreditation, under Education Code Chapter 39;

16. In response to repeated complaints concerning imposition of excessive paperwork requirements on classroom teachers; or

17. As the commissioner otherwise determines necessary.

Education Code 39.057(a)–(c)

TEA shall adopt written procedures for conducting special accreditation investigations, including procedures that allow TEA to obtain information from district employees in a manner that prevents a district or campus from screening the information. *Education Code 39.058(a); 19 TAC 102.1401*

Commissioner Action

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

1. Take appropriate action under Education Code Chapter 39A, [see Interventions and Sanctions for School Districts, above];
2. Lower the district's accreditation status or a district's or campus's performance rating; or
3. Take action under both items 1 and 2 above.

Regardless of whether the commissioner lowers the accreditation status or a district's or campus's performance rating, the commissioner may impose one of the district- or campus-level interventions or sanctions under Education Code 39A.002 [see Interventions and Sanctions for School Districts, above].

Education Code 39.057(d), (e)

Miscellaneous Provisions

Acquisition of Professional Services

In addition to other authorized interventions and sanctions, the commissioner may order a district or campus to acquire professional services at the expense of the district or campus to address the applicable financial, assessment, data quality, program, performance, or governance deficiency. The commissioner's order may require the district or campus to:

1. Select or be assigned an external auditor, data quality expert, professional authorized to monitor district assessment instrument administration, or curriculum or program expert; or
2. Provide for or participate in the appropriate training of district staff or board members in the case of a district, or campus staff, in the case of a campus.

Education Code 39A.902

Costs Paid by District

The costs of providing a monitor, conservator, management team, campus intervention team, technical assistance team, managing entity, or service provider shall be paid by the district. If the district fails or refuses to pay the costs in a timely manner, the commissioner may:

1. Pay the costs using amounts withheld from any funds to which the district is otherwise entitled; or
2. Recover the amount of the costs in the manner provided for recovery of an over allocation of state funds under Education Code 48.272.

Education Code 39A.903

Monitoring Reviews and On-Site Investigations

Except as provided by Education Code 7.028(a), the commissioner may direct TEA to conduct monitoring reviews and random on-site visits of a district at any time, as authorized by Education Code 7.028, only as necessary to ensure:

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

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

The commissioner may at any time convert a monitoring review to a special accreditation investigation under Education Code 39.057, provided the commissioner promptly notifies the district of the conversion. TEA shall give written notice to the superintendent and the board of any impending monitoring review.

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

Education Code 7.028, 39.056

Immunity from Civil Liability

An employee, volunteer, or contractor acting on behalf of the commissioner, or a member of a board of managers appointed by the commissioner, is immune from civil liability to the same extent as a professional employee of a district under Education Code 22.051. *Education Code 39A.904*

Campus Name Change	In reconstituting, repurposing, or imposing any other intervention or sanction on a campus, the commissioner may not require that the name of the campus be changed. *Education Code 39A.905*
Transitional Interventions and Sanctions	For a campus that received an unacceptable performance rating for the 2013–14, 2014–15, and 2015–16 school years, the commissioner may apply the interventions and sanctions authorized by Chapter 39 as that chapter existed on January 1, 2015, to the campus. If a campus receives an unacceptable performance rating for the 2016–17 and 2017–18 school years, the commissioner shall apply the interventions and sanctions authorized when a campus has an unacceptable performance rating for three consecutive school years under current law. For a campus that received an acceptable performance rating for the 2013–14 school year and an unacceptable performance rating for the 2014–15 and 2015–16 school years, the commissioner shall apply interventions and sanctions in current law to the campus. If the campus receives an unacceptable performance rating for the 2016–17, 2017–18, and 2018–19 school years, the commissioner shall apply the interventions and sanctions authorized when a campus has an unacceptable performance rating for three consecutive school years under current law. These transition provisions expire September 1, 2020. *Education Code 39A.906*
Special Program Performance: Intervention Stages	The commissioner shall assign a district to an intervention stage based on performance levels under 19 Administrative Code 97.1005 (Performance-Based Monitoring Analysis System) [see AIB] according to the criteria and requirements in 19 Administrative Code 97.1071. Intervention actions taken under this section are intended to assist the district in raising its performance and/or achieving compliance under 19 Administrative Code 97.1005 and do not preclude or substitute for a sanction under another provision of Chapter 97, Subchapter EE. *19 TAC 97.1071*
Intervention Pause	Except as otherwise provided by 19 Administrative Code 97.1062 and unless extended by the commissioner, TEA will cease to enforce the interventions under Education Code 39A.101-39A.111 until conclusion of the second consecutive school year of operation under:

1. A partnership as defined by 19 Administrative Code 97.1077(a)(2), (b), or (c) of this title [see ELA]; or

2. Designation as a mathematics innovation zone under Education Code 28.020 and applicable rules.

Any intervention or sanction not covered by the provision above shall continue.

If a campus ceases to qualify for the intervention pause at any point during a school year, TEA will resume previously ordered interventions and sanctions, order interventions and sanctions based on the rating from that school year, and count that rating for purposes of consecutive years of performance.

19 TAC 97.1062

Failure to Submit EOP

If TEA receives notice from the Texas School Safety Center of a district's failure to submit a multihazard emergency operations plan [see CKC], the commissioner may appoint a conservator for the district under Education Code Chapter 39A. The conservator may order the district to adopt, implement, and submit a multihazard emergency operations plan. If a district fails to comply with a conservator's order to adopt, implement, and submit a multihazard emergency operations plan within the time frame imposed by the commissioner, the commissioner may appoint a board of managers under Education Code Chapter 39A to oversee the operations of the district. *Education Code 37.1082(a)–(b)*

Note: The following provisions apply to a district with a central administrative office that is located in a county with a population of more than two million and that has a student enrollment that is more than 125,000 and less than 200,000, and that is operating under a turnaround plan.

Student Board Member

Notwithstanding Education Code 11.051(b) (number of trustees on a school board), the board may adopt a resolution establishing as a nonvoting member a student trustee position. If a board adopts such a resolution, the board shall adopt a policy addressing the topics specified in statute. *Education Code 11.0511*

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

Eligibility

To be eligible to be a candidate for, or elected or appointed to, the office of school board member, a person must:

1. Be a United States citizen.
2. Be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable.
3. Have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote.
4. Have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities [but see Ineligibility below].
5. Have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:
    a. For an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot.
    b. For a write-in candidate, the date of the election at which the candidate's name is written in.
    c. For an appointee to an office, the date the appointment is made.
6. Be registered to vote in the territory from which the office is elected on the date described at item 5, above.

Election Code 1.020, 141.001(a); Education Code 11.066; Gov't Code 601.009; Tex. Const. Art. XVI, Sec. 14

Qualified Voter

A person may not be elected trustee of an independent school district unless the person is a qualified voter. *Education Code 11.061(b)*

"Qualified voter" means a person who:

1. Is 18 years of age or older;

2. Is a United States citizen;

3. Has not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote;

4. Has not been finally convicted of a felony [see also Atty. Gen. Op. LO 96-114 (1996) (concluding that caveat at Election Code 11.002 does not mitigate blanket prohibition in Election Code 141.001, above at Eligibility)];

5. Is a resident of this state; and

6. Is a registered voter.

Election Code 1.020, 11.002

Residency

"Residence" Defined

"Residence" means domicile, one's home and fixed place of habitation to which one intends to return after any temporary absence; one does not lose one's residence status by leaving to go to another place for temporary purposes only. A person does not acquire a residence in a place to which the person has come for temporary purposes only and without the intention of making that place the person's home. Residence shall be determined in accordance with the common-law rules, as enunciated by the courts of this state, except as otherwise provided by the Election Code. *Election Code 1.015*

Note: The issue of whether a candidate has satisfied residency requirements should be judicially determined. *State v. Fischer, 769 S.W.2d 619 (Tex. App.—Corpus Christi 1989, writ dism'd w.o.j.)*

Intent to Return

For purposes of satisfying the continuous residency requirement, a person who claims an intent to return to a residence after a temporary absence may establish that intent only in accordance with Election Code 141.001(a-1), which does not apply to a person displaced from the person's residence due to a declared local, state, or national disaster. *Election Code 141.001(a-1)–(a-2)*

Single-Member Districts

A candidate for board member representing a single-member district must be a resident of the district the candidate seeks to represent. *Education Code 11.052(g)*

Ineligibility

A person is ineligible to serve as a member of the board of a district if the person has been convicted of a felony or an offense under Penal Code 43.02(b) (prostitution). *Education Code 11.066*

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

Tie Votes

Second Election

In an election requiring a plurality, if two or more candidates for the same office tie for the number of votes required to be elected, a second election to fill the office shall be held in accordance with the deadlines and other requirements of Election Code 2.002.

Other Options

Casting Lots

The tying candidates may agree to cast lots to resolve the tie. The agreement must be filed with the board. The board president shall supervise the casting of lots.

Withdrawal

A tying candidate may resolve the tie by filing with the board a signed and acknowledged written statement of withdrawal. On receipt of the statement, the remaining candidate is the winner, and a second election or casting of lots is not held.

Automatic Recount

If the tie is not resolved by casting lots or withdrawal, an automatic recount shall be conducted under Election Code Chapter 216 before the second election is held.

Election Code 2.002

Runoff Election

In a district in which trustees are elected by majority vote under Education Code 11.057(c) [see BBB], if no candidate for a particular office receives the vote necessary to be elected, a runoff election for that office is required. *Election Code 2.021 et seq.*

If the candidates in a runoff election tie, an automatic recount shall be conducted under Election Code Chapter 216. If the recount does not resolve the tie, the tied candidates shall cast lots to determine the winner. The board president shall supervise the casting of lots. A tying candidate may resolve the tie by filing with the board president a signed and acknowledged written statement of withdrawal. On receipt of the statement, the remaining candidate is the winner, and a casting of lots is not held. *Election Code 2.028*

Ballot Order

The order of the candidates' names on the ballot of any resulting runoff election or election held to resolve a tie vote shall be the relative order of names on the original election ballot. *Election Code 2.002(d), 52.094(a)*

Recounts

The district shall conduct an authorized recount in accordance with Election Code Title 13. *Election Code 211.001*

A candidate in a board election may obtain an initial recount in an election if the difference in the number of votes received by the candidate and any candidate for the office who is shown by the election returns to be elected, tied, or entitled to a place on a runoff ballot, if applicable, is less than ten percent of that candidate's number of votes, or the total number of votes received by all candidates for the office is less than 1,000. *Election Code 212.022*

A ground for obtaining an initial recount is not required to obtain an initial recount of electronic voting system results. A candidate may obtain an initial recount of electronic voting system results in an election only if the candidate is shown by the election returns not to be elected. *Election Code 212.0241*

An initial recount may not be conducted unless an authorized candidate submits a petition for the recount to the presiding officer of the local canvassing authority in accordance with Election Code Chapter 212, Subchapter B, accompanied by a deposit to cover the costs of the recount in accordance with Subchapter E. *Election Code 212.025, .026, .111*

Effect of Petition

The submission of a recount petition before a board completes its canvass does not delay the canvass for the office involved in the recount. The board shall make a notation on the tabulation of any office involved in a recount. The submission of a recount petition delays the issuance of a certificate of election and qualification for the office involved in the recount pending completion of the recount. A candidate may not qualify for an office involved in a recount before completion of the recount. This provision does not affect a candidate who has received a certificate of election and qualified for office before the submission of a recount petition involving the office. *Election Code 212.033, .0331*

Canvass Returns

General Rule

Except as provided below, a board shall convene to conduct the local canvass at the time set by the presiding officer not later than the 11th day after election day and not earlier than the later of:

1. The third day after election day;
2. The date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or
3. The date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

Election Code 67.003(b)

November Election—Even-Numbered Years

For an election held on the date of the general election for state and county officers (the first Tuesday after the first Monday in November in even-numbered years under Election Code 41.002), the time for the canvass may be set not later than the 14th day after election day. *Election Code 65.051(a-1), 67.003(c)*

Quorum for Canvass

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

At the time set for convening the board for the local canvass, the presiding officer shall deliver the sealed precinct returns to the board. The board shall open the returns for each precinct and canvass them as provided by Election Code 67.004.

Minutes

The presiding officer shall note the completion of the canvass in the minutes or in the recording required by the Open Meetings Act (Government Code 551.021). [See BE]

Election Code 67.004(a), (g)

Certificate of Election

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

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

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

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

Election Code 67.016

Certificate for Unopposed Candidate

A certificate of election shall be issued to each unopposed candidate declared elected in the same manner and at the same time as provided for a candidate elected at the election. The candidate must qualify for the office in the same manner as provided for a

candidate elected at the election. *Election Code 2.053(e)* [See BBBA regarding the election of an unopposed candidate.]

Officer's Statement

All elected and appointed board members, before taking the oath or affirmation of office and entering upon the duties of office, shall sign the required officer's statement. The statement shall be retained with the official records of the office. *Tex. Const. Art. XVI, Sec. 1(b), (c)*

Oath of Office

All elected and appointed trustees, before they enter upon the duties of the office, shall take the official oath or affirmation of office. Newly elected trustees shall file their official oaths with the board president. *Tex. Const. Art. XVI, Sec. 1(a); Education Code 11.061(a)*

The oath may be administered and a certificate of the fact given by the individuals listed at Government Code 602.002, including:

1. A judge, retired judge, or clerk of a municipal court.
2. A judge, retired judge, senior judge, clerk, or commissioner of a court of record.
3. A justice of the peace or clerk of a justice court.
4. A notary public.

Gov't Code 602.002

Election Records

Except as otherwise provided by the Election Code, a district shall preserve the precinct election records distributed to it for at least 22 months after election day. *Election Code 66.058(a)* [See CPC]

Destruction of Records

After expiration of the prescribed period for preserving election records under the Election Code, the records may be destroyed or otherwise disposed of unless, at the expiration of the preservation period, an election contest or a criminal investigation or proceeding connected with the election is pending. In that case, the records shall be preserved until the contest, investigation, or proceeding is completed and the judgment, if any, becomes final. *Election Code 1.013*

Open Meetings Act Training

Not later than the 90th day after taking the oath of office, each board member shall complete training of not less than one and not more than two hours regarding the responsibilities of the board and its members under Government Code Chapter 551 (Texas Open Meetings Act).

The attorney general may provide the training and may also approve other acceptable sources of training.

The board shall maintain and make available for public inspection the record of its members' completion of the training. The failure of one or more members of the board to complete the training does not affect the validity of an action taken by the board.

Gov't Code 551.005

Public Information Act Training

Not later than the 90th day after taking the oath of office, each board member shall complete training of not less than one and not more than two hours regarding the responsibilities of the board and its officers and employees under Government Code Chapter 552 (Public Information Act). A board member may designate a public information coordinator to satisfy the training for the board member if the public information coordinator is primarily responsible for administering the responsibilities of the board member or board under the Public Information Act. [See GBAA regarding public information coordinator training] *Gov't Code 552.012*

SBOE-Required Training

A trustee must complete any training required by the State Board of Education (SBOE). *Education Code 11.159*

The SBOE's framework for governance leadership [see BBD(EXHIBIT)] shall be distributed annually by the board president to all current board members and the superintendent. *19 TAC 61.1(a)*

The continuing education required under Education Code 11.159 applies to each member of the board. To the extent possible, an entire board shall participate in continuing education programs together. *19 TAC 61.1(b), (i)*

No continuing education shall take place during a board meeting unless that meeting is called expressly for the delivery of board member continuing education. Continuing education may take place prior to or after a legally called board meeting in accordance with Government Code 551.001(4) (definition of "meeting"). *19 TAC 61.1(e)*

A regional education service center (ESC) board member continuing education program shall be open to any interested person, in-

cluding a current or prospective board member. A district is not responsible for any costs associated with individuals who are not current board members. *19 TAC 61.1(f)*

Annually, the SBOE shall commend those board-superintendent teams that complete at least eight hours of the continuing education specified at Team Building and Additional Continuing Education, below, as an entire board-superintendent team.

Annually, the SBOE shall commend board-superintendent teams that effectively implement the commissioner of education's trustee improvement and evaluation tool developed under Education Code 11.182 [see BG] or any other tool approved by the commissioner.

19 TAC 61.1(k), (l)

Verification

For each training described below, the provider of continuing education shall provide verification of completion of board member continuing education to the individual participant and to the participant's school district. The verification must include the provider's authorization or registration number. *19 TAC 61.1(h)*

Reporting

At the last regular board meeting before an election of trustees, the board president shall announce the name of each board member who has completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in meeting the required continuing education as of the anniversary of the date of each board member's election or appointment to the board or two-year anniversary of his or her previous training, as applicable. The announcement shall state that completing the required continuing education is a basic obligation and expectation of any board member under SBOE rule. The minutes of the last regular board meeting held before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment or two-year anniversary of his or her previous training, as applicable. The president shall cause the minutes to reflect the announcement and, if the minutes reflect that a trustee is deficient in training as of the anniversary of his or her joining the board, the district shall post the minutes on the district's internet website within ten business days of the meeting and maintain the posting until the trustee meets the requirements. *19 TAC 61.1(j); Education Code 11.159(b)*

Local District Orientation

Each board member shall complete a local district orientation session. The purpose of the local orientation is to familiarize new board members with local board policies and procedures and district goals and priorities.

A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

The orientation shall:

1. Be at least three hours in length.
2. Address local district practices in the following, in addition to topics chosen by the local district:
    a. Curriculum and instruction;
    b. Business and finance operations;
    c. District operations;
    d. Superintendent evaluation; and
    e. Board member roles and responsibilities.

Each board member should be made aware of the continuing education requirements of 19 Administrative Code 61.1 and those of the following:

1. Open meetings act in Government Code 551.005 [see Open Meetings Act Training above];
2. Public information act in Government Code 552.012 [see Public Information Act Training above]; and
3. Cybersecurity in Government Code 2054.5191 [see CQB].

The orientation shall be open to any board member who chooses to attend.

19 TAC 61.1(b)(1)

Education Code Orientation

Each board member shall complete a basic orientation to the Education Code and relevant legal obligations. The orientation shall have special, but not exclusive, emphasis on statutory provisions related to governing Texas school districts.

A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

The orientation shall be at least three hours in length. Topics shall include, but not be limited to, Education Code Chapter 26 (Parental

Rights and Responsibilities) and Education Code 28.004 (Local School Health Advisory Council and Health Education Instruction).

The orientation shall:

1. Be provided by an ESC.

2. Be open to any board member who chooses to attend.

The continuing education may be fulfilled through online instruction, provided that the training incorporates interactive activities that assess learning and provide feedback to the learner and offers an opportunity for interaction with the instructor.

19 TAC 61.1(b)(2)

Legislative Update

After each session of the Texas Legislature, including each regular session and called session related to education, each board member shall complete an update to the basic orientation to the Education Code.

The update session shall be of sufficient length to familiarize board members with major changes in statute and other relevant legal developments related to school governance.

The update shall be provided by an ESC or a registered provider [see Registered Provider, below].

A board member who has attended an ESC basic orientation session described at Education Code Orientation, above, that incorporated the most recent legislative changes is not required to attend an update.

The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.

19 TAC 61.1(b)(3)

Team Building

The entire board shall participate with their superintendent in a team-building session.

The purpose of the team-building session is to enhance the effectiveness of the board-superintendent team and to assess the continuing education needs of the board-superintendent team.

The session shall be held annually and shall be at least three hours in length.

The session shall include a review of the roles, rights, and responsibilities of the board as outlined in the framework for governance leadership. [See BBD(EXHIBIT)] The assessment of needs shall be based on the framework for governance leadership and shall be used to plan continuing education activities for the year for the governance leadership team.

The team-building session shall be provided by an ESC or a registered provider [see Registered Provider and Authorized Provider, below].

19 TAC 61.1(b)(4)

Additional Continuing Education (Based on Assessed Needs)

In addition to the continuing education requirements set out above, each board member shall complete additional continuing education based on the framework for governance leadership. [See BBD(EXHIBIT)]

The purpose of continuing education is to address the continuing education needs referenced at Team Building above.

The continuing education shall be completed annually.

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

The continuing education shall be provided by an ESC or a registered provider [see Registered Provider, below].

The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.

First Year

In a board member's first year of service, he or she shall complete at least ten hours of continuing education in fulfillment of assessed needs

Subsequent Years

Following a board member's first year of service, he or she shall complete at least five hours of continuing education annually in fulfillment of assessed needs.

Board President

A board president shall complete continuing education related to leadership duties of a board president as some portion of the annual requirement.

19 TAC 61.1(b)(5)

Evaluating Student Academic Performance

Each board member shall complete continuing education on evaluating student academic performance and setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness.

The purpose of the training on evaluating student academic performance is to provide research-based information to board members that is designed to support the oversight role of the board of trustees outlined in Education Code 11.1515. [See BAA]

The purpose of the continuing education on setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness is to facilitate boards meeting the requirements of Education Code 11.185 and 11.186.

A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

The continuing education shall be completed every two years and shall be at least three hours in length.

The continuing education required by this provision shall include, at a minimum:

1. Instruction in school board behaviors correlated with improved student outcomes with emphasis on:
    a. Setting specific, quantifiable student outcome goals; and
    b. Adopting plans to improve early literacy and numeracy and college, career, and military readiness for applicable student groups evaluated in the Closing the Gaps domain of the state accountability system established under Education Code Chapter 39;
2. Instruction in progress monitoring practices to improve student outcomes; and
3. Instruction in state accountability with emphasis on the Texas Essential Knowledge and Skills, state assessment instruments administered under Education Code Chapter 39, and the state accountability system established under Chapter 39.

The continuing education shall be provided by an authorized provider [see Authorized Provider, below].

If the training is attended by an entire board and its superintendent, includes a review of local school district data on student achievement, and otherwise meets the requirements described at Team

Building above, the training may serve to meet a board member's obligation to complete training described at Team Building and at Evaluating Student Academic Performance, above, as long as the training complies with the Texas Open Meetings Act.

19 TAC 61.1(b)(6)

Identifying and Reporting Abuse

Each board member shall complete continuing education on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children in accordance with Education Code 11.159(c)(2).

A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

The training shall be completed every two years and shall be at least one hour in length.

The training must familiarize board members with the requirements of Education Code 38.004 and 38.0041, and 19 Administrative Code 61.1051 (relating to Reporting Child Abuse or Neglect, Including Trafficking of a Child).

The training required by this provision shall include, at a minimum:

1. Instruction in best practices of identifying potential victims of child abuse, human trafficking, and other maltreatment of children;

2. Instruction in legal requirements to report potential victims of child abuse, human trafficking, and other maltreatment of children; and

3. Instruction in resources and organizations that help support victims and prevent child abuse, human trafficking, and other maltreatment of children.

The training sessions shall be provided by a registered provider [see Registered Provider, below].

This training may be completed online, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.

19 TAC 61.1(b)(7)

Training Provider

Registered Provider

For the purposes of 19 Administrative Code 61.1, a registered provider has demonstrated proficiency in the content required for a specific training. A private or professional organization, school district, government agency, college/university, or private consultant shall register with the Texas Education Agency (TEA) to provide the board member continuing education required by 19 Administrative Code 61.1(b)(3), (5), and (7) [see Legislative Update, Additional Continuing Education, and Identifying and Reporting Abuse, above].

A district that provides continuing education exclusively for its own board members is not required to register under 19 Administrative Code 61.1(c)(1)–(2).

19 TAC 61.1(c)

Authorized Provider

An authorized provider meets all the requirements of a registered provider and has demonstrated proficiency in the content required by 19 Administrative Code 61.1(b)(4) and (6). Proficiency may be demonstrated in accordance with 19 Administrative Code 61.1(d).

A private or professional organization, school district, government agency, college/university, or private consultant may be authorized by TEA to provide the board member training required in 19 Administrative Code 61.1(b)(4) and (6).

An ESC shall be authorized by TEA to provide the board member training required in 19 Administrative Code 61.1(b)(4) and (6).

19 TAC 61.1(d)

[See above for 19 Administrative Code 61.1(b)(4) on Team Building and (b)(6) on Evaluating Student Academic Performance.]

Note: For cybersecurity training requirements, see CQB(LEGAL).

School Health Advisory Council

The board shall establish a local School Health Advisory Council (SHAC) to assist the district in ensuring that local community values are reflected in the district's health education instruction. *Education Code 28.004(a)* [See EHAA regarding duties of the SHAC.]

The SHAC shall meet at least four times each year. *Education Code 28.004(d-1)*

Composition

The board shall appoint at least five members to the SHAC. A majority of members must be persons who are parents of students enrolled in the district and who are not employed by the district. One of those members shall serve as chair or co-chair of the SHAC.

The board also may appoint one or more persons from each of the following groups or a representative from a group other than a group specified:

1. Classroom teachers employed by the district;
2. School counselors certified under Education Code Chapter 21, Subchapter B, employed by the district;
3. School administrators employed by the district;
4. District students;
5. Health-care professionals licensed or certified to practice in this state, including medical or mental health professionals;
6. The business community;
7. Law enforcement;
8. Senior citizens;
9. The clergy;
10. Nonprofit health organizations; and
11. Local domestic violence programs.

Education Code 28.004(d)

Physical Activity and Fitness Planning Subcommittee

The SHAC shall establish a physical activity and fitness planning subcommittee to consider issues relating to student physical activity and fitness and make policy recommendations to increase physical activity and improve fitness among students. *Education Code 28.004(l-1)*

Annual Report

In addition to its other duties, the SHAC shall submit to the board, at least annually, a written report that includes:

1. Any SHAC recommendation concerning the district's health education curriculum and instruction or related matters that the SHAC has not previously submitted to the board;
2. Any suggested modification to a SHAC recommendation previously submitted to the board;
3. A detailed explanation of the SHAC's activities during the period between the date of the current report and the date of the last prior written report; and
4. Any recommendations made by the physical activity and fitness planning subcommittee.

Education Code 28.004(m)

Changes in Curriculum

A district must consider the recommendations of the local SHAC before changing the district's health education curriculum or instruction. *Education Code 28.004(b)*

Public Statement

A district shall publish in the student handbook and post on the district's internet website, if the district has an internet website, a statement of:

1. The policies and procedures adopted to promote the physical health and mental health of students, the physical health and mental health resources available at each campus, contact information for the nearest providers of essential public health services under Health and Safety Code Chapter 121, and the contact information for the nearest local mental health authority;
2. The policies adopted to ensure that elementary school, middle school, and junior high school students engage in at least the amount and level of physical activity required by Education Code 28.002(l) [see EHAB and EHAC];
3. The number of times during the preceding year the SHAC has met;
4. Whether the district has adopted and enforces policies to ensure that district campuses comply with the Texas Education Agency's vending machine and food service guidelines for restricting student access to vending machines;
5. Whether the district has adopted and enforces policies and procedures that prescribe penalties for the use of e-cigarettes, as defined by Education Code 38.006, and tobacco products by students and others on school campuses or at school-sponsored or school-related activities [see DH and GKA];

6. Notice to parents that they can request in writing their child's physical fitness assessment results at the end of the school year [see FFAA]; and

7. Whether each campus in the district has a full-time nurse or full-time school counselor.

Education Code 28.004(k)

Within the context of current law, the District shall be guided by Board-adopted written policies that are given appropriate distribution and are accessible to staff members, parents, students, and community residents.

Organization

Legally referenced policies contain provisions from federal and state statutes and regulations, case law, and other legal authority that together form the framework for local decision making and implementation. These policies are binding on the District until the cited provisions are repealed, revised, or superseded by legislative, regulatory, or judicial action.

Legally referenced policies are not adopted by the Board.

At each policy code the legally referenced policy and the Board-adopted local policy must be read together to further a full understanding of a topic.

Terms

The terms “Trustee” and “Board member” are used interchangeably in the local policy manual. Both terms are intended to reflect all the duties and obligations of the office.

[See AB for District name terminology.]

Harmony with Law

Newly enacted law is applicable when effective. No policy or regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable law.

Severability

If any portion of a policy or its application to any person or circumstance is found to be invalid, that invalidity shall not affect other provisions or applications of policy that can be given effect without the invalid provision or application; and to this end the provisions of this policy manual are declared to be severable.

Policy Development

Policies and policy amendments may be initiated by the Superintendent, Board members, school personnel, or community citizens, but generally shall be recommended for the Board’s consideration by the Superintendent.

Official Policy Manual

The Board shall designate one copy of the local policy manual as the official policy manual of the District. The official copy shall be kept in the central administration office, and the Superintendent shall be responsible for its accuracy and integrity and shall maintain a historical record of the District’s policy manual.

Adoption and Amendment

Local policies may be adopted or amended by a majority of the Board at any regular or special meeting, provided that Board members have had advance written notice of the proposed change and that it has been placed on the agenda for such meeting.

Local policies become effective upon Board adoption or at a future date designated by the Board at the time of adoption.

TASB Localized Updates

After Board review of legally referenced policies and adoption of local policies, the new material shall be incorporated into the official policy manual and into other localized policy manuals maintained by the District. If discrepancies occur between different copies of the manual, the version contained in the official policy manual shall be regarded as authoritative.

Planning and Decision-Making Process

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

The planning and decision-making requirements do not:

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

Education Code 11.251(g)

Evaluation

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

Administrative Procedure

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

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

Education Code 11.251(d)

Federal Requirements

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

Required Plans

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

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

Education Code 11.251(a)

Shared Services Arrangement for DAEP Services

A district participating in a shared services arrangement for disciplinary alternative education program (DAEP) services shall ensure that the district improvement plan and each campus-level plan include the performance of the DAEP student group for the district. The identified objectives for the improvement plans shall include:

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

19 TAC 103.1201(b)

District Improvement Plan

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

Availability to TEA

A district's plan for the improvement of student performance is not filed with the Texas Education Agency (TEA), but the district must make the plan available to TEA on request. *Education Code 11.252(b)*

Required Provisions

The district improvement plan must include provisions for:

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

h. Accelerated education.

i. Implementation of a comprehensive school counseling program under Education Code 33.005. [See FFEA]

4. Strategies for providing to elementary school, middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about:

   a. Higher education admissions and financial aid opportunities, including state financial aid opportunities such as the TEXAS grant program and the Teach for Texas grant program.

   b. The need for students to make informed curriculum choices to be prepared for success beyond high school.

   c. Sources of information on higher education admissions and financial aid.

5. Resources needed to implement identified strategies.

6. Staff responsible for ensuring the accomplishment of each strategy.

7. Timelines for ongoing monitoring of the implementation of each improvement strategy.

8. Formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance.

9. The policy under Education Code 38.0041 addressing sexual abuse and other maltreatment of children. [See FFG]

10. The trauma-informed care policy required under Education Code 38.036. [See FFBA]

Education Code 11.252(a)

Law Enforcement Duties

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

Discipline Management

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

Dating Violence

A district shall adopt and implement a dating violence policy to be included in the district improvement plan. *Education Code 37.0831* [See FFH]

Mental Health, Substance Abuse, and Suicide

The practices and procedures developed under Education Code 38.351(i) (mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention) must be included in the district improvement plan. *Education Code 38.351(k)(2)* [See FFEB]

Campus-Level Plan

Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, with respect to the student achievement indicators and any other appropriate performance measures for special needs populations. *Education Code 11.253(c)*

Each campus improvement plan must:

1. Assess the academic achievement for each student in the school using the achievement indicator system.
2. Set the campus performance objectives based on the achievement indicator system, including objectives for special needs populations, including students in special education programs under Education Code Chapter 29, Subchapter A.
3. Identify how the campus goals will be met for each student.
4. Determine the resources needed to implement the plan.
5. Identify staff needed to implement the plan.
6. Set timelines for reaching the goals.
7. Measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement.
8. Include goals and methods for violence prevention and intervention on campus.
9. Provide for a program to encourage parental involvement at the campus.
10. If the campus is an elementary, middle, or junior high school, set goals and objectives for the coordinated health program at the campus based on:
    a. Student fitness assessment data, including any data from research-based assessments such as the school health index assessment and planning tool created by the federal Centers for Disease Control and Prevention;

b. Student academic performance data;

c. Student attendance rates;

d. The percentage of students who are educationally disadvantaged;

e. The use and success of any method to ensure that students participate in moderate to vigorous physical activity; and

f. Any other indicator recommended by the local school health advisory council.

Education Code 11.253(d)

Committee

A district's policy and procedures shall establish a district level planning and decision-making committee as provided by Education Code 11.251(b)–(e).

The committee shall include representative professional staff, parents of students enrolled in the district, business representatives, and community members. *Education Code 11.251(b)*

Professional Staff

A board shall adopt a procedure, consistent with Education Code 21.407(a) [see DGA], for the professional staff to nominate and elect the professional staff representatives who shall serve on the district-level committee. If practicable, the committee shall include at least one professional staff representative with the primary responsibility for educating students with disabilities.

At least two-thirds of the elected professional staff representatives must be classroom teachers. The remaining staff representatives shall include both campus- and district-level professional staff members.

Education Code 11.251(e)

Parents

Board policy shall provide procedures for the selection of parents to the district-level committee.

For purposes of establishing the composition of the committee:

1. A person who stands in parental relation to a student is considered a parent.
2. A parent who is an employee of a district is not considered a parent representative on the committee.
3. A parent is not considered a representative of community members on the committee.

Education Code 11.251(c), (e)

Business Representatives and Community Members

Board policy must provide procedures for the selection of community members and business representatives to serve on the district-level committee in a manner that provides for appropriate representation of the community's diversity.

The committee shall include a business representative without regard to whether the representative resides in the district or whether the business the person represents is located in the district.

Community members must reside in the district and must be at least 18 years of age.

Education Code 11.251(b), (c), (e)

Meetings

A board shall establish a procedure under which the district-level committee holds regular meetings. The board or designee shall periodically meet with the district-level committee to review the committee's deliberations. *Education Code 11.251(b)*

Public Meetings

The district-level committee shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual district performance report from TEA for the purpose of discussing the performance of a district and the district performance objectives. *Education Code 11.252(e)*

Communications

District policy and procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input and to provide information to those persons regarding the recommendations of the district-level committee. *Education Code 11.252(e)*

Consultation

A superintendent shall regularly consult the district-level committee in the planning, operation, supervision, and evaluation of the district educational program. *Education Code 11.252(f)*

Responsibilities

District Plan

The district-level committee shall assist the superintendent with the annual development, evaluation, and revision of the district improvement plan. *Education Code 11.252(a)* [See District Improvement Plan at BQ(LEGAL)]

Each school district and campus shall use the results from the teaching and learning conditions survey required by Education Code 7.065(a) to review and revise, as appropriate, the district-level or campus-level improvement plan, and for other purposes, as appropriate to enhance the district and campus learning environments. *Education Code 7.065(e)*

Dropout Prevention Review

A district-level committee of a district with a junior high, middle, or high school campus shall analyze information related to dropout prevention, including:

1. The results of the audit of dropout records;
2. Campus information related to graduation rates, dropout rates, high school equivalency certificate rates, and the percentage of students who remain in high school more than four years after entering grade 9;
3. The number of students who enter a high school equivalency certificate program and:
    a. Do not complete the program,
    b. Complete the program but do not take the high school equivalency examination, or

c. Complete the program and take the high school equivalency examination but do not obtain a high school equivalency certificate;

4. For students enrolled in grades 9 and 10, information related to academic credit hours earned, retention rates, and placements in disciplinary alternative education programs and expulsions under Chapter 37; and

5. The results of an evaluation of each school-based dropout prevention program in a district.

Each district-level committee shall use the information in developing the district improvement plan.

Education Code 11.255

Staff Development

For staff development under Education Code 21.451(a), a district may use district-wide staff development developed and approved through the district-level decision process. *Education Code 21.451(c)* [See DMA]

Note: See BF for information on the committee's role in requesting waivers.

A district shall maintain policies and procedures to ensure that effective planning and site-based decision making occur at each campus to direct and support the improvement of student performance for all students. *Education Code 11.253(a)*

Committees

A district's policy and procedures shall establish campus-level planning and decision-making committees as provided by Education Code 11.251(b)–(e).

The committees shall include representative professional staff, parents of students enrolled in a district, business representatives, and community members.

Education Code 11.251(b), .253(b)

Professional Staff

A board shall adopt a procedure, consistent with Education Code 21.407(a) [see DGA], for the professional staff to nominate and elect the professional staff representatives who shall serve on the campus-level committees. If practicable, a committee shall include at least one professional staff representative with the primary responsibility for educating students with disabilities.

At least two-thirds of the elected professional staff representatives must be classroom teachers. The remaining staff representatives shall include both campus- and district-level professional staff members.

Education Code 11.251(e)

Parents

Board policy shall provide procedures for the selection of parents to the campus-level committees.

For purposes of establishing the composition of committees:

1. A person who stands in parental relation to a student is considered a parent.
2. A parent who is an employee of a district is not considered a parent representative on the committee.
3. A parent is not considered a representative of community members on the committee.

Education Code 11.251(c), (e)

Business Representatives and Community Members

Board policy must provide procedures for the selection of community members and business representatives to serve on the committee in a manner that provides for appropriate representation of the community's diversity.

A committee shall include a business representative without regard to whether the representative resides in the district or whether the business the person represents is located in the district.

Community members must reside in the district and must be at least 18 years of age.

Education Code 11.251(b), (c), (e)

Meetings

A board shall establish a procedure under which campus-level committees hold regular meetings. *Education Code 11.251(b)*

Public Meeting

Each campus-level committee shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual campus rating from TEA to discuss the performance of the campus and the campus performance objectives. *Education Code 11.253(g)*

Communications

District policy and campus procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input, and to provide information to those persons regarding the recommendations of the campus-level committees. *Education Code 11.253(g*)

Consultation

A principal shall regularly consult the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. *Education Code 11.253(h)*

Responsibilities

In accordance with the administrative procedures established under Education Code 11.251(b) [see BQ], the campus-level committee shall be involved in decisions in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization. *Education Code 11.251(d)*

Campus Improvement Plan

Each school year, the campus-level committee shall assist the campus principal with the development, review, and revision of the campus improvement plan. *Education Code 11.253(c)* [See Campus-Level Plan at BQ(LEGAL)]

Each school district and campus shall use the results from the teaching and learning conditions survey required by Education Code 7.065(a) to review and revise, as appropriate, the district-level or campus-level improvement plans, and for other purposes, as appropriate to enhance the district and campus learning environments. *Education Code 7.065(e)*

Staff Development

The campus-level committee must approve the portions of the campus plan addressing campus staff development needs. *Education Code 11.253(e)*

The staff development described by Education Code 21.451(a) must be predominantly campus-based, related to achieving campus performance objectives established under Education Code 11.253, and developed and approved by the campus-level committee. *Education Code 21.451(b)* [See DMA]

Dropout Prevention Review

A campus-level committee for a junior, middle, or high school campus shall analyze information related to dropout prevention, including:

1. The results of the audit of dropout records;
2. Campus information related to graduation rates, dropout rates, high school equivalency certificate rates, and the percentage of students who remain in high school more than four years after entering grade 9;
3. The number of students who enter a high school equivalency certificate program and:
    a. Do not complete the program;
    b. Complete the program but do not take the high school equivalency examination; or
    c. Complete the program and take the high school equivalency examination but do not obtain a high school equivalency certificate;
4. For students enrolled in grades 9 and 10, information related to academic credit hours earned, retention rates, and placements in disciplinary alternative education programs and expulsions under Chapter 37; and
5. The results of an evaluation of each school-based dropout prevention program in the district.

A campus-level committee shall use the information in developing the campus improvement plan.

Education Code 11.255

Principal Performance Incentives

A performance incentive awarded to a principal shall be distributed to the principal's school. The campus-level committee shall determine the manner in which the performance incentive shall be distributed and used, in accordance with Education Code 39.264(a). *Education Code 21.357(c)*

Note: See BF for information on the committee's role in requesting waivers.

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

Retirement and Insurance Contributions

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

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

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

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

Block Grant Funds

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

Education Department General Administrative Regulations (EDGAR)

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

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

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

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

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

The Uniform Guidance establishes uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities, including school districts. *2 C.F.R. 200.64(j), .69, .100*

Note: The Uniform Guidance applies to all new grant awards and non-competing continuations (NCCs) made on or after December 26, 2014 (see 2 C.F.R. 200.110).

For more information on EDGAR, the Uniform Guidance, and the federal regulations that apply to federal education grant awards, visit TEA's EDGAR Materials and Resources[1] and the DOE's EDGAR website,[2] Uniform Guidance website,[3] and FAQs.[4]

General Compliance

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

Disclosures

Conflicts

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

Crimes

A district must disclose, in a timely manner, in writing to the federal awarding agency or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. 200.338 (Remedies for Noncompliance), including suspension or debarment. *2 C.F.R. 200.113*

Procurement Standards

District Procedures

The district must use its own documented procurement procedures [see below at Competition] which reflect applicable state, local, and tribal laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in the Uniform Guidance.

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

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

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

2 C.F.R. 200.318

Financial Management — The district's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the federal statutes, regulations, and the terms and conditions of the federal award.

The district's financial management system must comply with 2 C.F.R. 200.302(b).

2 C.F.R. 200.302 [see also 2 C.F.R. 200.333 (Retention Requirements for Records), .334 (Requests for Transfer of Records), .335 (Methods for Collection, Transmission and Storage of Information),

.336 (Access to Records), and .337 (Restrictions on Public Access to Records)]

Internal Controls

The district must:

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

2 C.F.R. 200.303

"Internal controls" means a process, implemented by a district, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

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

2 C.F.R. 200.61

Competition

All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of 2 C.F.R. 200.319. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work,

or invitations for bids or requests for proposals must be excluded from competing for such procurements.

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

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

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

2 C.F.R. 200.319

Procurement Methods

The district must use one of the following methods of procurement. *2 C.F. R. 200.320*

Note: For information on the amounts of the micro-purchase threshold and the simplified acquisition threshold, see OMB Memorandum M-18-18,[5] TEA's To the Administrator Addressed letter[6] (August 28, 2018), and New TEA Guidance on Micro-Purchase Flexibility Under EDGAR.[7] For information regarding these thresholds and school nutrition purchases, see the Texas Department of Agriculture (TDA) Food and Nutrition Division's *Administrator's Reference Manual*,[8] Section 17, and USDA Memo SB20-2019; CACFP07-2019; SFSP06-2019[9] (Revised October 30, 2019).

Micro-Purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. To the extent practicable, the district must distribute micro-purchases equitably among qualified suppli-

ers. Micro-purchases may be awarded without soliciting competitive quotations if the district considers the price to be reasonable. *2 C.F.R. 200.320(a)*

"Micro-purchase" means a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchase procedures comprise a subset of a district's small purchase procedures. The district uses such procedures in order to expedite the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and cost. The micro-purchase threshold is set by the Federal Acquisition Regulation at 48 C.F.R. Subpart 2.1 Definitions. *2 C.F.R. 200.67*

Small Purchases

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources. *2 C.F.R. 200.320(b)*

Simplified Acquisition Threshold

"Simplified acquisition threshold" means the dollar amount below which a district may purchase property or services using small purchase methods. Districts adopt small purchase procedures in order to expedite the purchase of items costing less than the simplified acquisition threshold. The simplified acquisition threshold is set by the Federal Acquisition Regulation at 48 C.F.R. Subpart 2.1 Definitions and in accordance with 41 U.S.C. 1908. *2 C.F.R. 200.88*

Sealed Bids

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 bid method is the preferred method for procuring construction, if the conditions set out below apply.

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

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

If sealed bids are used, the following requirements apply:

1. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local governments, the invitation for bids must be publicly advertised;

2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

3. All bids will be opened at the time and place prescribed in the invitation for bids, and for local governments, the bids must be opened publicly;

4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

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

2 C.F.R. 200.320(c)

Competitive Proposals

The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;

2. Proposals must be solicited from an adequate number of qualified sources;

3. The district must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;

4. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

5. The district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering

(A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

2 C.F.R. 200.320(d)

Sole Source

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1. The item is available only from a single source;
2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
3. The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-federal entity; or
4. After solicitation of a number of sources, competition is determined inadequate.

2 C.F.R. 200.320(f)

Cooperative Purchasing

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

Affirmative Steps

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

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by

small and minority businesses, and women's business enterprises;

4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

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

2 C.F.R. 200.321

Pre-procurement Review

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

1. The district's procurement procedures or operation fails to comply with the procurement standards in 2 C.F.R. Part 200;

2. The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;

3. The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product;

4. The proposed contract is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

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

2 C.F.R. 200.324(b)

Contract Cost and Price

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

The district must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all

cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

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

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

2 C.F.R. 200.323

Contract Provisions

The district's contracts must contain the applicable provisions described in 2 C.F.R. Part 200, Appendix II—Contract Provisions for non-Federal Entity Contracts Under Federal Awards. *2 C.F.R. 200.326*

Suspension and Debarment

Non-federal entities are subject to non-procurement debarment and suspension regulations at 2 C.F.R. Part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. *2 C.F.R. 200.213*

Remedies for Noncompliance

If a district fails to comply with 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). 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 district or more severe enforcement action by the federal awarding agency or pass-through entity.
2. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
3. Wholly or partly suspend or terminate the federal award.

4. Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180 and federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a federal awarding agency).

5. Withhold further federal awards for the project or program.

6. Take other remedies that may be legally available.

2 C.F.R. 200.338

Travel Costs

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

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

2 C.F.R. 200.474(a), (d)

Property Standards

Federally Owned Property

Title to federally owned property remains vested in the federal government. The district must submit annually an inventory listing of federally owned property in its custody to the federal awarding agency. Upon completion of the federal award or when the property is no longer needed, the district must report the property to the federal awarding agency for further federal agency utilization.

"Exempt federally owned property" means property acquired under a federal award where the federal awarding agency has chosen to vest title to the property to the district without further obligation to the federal government, based upon the explicit terms and conditions of the federal award.

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

Property Trust Relationship

Real property, equipment, and intangible property that are acquired or improved with a federal award must be held in trust by the district as trustee for the beneficiaries of the project or program under

which the property was acquired or improved. The federal awarding agency may require the district to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a federal award and that use and disposition conditions apply to the property. *2 C.F.R. 200.316*

Real Property

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

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

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

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

2 C.F.R. 200.311

Equipment

Title and Use

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

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

3. Use and dispose of the property in accordance with the provisions below.

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

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

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

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

2 C.F.R. 200.313

Supplies Title to supplies will vest in the district upon acquisition. If there is a residual inventory of unused supplies exceeding $5,000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other federal award, the district must retain the supplies for use on other activities or sell them, but must, in either case, compensate the federal government for its share. The amount of compensation must be computed in the same manner as for equipment under 2 C.F.R. 200.313(e)(2). *2 C.F.R. 200.314(a)*

Intangible Property Title to intangible property acquired under a federal award vests upon acquisition in the district. The district must use that property for the originally-authorized purpose, and must not encumber the property without approval of the federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 C.F.R. 200.313(e). *2 C.F.R. 200.315(a)*

Direct Grant Programs The regulations in 34 C.F.R. Part 75 apply to each direct grant program of the DOE. *34 C.F.R. 75.1*

State-Administered Programs

The regulations in 34 C.F.R. Part 76 apply to each state-administered program of the DOE. *34 C.F.R. 76.1*

General Education Provision Act

The regulations in 34 C.F.R. Part 81 govern the enforcement of legal requirements under applicable programs administered by the DOE and implement Part E of the General Education Provisions Act (GEPA). *34 C.F.R. 81.1*

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[1] TEA EDGAR Materials and Resources: https://tea.texas.gov/Finance_and_Grants/Grants/EDGAR_Materials_and_Resources/
[2] DOE EDGAR website: https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html
[3] DOE Uniform Guidance website: https://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html
[4] DOE Uniform Guidance FAQs: https://www2.ed.gov/policy/fund/guid/uniform-guidance/edfaqs1216.pdf
[5] OMB Memorandum M-18-18: https://www.whitehouse.gov/wp-content/uploads/2018/06/M-18-18.pdf
[6] TEA *To the Administrator Addressed* letter (August 28, 2018): https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/implementing-statutory-changes-to-micro-purchase-and-the-simplified-acquisition-thresholds-under-the-education-department-general-administrative-regulations-edgar
[7] New TEA Guidance on Micro-Purchase Flexibility Under EDGAR: https://tea.texas.gov/About_TEA/News_and_Multimedia/Correspondence/TAA_Letters/New_TEA_Guidance_on_Micro-Purchase_Flexibility_Under_EDGAR/
[8] TDA Food and Nutrition Division's *Administrator's Reference Manual*: http://squaremeals.org/Publications/Handbooks.aspx
[9] USDA Memo SB20-2019; CACFP07-2019; SFSP06-2019: https://files.constantcontact.com/884733b0501/37aa4af8-6f12-4d92-a163-27dffdc08993.pdf

Bonds and Bond Taxes

The board may issue bonds for:

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

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

Education Code 45.001(a)

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

Limitation

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

Use of Proceeds for Utilities

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

State Facilities Funding

Instructional Facilities Allotment

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

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

Existing Debt Allotment

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

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

Investment of Bond Proceeds

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

Unspent Bond Proceeds

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

1. For the specific purposes for which the bonds were authorized;
2. To retire the bonds; or
3. For a purpose other than the specific purposes for which the bonds were authorized if:
   a. The specific purposes are accomplished or abandoned; and
   b. The board at a public meeting held only for the purpose of considering the use of the unspent bond proceeds approves in separate votes the use of the proceeds for:

(1) A purpose other than to retire the bonds; and

(2) The purpose specified at the time the vote is taken.

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

Education Code 45.1105

Capital Appreciation Bonds

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

Limitation on Issuance

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

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

a. The total amount of the proposed bonds;

b. The length of maturity of the proposed bonds;

c. The projects to be financed with bond proceeds;

d. The intended use of bond proceeds not spent after completion of the projects identified;

e. The total amount of the district's outstanding bonded indebtedness at the time of the election on the bonds, including the amount of principal and interest to be paid on existing bond indebtedness until maturity;

f. The total amount of the district's outstanding bonded indebtedness, including the amount of principal and interest to be paid until maturity; and

g. The information received at item 2 above and determined under item 3 above.

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

Limitation on Use of Proceeds

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

1. Items more regularly considered maintenance items, including replacement HVAC units, upgraded plumbing, or similar items; or

2. Transportation-related items, including buses.

Unspent Proceeds

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

Total Amount of Capital Appreciation Bonds

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

Extension

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

1. The extension of the maturity date will decrease the total amount of projected principal and interest to maturity; or

2. The maximum legally allowable tax rate for indebtedness has been adopted and TEA certifies in writing that the solvency of the permanent school fund's bond guarantee program would be threatened without the extension.

Gov't Code 1201.0245

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

Bond Elections

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

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

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

Election Code 41.001(a) [See BBB]

Call for Election

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

Election Order

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

1. The proposition language that will appear on the ballot;
2. The purpose for which the bonds are to be authorized;
3. The principal amount of the bonds to be authorized;
4. That taxes sufficient to pay the principal of and interest on the bonds may be imposed;
5. The estimated tax rate if the bonds are authorized or the maximum interest rate of the bonds or any series of the bonds, based on the market conditions at the time of the election order;

6. The maximum maturity date of the bonds to be authorized or that the bonds may be issued to mature over a specified number of years not to exceed the maximum number of years authorized by law;

7. The aggregate amount of the outstanding principal of the district's debt obligations as of the date the election is ordered;

8. The aggregate amount of the outstanding interest on the district's debt obligations as of the date the election is ordered, which may be based on the district's expectations relative to variable rate debt obligations; and

9. The district's ad valorem debt service tax rate at the time the election is ordered, expressed as an amount per $100 valuation of taxable property.

Election Code 3.009(b)

Posting

The election order must be posted:

1. On election day and during early voting by personal appearance, in a prominent location at each polling place;

2. Not later than the 21st day before the election in three public places in the boundaries of the district; and

3. During the 21 days before the election, on the district's internet website, prominently and together with the notice of the election, the contents of the proposition, and any sample ballot prepared for the election, if the district maintains an internet website.

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

Election Notice

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

Publication and Posting

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

Notice to Election Officials

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

Propositions

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

1. Sufficient, without limits as to rate or amount, to pay the principal of and interest on said bonds; or

2. Sufficient to pay the principal of and interest on the bonds, provided that the annual aggregate bond taxes in the district may never be more than the rate stated in the proposition.

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

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

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

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

Ballot Contents

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

1. A plain language description of the single specific purposes for which the debt obligations are to be authorized;

2. The total principal amount of the debt obligations to be authorized; and

3. That taxes sufficient to pay the principal of and interest on the debt obligations will be imposed.

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

Gov't Code 1251.052(a)–(a-1)

Exception

Notwithstanding the requirements at Ballot Contents, above, the question of whether to approve the issuance of bonds for the construction, acquisition, and equipment of school buildings in the district, the purchase of new school buses, and the purchase of necessary sites for school buildings may be submitted to the voters in a single ballot proposition, except that bonds for each of the following purposes must be stated in a separate proposition:

1. The construction, acquisition, or equipment of:

    a. A stadium with seating capacity for more than 1,000 spectators;

    b. A natatorium;

    c. Another recreational facility other than a gymnasium, playground, or play area;

    d. A performing arts facility;

    e. Housing for teachers as determined by the district to be necessary to have a sufficient number of teachers for the district; and

2. An acquisition or update of technology equipment, other than equipment used for school security purposes or technology infrastructure integral to the construction of a facility.

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

Education Code 45.003(g)–(h)

Definition

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

Voter Information

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

Posting Requirements

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

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

Contents

The voter information document must distinctly state:

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

Assumptions

The board shall identify in the voter information document the major assumptions made in connection with the statement required by item 3 above, including:

1. The amortization of the district's debt obligations, including outstanding debt obligations and the proposed debt obligations;

2. Changes in estimated future appraised values within the district; and

3. The assumed interest rate on the proposed debt obligations.

Gov't Code 1251.052(b)–(d)

Electioneering and Political Advertising

For additional information and prohibitions related to electioneering and political advertising, see BBBD(LEGAL).

50 Cent Test for New Debt

Before issuing bonds, a district must demonstrate to the attorney general that, with respect to the proposed issuance, the district has a projected ability to pay the principal of and interest on the proposed bonds and all previously issued bonds, other than bonds authorized to be issued at an election held on or before April 1, 1991, and issued before September 1, 1992, from a tax at a rate not to exceed $0.50 per $100 of valuation (the "50 Cent Test").

A district may demonstrate the ability to comply with the 50 Cent Test by using the most recent taxable value of property in the district, combined with state assistance to which the district is entitled under Education Code Chapter 46 or 48 that may be lawfully used for the payment of bonds.

Future Taxable Value

A district may demonstrate the ability to comply with the 50 Cent Test by using a projected future taxable value of property in the district anticipated for the earlier of the tax year five years after the current tax year or the tax year in which the final payment is due for the bonds submitted to the attorney general, combined with state assistance to which the district is entitled under Education Code Chapter 46 or 48 that may be lawfully used for the payment of bonds.

The district must submit to the attorney general a certification of the district's projected taxable value prepared by a registered, certified professional appraiser who has demonstrated professional experience in projecting taxable values or who can obtain any necessary assistance from an experienced person.

The certification of a district's projected taxable value must be signed by the superintendent. The attorney general must base a determination of whether a district has complied with the 50 Cent Test on a taxable value that is equal to 90 percent of the value certified.

Education Code 45.0031

Attorney General Review and Approval

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

Refunding Bonds

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

Instructional Facilities Allotment for Refunding Bonds

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

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

Education Code 46.007

Authorized Unissued Bonds

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

Bond Guarantee Program

Eligibility

A district seeking guarantee of eligible bonds under the Bond Guarantee Program shall apply to the commissioner of education using a form adopted by the commissioner. To be eligible for approval, district bonds must be issued under Education Code Chapter 45,

Subchapter A, or under Government Code Chapter 1207. *Education Code 45.054, .055(a); 19 TAC 33.65(b)(5)*

Application

An application must include:

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

Education Code 45.051(2), .055

An application must be accompanied by a fee set by rule of the State Board of Education. *Education Code 45.055(c); 19 TAC 33.65(f)(1)*

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

If a district does not receive approval for the guarantee or for any reason does not receive approval of the bonds from the attorney general within the specified time period, the district may reapply in a subsequent month. Applications that were denied approval for the guarantee will not be retained for consideration in subsequent months. *19 TAC 33.65(f)(5)*

A district may not represent bonds as guaranteed for the purpose of pricing or marketing the bonds before the date of the letter granting approval for the guarantee. *19 TAC 33.65(g)(4)(D)*

Credit Enhancement Program

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

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

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

Education Code 45.252

Eligibility

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

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

Education Code 45.254; 19 TAC 61.1038(f)

Application

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

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

Education Code 45.255

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

If a district does not receive a credit enhancement or for any reason does not receive approval of the bonds from the attorney general within the specified time period, the district may reapply in a

subsequent month. Applications that were denied a credit enhancement will not be retained for consideration in subsequent months.

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

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

Authority to Contract for Services

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

Federal Securities Law

Disclosure Obligations for Bond and Other Debt Offerings

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

Continuing Disclosure after Issuing Bonds

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

Liability under Federal Securities Law

School districts, board members, and certain employees of the district are subject to liability under the antifraud provisions of the federal securities laws contained in Section 17(a) of the Securities Act of 1933 (the "Securities Act"), Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") and Rule 10b-5 of the SEC. The antifraud provisions generally prohibit false or misleading

statements made in connection with the offer or sale of a district's bonds (or the omission of material facts from such statements), including the official statement itself and any other statement reasonably expected to reach bond investors (disclosures). *SEC Exchange Act Release No. 33741 (Mar. 9, 1994)*

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

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

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

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

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

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

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Tax Rate Adoption

Maintenance Taxes

The board may levy, assess, and collect annual ad valorem taxes for the maintenance of the district's schools. Taxes may not be levied unless authorized by a majority of the qualified voters of the district, voting at an election called for that purpose. *Education Code 45.002, .003(a)*

Restriction on Maintenance Tax Levy

A district may not increase the rate of the district's maintenance taxes to create a surplus in maintenance tax revenue for the purpose of paying the district's debt service. *Education Code 45.0021(a)* [See Taxpayer Injunction, below]

Maintenance Tax Rate Components

Tier One

A district's tier one maintenance and operations tax rate is the number of cents levied by the district for maintenance and operations that does not exceed the maximum compressed rate, as determined under Education Code 48.2551.

Maximum Compressed Rate

"MCR" is the district's maximum compressed rate, which is the tax rate for the current tax year per $100 of valuation of taxable property at which the district must levy a maintenance and operations tax to receive the full amount of the tier one allotment to which the district is entitled under Education Code Chapter 48. The Texas Education Agency (TEA) shall calculate and make available school districts' maximum compressed rates.

Education Code 48.2551

School districts' maximum compressed maintenance and operations tax rates shall be calculated using locally certified property values and adjusted to estimate for exclusions under Government Code 403.302(d).

TEA will open a data collection from 12:01 a.m. on July 18 through 11:59 p.m. on August 1 for districts. Districts must submit the data specified in 19 Administrative Code 61.1000(c). TEA will use any available data to calculate MCR absent data collection submissions from a school district.

19 TAC 61.1000(b), (c), (h)

TEA will calculate and make available preliminary maximum compressed tier one tax rates to each district on or before August 5. If TEA receives an appeal of a preliminary MCR, TEA will issue a final determination to the district no later than August 31. If TEA does not receive an appeal of a preliminary MCR, the preliminary MCR automatically becomes a final MCR ten calendar days following TEA's approval of the district's preliminary MCR. *19 TAC 61.1000(d)–(f)*

A district may appeal its preliminary MCR through the following process:

1. The TEA division responsible for MCRs must receive a written appeal no later than ten calendar days after TEA's approval of the district's preliminary MCR. The appeal must include adequate evidence and additional information that supports the position of the district. Appeals received 11 calendar days or more after TEA approves a district's preliminary MCR will not be considered.

2. TEA will only consider appeals that would result in a change of the preliminary MCR.

19 TAC 61.1000(g)

Tier Two

A district's enrichment tax rate consists of:

1. Any cents of additional maintenance and operations tax effort, not to exceed eight cents over the maximum tier one tax rate; and

2. Any cents of additional maintenance and operations tax effort that exceeds the sum of the maximum tier one tax rate and the maximum number of cents permitted under item 1 above.

Education Code 45.0032(a), (b)

Districts Subject to Disaster Exception

For a district to which the Disaster Exception to Election Requirement described below applies, the amount by which the district's maintenance tax rate exceeds the district's voter-approval tax rate, excluding the district's current debt rate under Tax Code 26.08(n)(1)(C) for the preceding year is not considered in determining a district's tier one maintenance and operations tax rate or the district's enrichment tax rate for the current tax year. *Education Code 45.0032(d)*

Maximum Tax Rate

For any year, the maintenance tax rate per $100 of taxable value adopted by the district may not exceed the rate equal to the sum of $0.17 and the district’s maximum compressed rate, as determined under Education Code 48.2551.

A rate that exceeds the maximum rate for the year in which the tax is to be imposed is void. A district with a tax rate that is void under this provision may, subject to requirements imposed by other law, adopt a rate for that year that does not exceed the specified maximum rate for that year.

Education Code 45.003(d), (e)

Districts with 2005 Tax Rate over $1.50

Notwithstanding any other law, a district that levied a maintenance tax for the 2005 tax year at a rate greater than $1.50 per $100 of taxable value in the district as permitted by special law [Art. 2784g Tex. Rev. Civ. Stat.] may not levy a maintenance tax at a rate that

exceeds the rate per $100 of taxable value that is equal to the sum of $0.17 and the product of 66.67 percent multiplied by the rate of the maintenance tax levied by the district for the 2005 tax year, minus any amount by which $1.00 exceeds the product of the state compression percentage, as determined under Education Code 48.255, multiplied by $1.00. *Education Code 45.003(f)*

For a district described above, any cents of maintenance and operations tax effort that exceeds the maximum rate described at Maximum Tax Rate are not included in the district's tier one maintenance and operations tax rate or the district's enrichment tax rate and the district is not entitled to the guaranteed yield amount of state funds under Education Code 48.202 for those cents of tax effort. *Education Code 45.0032(c)*

Assessor and Collector

The board may employ a person to assess or collect the district's taxes and may compensate the person as the board considers appropriate. This provision does not prohibit a district from providing for the assessment or collection of the district's taxes under a method authorized by Tax Code Chapter 6, Subchapter B. *Education Code 45.231*

A district that used a method of selection for the 1994 tax year that was authorized by former Education Code Chapter 23, Subchapter F, may continue to use that method until the district uses another method authorized above. *Education Code 45.232*

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

Collector's Bond

A district that has its own collector shall require the collector to give bond conditioned on the faithful performance of duties. The bond must be made payable to and be approved by the board in an amount determined by the board. The board may require a new bond at any time, and failure to give new bond within a reasonable time after demand is a ground for removal from office. The board may prescribe additional requirements for the bond.

A district whose taxes are collected by a person other than the district's own collector may require that person to give bond conditioned on the faithful performance of duties. The bond must be payable to, approved by, and paid for by the board in an amount determined by the board. The board may prescribe additional requirements for the bond.

A district shall pay the premium for a required bond from its general fund or as provided by intergovernmental contract.

Tax Code 6.29

Certified Estimate of Values

By April 30, the chief appraiser shall prepare and certify to the district's assessor an estimate of the taxable value of district property. *Tax Code 26.01(e)*

Appraisal Roll

By July 25, the chief appraiser shall prepare and certify to the assessor for the district that part of the appraisal roll that lists the property taxable by the district. The part certified to the assessor is the appraisal roll for the district.

If by July 20 the appraisal review board has not approved the appraisal records as required under Tax Code 41.12, the chief appraiser shall not later than July 25 prepare and certify to the assessor for a school district an estimate of the taxable value of property in the school district.

Tax Code 26.01(a)–(a-1)

By August 1 or as soon thereafter as practicable, the district's assessor shall submit to the board the district's appraisal roll, showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property.

By August 1 or as soon thereafter as practicable, a district's collector shall certify to the board the anticipated collection rate for the current year. If the collector certified an anticipated collection rate in the preceding year and the actual collection rate in that year exceeded the anticipated rate, the collector shall also certify the amount of debt taxes collected in excess of the anticipated amount in the preceding year.

Tax Code 26.04(b)

Designated Employee/Officer to Calculate Rates

After the district's assessor submits the appraisal roll to the board, an officer or employee designated by the board shall calculate the no-new-revenue tax rate and the voter-approval tax rate for the district. *Tax Code 26.04(c)*

Truth-in-Taxation Requirements

Note: The *Truth in Taxation* website maintained by the Texas comptroller of public accounts offers detailed guidance on setting local property tax rates for school districts.[1]

Traditional Method

When the budget has been prepared under Education Code 44.002, the board president shall call a meeting of the board for the purpose of adopting a budget for the succeeding tax year. The budget must be adopted before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins. *Education Code 44.004(a), (g)* [See CE]

Published Notice

The board president shall provide for publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or bi-weekly newspaper published in the district. If no daily, weekly, or biweekly newspaper is published in the district, the president shall provide for publication of notice in at least one newspaper of general circulation in the county in which the district's central administrative office is located. The notice shall be published not earlier than the 30th day or later than the tenth day before the date of the hearing.

Form and Contents

The notice of public meeting to discuss and adopt the budget and the proposed tax rate may not be smaller than one-quarter page of a standard-size or a tabloid-size newspaper, and the headline on the notice must be in 18-point or larger type and contain the information set out in Education Code 44.004(c) and (c-1).

The notice must include a statement that a district may not increase its maintenance and operations tax rate to create a surplus in maintenance and operations tax revenue for the purpose of paying the district's debt service.

A notice is not valid if it does not substantially conform to the language and format prescribed by the comptroller.

Education Code 44.004(b)–(d)

Debt Service Rate Decrease

If the published interest and sinking fund (debt service) rate decreases after the publication of the required notice, the president is not required to publish another notice or call another meeting to discuss and adopt the budget and the proposed lower tax rate. *Education Code 44.004(g-1)*

Districts with July 1 Fiscal Year

Notwithstanding the provisions above, a district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of district property in preparing the required notice if the district does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but the district may not adopt a tax rate before the district receives the certified appraisal roll for the district.

After receipt of the certified appraisal roll, a district must publish a revised notice and hold another public meeting before the district may adopt a tax rate that exceeds:

1. The rate proposed in the notice prepared using the estimate; or

2. The district's voter-approval rate determined under Tax Code 26.08 using the certified appraisal roll.

Education Code 44.004(h), (i)

Early Adoption Method

Notwithstanding the provisions above or at Deadline below, a district may adopt a budget after the district adopts a tax rate for the tax year in which the fiscal year covered by the budget begins if the district elects to adopt a tax rate before receiving the certified appraisal roll for the district. If a district elects to adopt a tax rate before adopting a budget, the district must publish notice and hold a meeting for the purpose of discussing the proposed tax rate as provided above. Following adoption of the tax rate, the district must publish notice and hold another public meeting before the district may adopt a budget. The comptroller shall prescribe the language and format to be used in the notices. The district may use the certified estimate of taxable value in preparing a notice under this provision. *Education Code 44.004(j)*

The board of a district that elects to adopt a tax rate before the adoption of a budget for the fiscal year that begins in the current tax year may adopt a tax rate for the current tax year before receipt of the certified appraisal roll for the district if the chief appraiser of the appraisal district in which the district participates has certified to the assessor for the district an estimate of the taxable value of property in the district as specified at Certified Estimate of Values above. If a district adopts a tax rate under this provision, the no-new-revenue tax rate and the voter-approval tax rate of the district shall be calculated based on the certified estimate of taxable value. *Tax Code 26.05(g)*

Tax Rate Adoption Requirements

Deadline

The board shall adopt a tax rate for the current tax year and shall notify the assessor of the tax rate adopted. [See Adoption of Tax Roll, below] The board 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 district, except that the board must adopt a tax rate that exceeds the voter-approval tax rate not later than the 71st day before the next uniform election date that occurs in November of that year. [Note that Election Code 3.005(c) requires that an election to be held on a uniform date be ordered not later than the 78th day before election day; see Time for Election, below.]

The tax rate consists of two components, each of which must be approved separately. The components are:

1. The interest and sinking fund (debt service) rate calculated under Education Code 44.004(c)(5)(A)(ii)(b); 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 district for the next year.

Tax Code 26.05(a)

Tax Date for Certain Districts

A district that before January 1, 1989, has for at least ten years followed a practice of adopting its tax rate at a different date than as provided by Tax Code Chapter 26 and of billing for and collecting its taxes at different dates than as provided by Chapters 31 and 33 may continue to follow that practice. This does not affect the dates provided by the Property Tax Code (Tax Code Title 1) for other purposes, including those relating to the appraisal and taxability of property, the attachment of tax liens and personal liability for taxes, and administrative and judicial review under Chapters 41 and 42. *Tax Code 26.135*

Vote

A board may not impose property taxes in any year until it has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. The vote on the ordinance, resolution, or order setting a tax rate that exceeds the sum of the district's no-new-revenue maintenance and operations tax rate and the district's current debt rate must be a record vote, and at least 60 percent of the members of the board must vote in favor of the ordinance, resolution, or order.

Motion

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."

Language and Internet Posting

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 district that exceeds the amount of taxes imposed for that purpose in the preceding year the district must:

1. Include in the ordinance, resolution, or order in type larger than the type used in any other portion of the document:

    a. The following statement: "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and

    b. 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).”; and

2. Include on the home page of any internet website operated by the district:

   a. 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

   b. 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)

Adoption of Tax Roll

On receipt of notice of the tax rate for the current tax year, the assessor for a district shall calculate the tax imposed on each property included on the appraisal roll for the district. The assessor shall enter the amount of tax in the appraisal roll and submit it to the board for approval. The appraisal roll with amounts of tax entered as approved by the board constitutes the district’s tax roll. *Tax Code 26.09(a), (e)*

Failure to Adopt Tax Rate

If the board does not adopt a tax rate before the date required at Deadline above, the tax rate for the district 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 district 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 board must ratify the applicable tax rate in the manner set out at Tax Rate Adoption Requirements above. *Tax Code 26.05(c)*

Taxpayer Injunction

A person who owns taxable property in a district is entitled to an injunction restraining the collection of taxes by the district if the district has not complied with the requirements above at Published

Notice, including Form and Contents, Districts with July 1 Fiscal Year, if applicable, and Tax Rate Adoption Requirements, and the failure to comply was not in good faith. An action to enjoin the collection of taxes must be filed before the date a district delivers substantially all of its tax bills. *Education Code 44.004(e); Tax Code 26.05(e)*

A person who owns taxable property in a district is entitled to an injunction restraining the collection of taxes by the district if the district adopts a maintenance tax in violation of the prohibition described above at Restriction on Maintenance Tax Levy. An action to enjoin the collection of taxes must be filed before the date a district delivers substantially all of its tax bills. *Education Code 45.0021(b)*

Tax Information to County

A district shall provide to the county assessor-collector for each county in which all or part of district territory is located the district's adopted tax rate, maintenance and operations rate, debt rate, no-new-revenue tax rate, no-new-revenue maintenance and operations rate, and voter-approval tax rate for posting on the county's internet website. The district shall provide the information annually following the adoption of a tax rate by the district for the current tax year. *Tax Code 26.16(a)–(b)*

Appraisal District Property Tax Database

The officer or employee designated by the board to calculate the no-new-revenue tax rate and the voter-approval tax rate for the district must electronically incorporate into the database created and maintained by the chief appraiser under Tax Code 26.17 the information required by Tax Code 26.17(e). *Tax Code 26.17(e)*

Internet Posting of Tax Rate and Budget Information

Each district shall maintain an internet website or have access to a generally accessible internet website that may be used for the purposes of this provision. Each district shall post or cause to be posted on the internet website the information required by Tax Code 26.18 in a format prescribed by the comptroller. *Tax Code 26.18* [See CE for required information]

Election to Approve Tax Rate

If the board adopts a tax rate that exceeds the district's voter-approval tax rate, the registered voters of the district at an election held for that purpose must determine whether to approve the adopted tax rate. *Tax Code 26.08(a), (n)*

[For information on conducting elections, see the BBB series.]

Efficiency Audit

"Efficiency audit" means an investigation of the operations of a district to examine fiscal management, efficiency, and utilization of resources.

The board shall conduct an efficiency audit before seeking voter approval to adopt a tax rate for the maintenance and operations of

the district at an election held for that purpose and may not hold an election without complying with this requirement.

The board may select the auditor that conducts the district's annual audit under Education Code 44.008 and may include the efficiency audit as part of the district's annual audit. [See CFC] A district must pay for the costs associated with an efficiency audit required under this provision. A district shall provide all documents, records, and personnel requested by the auditor as needed to conduct the audit in an efficient manner.

The board must select an auditor to conduct an efficiency audit not later than four months before the date on which the district proposes to hold an election to adopt a maintenance and operations tax rate. An auditor selected by the board must maintain independence from the district and complete the efficiency audit not later than three months after the date the auditor was selected.

Before an election at which a district seeks voter approval to adopt a tax rate, the board must hold an open meeting to discuss the results of the efficiency audit. Not later than 30 days before the date of the election, the results of an efficiency audit must be posted on the district's internet website.

Education Code 11.184

Legislative Budget Board Guidelines

The Legislative Budget Board (LBB) shall establish guidelines identifying the scope and areas of investigation of an efficiency audit, including identification of resources being used effectively and efficiently and identification of cost savings or reallocations. The auditor selected by the board of a district must follow the guidelines established by the LBB under this provision. *Education Code 11.184(f)*

Efficiency Audit Guidelines[2] are found on the LBB website.

Disaster Exception

To Efficiency Audit Requirement

The board of a district all or part of which is located in an area declared a disaster area by the governor may hold an election to seek voter approval to adopt a maintenance and operations tax rate during the two-year period following the date of the declaration without conducting an efficiency audit otherwise required above. *Education Code 11.184(b-1)*

To Election Requirement

When increased expenditure of money by a district is necessary to respond to a disaster, including a tornado, hurricane, flood, wildfire, or other calamity, but not including a drought, that has impacted a district and the governor has requested federal disaster assistance for the area in which the district is located, an election is not required to approve the tax rate adopted by the board for the year following the year in which the disaster occurs. A tax rate adopted

under this provision applies only in the year for which the rate is adopted. If a district adopts a tax rate under this provision, the amount by which that rate exceeds the district's voter-approval tax rate for that tax year may not be considered when calculating the district's voter-approval tax rate for the tax year following the year in which the district adopts the rate. *Tax Code 26.08(a-1)*

Time for Election

The board shall order that the election be held in the district on the next uniform election date prescribed by Election Code 41.001 that occurs after the date of the election order and that allows sufficient time to comply with the requirements of other law. *Tax Code 26.08(b)*

Uniform Election Date

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.

An election to ratify a tax rate adopted by a board under the early adoption method described above shall be ordered not later than the 30th day before election day.

Election Code 3.005 [See BBBA]

Notice to County Clerk

The board shall deliver notice of the election to the county clerk and voter registrar of each county in which the district is located not later than the 60th day before election day.

Exception

A board that orders an election to ratify a tax rate adopted by the board under the early adoption method described above shall deliver notice of the election to the county clerk of each county in which the district is located not later than the 30th day before election day.

Election Code 4.008

Proposition

At the election, the ballots shall be prepared to permit voting for or against the proposition: “Ratifying the ad valorem tax rate of _____ (insert adopted tax rate) in (name of school district) for the current year, a rate that will result in an increase of _____ (insert percentage increase in maintenance and operations tax revenue under the adopted tax rate as compared to maintenance and operations tax revenue in the preceding tax year) percent in maintenance and operations tax revenue for the district for the current year as compared to the preceding year, which is an additional $_____ (insert dollar amount of increase in maintenance and operations tax revenue under the adopted tax rate as compared to maintenance and operations tax revenue in the preceding tax year).”. *Tax Code 26.08(b)*

In addition to any other requirement imposed by law for a proposition, including a provision prescribing the proposition language, a

proposition submitted to the voters for approval of the imposition or increase of a tax shall specifically state the amount of or maximum tax rate of the tax or tax increase for which approval is sought. *Election Code 52.072(e)(1)*

Each proposition on the ballot must identify the name of the authority ordering the election on the measure. *Election Code 52.095(c)*

Election Outcome

If a majority of the votes cast in an election favor the proposition, the tax rate for the current year is the rate that was adopted by the board. If the proposition is not approved, a board may not adopt a tax rate for the current year that exceeds the district's voter-approval tax rate. *Tax Code 26.08(c)–(d)*

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[1] Truth-in-Taxation: Tax Rate Adoption: https://comptroller.texas.gov/taxes/property-tax/truth-in-taxation/index.php
[2] LBB Efficiency Audit Guidelines: http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/6365_HB3_Efficiency_Audit_Guidelines.pdf

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Note: For more information on property tax exemptions, see the Texas Comptroller's Property Tax Exemptions[1] website.

Exemptions

Homestead

Mandatory

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

Persons 65 or Older or Disabled

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

Tax Limitation

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

Improvements

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

Exception

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

Portability of Tax Limitation

If an individual who receives a tax limitation, including a surviving spouse, discussed below, subsequently qualifies a different residence homestead for the same exemption, a district may not impose ad valorem taxes on the subsequently qualified homestead in a year in an amount that exceeds the amount of taxes calculated in accordance with Tax Code 11.26(g). *Tax Code 11.26(g)*

Surviving Spouse

If an individual who qualifies for the exemption at Persons 65 or Older or Disabled, above, dies, the surviving spouse of the individual is entitled to the limitation applicable to the residence homestead of the individual if the surviving spouse is 55 years of age or older when the individual dies, and the residence homestead of the individual is the residence homestead of the surviving spouse on the date that the individual dies and remains the residence homestead of the surviving spouse. *Tax Code 11.26(i)*

Local Options

All Taxpayers

In addition to other exemptions in Tax Code 11.13, an individual is entitled to an exemption from taxation by a district of a percentage of the appraised value of the individual's residence homestead if the exemption is adopted by the board before July 1 in the manner provided by law for official action by the board. If the percentage set by the district produces an exemption in a tax year of less than $5,000 when applied to a particular residence homestead, the individual is entitled to an exemption of $5,000 of the appraised value. The percentage adopted by the district may not exceed 20 percent. *Tax Code 11.13(n)*

Disabled or 65 or Older

An individual who is disabled or 65 or older is entitled to an exemption from taxation by a district of a portion of the appraised value of the individual's residence homestead if the exemption is adopted either by the board or by a favorable vote of a majority of the qualified voters of the district at an election called by the board, and the board shall call the election on the petition of at least 20 percent of the number of qualified voters who voted in the preceding election of the district.

Amount

The amount of an exemption adopted as provided at Disabled or 65 or Older is $3,000 of the appraised value of the residence homestead unless a larger amount is specified by the board if the board authorizes the exemption or the petition for the election if the exemption is authorized through an election. Once authorized, an exemption adopted may be repealed or decreased or increased in amount by the board or by the petition and election procedure. In the case of a decrease, the amount of the exemption may not be reduced to less than $3,000 of the market value.

Tax Code 11.13(d)–(f)

Continuation of Exemption during Construction

If a qualified residential structure for which the owner receives a homestead exemption under Tax Code 11.13 is rendered uninhabitable or unusable by a casualty or by wind or water damage, the owner may continue to receive the exemption for the structure and the land and improvements used in the residential occupancy of the structure while the owner constructs a replacement qualified residential structure on the land in accordance with Tax Code 11.135. *Tax Code 11.135(a), .26(n); 34 TAC 9.416*

Surviving Spouse of First Responder

The surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse is an eligible survivor for purposes of Government Code Chapter 615 as determined by the Employees Retirement System of Texas and has not remarried since the first responder's death. *Tax Code 11.134*

Veteran Exemptions

100 Percent Disabled

A disabled veteran who receives from the U.S. Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence homestead. *Tax Code 11.131(b)*

Partially Disabled with Donated Residence

A disabled veteran who has a disability rating of less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating if the residence homestead was donated to the disabled veteran by a charitable organization at no cost to the disabled veteran, or at some cost to the disabled veteran in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the market value of the residence homestead made by the charitable organization as of the date of the donation. *Tax Code 11.132(b)*

Surviving Spouse of Veteran

The surviving spouse of a disabled veteran, as defined by Tax Code 11.22(h)(3), is entitled to the same exemption from taxation of the same property to which the disabled veteran's exemption applied or would have applied if it had been in effect on the date of death if:

1. The surviving spouse has not remarried since the death of the disabled veteran; and
2. The property was the residence homestead of the surviving spouse when the disabled veteran died and remains the residence homestead of the surviving spouse.

Tax Code 11.131, .132

Surviving Spouse of Individual Killed in Action

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

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

Disabled Veteran

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

Exemption for Subsequent Residence

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

Temporary Exemption for Property Damaged by Disaster

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

Automatic

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

Board-Adopted

Notwithstanding the provisions above, if the governor first declares territory in a district to be a disaster area as a result of a disaster on or after the date the district adopts a tax rate for the tax year in which the declaration is issued, a person is not entitled to the exemption for that tax year unless the board adopts the exemption in the manner provided by law for official action by the board.

An exemption adopted by the board must:

1. Specify the disaster to which the exemption pertains; and
2. Be adopted not later than the 60th day after the date the governor first declares territory in the district to be a disaster area as a result of the disaster.

Not later than the seventh day after the date the board adopts the exemption, the district shall notify the chief appraiser of each appraisal district in which the school district participates, the assessor for the school district, and the comptroller of the adoption of the exemption.

Tax Code 11.35(c)–(e)

A person who qualifies for an exemption adopted by the board under this provision must apply for the exemption not later than the 45th day after the date the board adopts the exemption. *Tax Code 11.43(s)*

Optional Exemptions

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

1. Residential property owned by the United States or an agency of the United States and used to provide transitional housing for the indigent under a program operated or directed by the U.S. Department of Housing and Urban Development. *Tax Code 11.111*
2. Land and housing units on the land owned by a community land trust. *Tax Code 11.1827*
3. Certain historic structures or archeological sites and the land necessary to access and use the structure or archeological site. The board may not repeal or reduce the amount of an exemption for a property that otherwise qualifies for the exemption unless the property owner consents to the repeal or reduction or the district provides written notice of the repeal or reduction to the owner not later than five years before the date the board repeals or reduces the exemption. *Tax Code 11.24*
4. Property on which approved water conservation initiatives, desalination projects, or brush control initiatives have been implemented. *Tax Code 11.32*

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

Goods-in-Transit

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

A board, by official action, may provide for the taxation of goods-in-transit exempt under Tax Code 11.253(b) and not exempt under

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

Notwithstanding official action that was taken before October 1, 2011, to tax goods-in-transit, a district may not tax such goods-in-transit in a tax year that begins on or after January 1, 2012, unless the board takes official action on or after October 1, 2011, to provide for the taxation of the goods-in-transit.

Exception

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

Tax Code 11.253(b), (j)–(j-2)

Payment Options

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

Discounts

Option 1

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

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

Tax Code 31.05(b)

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

Option 2

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

1. Three percent if the tax is paid before or during the next full calendar month following the date on which the tax bills were mailed.

2. Two percent if the tax is paid during the second full calendar month following the date on which the tax bills were mailed.

3. One percent if the tax is paid during the third full calendar month following the date on which the tax bills were mailed.

Tax Code 31.05(c)

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

Rescission — The board may rescind a discount lawfully adopted by the board. The rescission of a discount takes effect in the tax year following the year in which the discount is rescinded. *Tax Code 31.05(d)*

Split Payments — The board of a district that collects its own taxes may provide, by official action, that a person who pays one-half of the district's taxes before December 1 may pay the remaining one-half of the taxes without penalty or interest at any time before July 1 of the following year.

If a board contracts with the appraisal district for collection of taxes, the split-payment option does not apply to taxes collected by the appraisal district unless approved by resolution adopted by a majority of the governing bodies of the taxing units whose taxes the appraisal district collects and filed with the secretary of the appraisal district board of directors. The split-payment option may be revoked in the same manner as provided for adoption.

Tax Code 31.03

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

In Certain Counties — The board of a district located in a county having a population of not less than 285,000 and not more than 300,000 that borders a county having a population of 3.3 million or more and the Gulf of Mexico that has its taxes collected by another taxing unit that has adopted the split-payment option may provide, by official action, that the split-payment option does not apply to the district's taxes collected by the other taxing unit. *Tax Code 31.03(d)*

Installment Payments

Certain Homesteads — An individual who is disabled or at least 65 years of age and qualified for a homestead exemption under Tax Code 11.13(c), or an individual who is a disabled veteran or the unmarried surviving spouse of a disabled veteran and qualified for an exemption under Tax Code 11.132 or 11.22, may pay district taxes imposed on the person's residence homestead property in four equal installments

without penalty or interest if paid by the applicable dates set out in Tax Code 31.031. *Tax Code 31.031*

Disaster Area

A person may pay district taxes imposed on certain property the person owns in four equal installments without penalty or interest if paid by the applicable dates set out in Tax Code 31.032. This option applies to real or personal property described in Tax Code 31.032(a) and taxes that are imposed on the property by a district before the first anniversary of the disaster, as defined by Government Code 418.004. *Tax Code 31.032*

Services in Lieu of Paying Taxes

The board by resolution may permit certain individuals or business entities to perform certain services for the district in lieu of paying the district property taxes. While performing services for a district, the individual is not an employee of the district and is not entitled to any benefit, including workers' compensation coverage, that the district provides to its employees. *Tax Code 31.035, .036, .037*

Persons 65 and Over

Subject to the requirements of Tax Code 31.035, the board by order or resolution may permit an individual who is at least 65 years of age to perform service for the district in lieu of paying taxes imposed by a district on property owned by the individual and occupied as the individual's residence homestead. Property owners performing services for a district under this provision may only supplement or complement the regular personnel of the district. A district may not reduce the number of persons the district employs or reduce the number of hours to be worked by employees of the district because the district permits property owners to perform services for the district under this provision. *Tax Code 31.035(a), (g)*

Teaching Services

An individual is qualified to perform teaching services for a district under the provisions below only if the individual holds a baccalaureate or more advanced degree in a field related to each course to be taught and:

1. Is certified as a classroom teacher under Education Code Chapter 21, Subchapter B; or
2. Obtains a school district teaching permit under Education Code 21.055.

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

By Individual

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

By Employee of Business Entity

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

Delinquent Taxes

Delinquency Date

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

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

Delinquent Tax Collection

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

Additional Penalties

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

[1] Texas Comptroller Property Tax Exemptions website: https://comptroller.texas.gov/taxes/property-tax/exemptions/

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Tax Increment Financing Act

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

Board of Directors

Large Municipality

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

Tax Increments

Amount

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

"Captured Appraised Value"

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

"Tax Increment Base"

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

Tax Code 311.012

Collection and Deposit

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

1. Property taxes produced from the tax increments that are, by contract executed before the designation of the area as a reinvestment zone, required to be paid by the district to another political subdivision; and

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

Tax Code 311.013(a)–(b)

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

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

Agreement Required

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

A district that participates in a zone is not required to increase the percentage or amount of the tax increment to be contributed by the district because of an amendment to the project plan or reinvestment zone financing plan for the zone unless the board by official action approves the amendment. *Tax Code 311.011(g)*

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

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

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

Property Redevelopment and Tax Abatement Act

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

Reinvestment Zone for Chapter 313

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

1. Contribute to the expansion of primary employment in the reinvestment zone; or
2. Attract major investment in the reinvestment zone that would:
    a. Be a benefit to property in the reinvestment zone and to the district; and

b. Contribute to the economic development of the region of this state in which the district is located.

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

Tax Code 312.0025

Texas Economic Development Act

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

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

Tax Code 313.004(3)

Definitions

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

Agreement Holder "Agreement holder" means an entity that has executed an agreement with a district.

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

Application "Application" means an application for limitation of appraised value for district maintenance and operations ad valorem property tax purposes on an entity's qualified property on the form adopted by reference in 34 Administrative Code 9.1052 (Forms), the schedules attached thereto, and the documentation submitted by an entity for the purpose of obtaining an agreement for a limitation on appraised value from a district.

Application Review Start Date "Application review start date" means the later date of either the date on which the district issues its written notice that an applicant has submitted a completed application or the date on which the

comptroller issues its written notice that an applicant has submitted a completed application.

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

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

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

Qualified Investment "Qualified investment" means:

1. Tangible personal property that is first placed in service in this state during the applicable qualifying time period that begins on or after January 1, 2002, without regard to whether the property is affixed to or incorporated into real property, and that is:

    a. Described as Section 1245 property by Section 1245(a), Internal Revenue Code of 1986;

    b. Used in connection with the manufacturing, processing, or fabrication in a cleanroom environment of a semiconductor product, without regard to whether the property is actually located in the cleanroom environment, including integrated systems, fixtures, and piping; all property necessary or adapted to reduce contamination or to control airflow, temperature, humidity, chemical purity, or other environmental conditions or manufacturing tolerances; and production equipment and machinery, moveable cleanroom partitions, and cleanroom lighting;

    c. Used in connection with the operation of a nuclear electric power generation facility, including property, including pressure vessels, pumps, turbines, generators, and condensers, used to produce nuclear electric power; and property and systems necessary to control radioactive contamination;

    d. Used in connection with operating an integrated gasification combined cycle electric generation facility, including property used to produce electric power by means of a

combined combustion turbine and steam turbine application using synthetic gas or another product produced by the gasification of coal or another carbon-based feedstock; or property used in handling materials to be used as feedstock for gasification or used in the gasification process to produce synthetic gas or another carbon-based feedstock for use in the production of electric power in the manner described herein;

e. Used in connection with operating an advanced clean energy project, as defined by Health and Safety Code 382.003; or

2. A building or a permanent, nonremovable component of a building that is built or constructed during the applicable qualifying time period that begins on or after January 1, 2002, and that houses tangible personal property described by items 1a–e above.

Tax Code 313.021(1)

Qualified Property

"Qualified property" means:

1. Land:

a. That is located in an area designated as a reinvestment zone under Tax Code Chapter 311 or 312 or as an enterprise zone under Government Code Chapter 2303;

b. On which a person proposes to construct a new building or erect or affix a new improvement that does not exist before the date the person submits a complete application for a limitation on appraised value under Tax Code Chapter 313, Subchapter B;

c. That is not subject to a tax abatement agreement entered into by a district under Tax Code Chapter 312; and

d. On which, in connection with the new building or new improvement described by item 1b above, the owner or lessee of, or the holder of another possessory interest in, the land proposes to:

(1) Make a qualified investment in an amount equal to at least the minimum amount required by Tax Code 313.023; and

(2) Create at least 25 new qualifying jobs, except as provided at Exception below;

2. The new building or other new improvement described by item 1b above; and

3. Tangible personal property:

   a. That is not subject to a tax abatement agreement entered into by a district under Tax Code Chapter 312;

   b. For which a sales and use tax refund is not claimed under Tax Code 151.3186; and

   c. Except for new equipment described in Tax Code 151.318(q) or (q-1), that is first placed in service in the new building, in the newly expanded building, or in or on the new improvement described by item 1b above, or on the land on which that new building or new improvement is located, if the personal property is ancillary and necessary to the business conducted in that new building or in or on that new improvement.

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

Exception

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

Qualifying Job

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

1. Requires at least 1,600 hours of work a year;

2. Is not transferred from one area in this state to another area in this state;

3. Is not created to replace a previous employee;

4. Is covered by a group health benefit plan for which the business offers to pay at least 80 percent of the premiums or other charges assessed for employee-only coverage under the plan, regardless of whether an employee may voluntarily waive the coverage; and

5. Pays at least 110 percent of the county average weekly wage for manufacturing jobs in the county where the job is located.

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

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

Waiver of New Jobs Creation Requirement

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

Qualifying Time Period

"Qualifying time period" means:

1. The period that begins on the date that a person's application for a limitation on appraised value under Tax Code Chapter 313 is approved by the board and ends on December 31 of the second tax year that begins after that date, except as provided by items 2 and 3 below or Tax Code 313.027(h);

2. In connection with a nuclear electric power generation facility, the first seven tax years that begin on or after the third anniversary of the date the district approves the property owner's application for a limitation on appraised value, unless a shorter time period is agreed to by the board and the property owner; or

3. In connection with an advanced clean energy project, the first five tax years that begin on or after the third anniversary of the date the district approves the property owner's application for a limitation on appraised value, unless a shorter time period is agreed to by the board and the property owner.

Tax Code 313.021(4)

Substantive Document

"Substantive document" means a document or other information or data in electronic media determined by the comptroller to substantially involve or include information or data significant to an application, the evaluation or consideration of an application, or the agreement or implementation of an agreement for limitation of appraised value pursuant to Tax Code Chapter 313. The term includes, but is not limited to, any application requesting a limitation on appraised value and any amendments or supplements, any economic impact evaluation made in connection with an application, any agreement between applicant and the district and any subsequent amendments or assignments, any district written finding or report filed with the comptroller as required under 34 Administrative Code Chapter 9, Subchapter F; and any completed annual eligibility report (Form 50-772A) submitted to the comptroller. The term shall not include any employee names or other personal identifying information that is submitted to the comptroller. Positions can be described by job type, category, or general title. *34 TAC 9.1051(19)*

School District Categories

For purposes of determining the required minimum amount of a qualified investment and the minimum amount of a limitation on appraised value, districts to which Tax Code Chapter 313, Subchapter B applies are categorized according to the taxable value of property in the district for the preceding tax year under Government Code Chapter 403, Subchapter M (comptroller's study of school district property values), as set out in Tax Code 313.022. *Tax Code 313.022(b); 34 TAC 9.1058(d)*

For purposes of determining the required minimum amount of a qualified investment and the minimum amount of a limitation on appraised value, districts to which Tax Code Chapter 313, Subchapter C applies are categorized according to the taxable value of industrial property in the district for the preceding tax year under Government Code Chapter 403, Subchapter M (comptroller's study of school district property values), as set out in Tax Code 313.052. *Tax Code 313.052; 34 TAC 9.1058(d)*

Minimum Amounts of Qualified Investment

For each category of district established by Tax Code 313.022, the minimum amount of a qualified investment is set out in Tax Code 313.023. *Tax Code 313.023*

For each category of district established by Tax Code 313.052, the minimum amount of a qualified investment is set out in Tax Code 313.053. *Tax Code 313.053*

Eligibility

Tax Code Chapter 313, Subchapters B and C apply only to property owned by an entity subject to franchise tax (Tax Code Chapter 171). To be eligible for a limitation on appraised value, the entity must use the property for a purpose stated in Tax Code 313.024.

Exception for Wind-Powered Energy Device

An owner of a parcel of land that is located wholly or partly in a reinvestment zone, a new building constructed on the parcel of land, a new improvement erected or affixed on the parcel of land, or tangible personal property placed in service in the building or improvement or on the parcel of land may not receive a limitation on appraised value for the parcel of land, building, improvement, or tangible personal property under an agreement under Tax Code Chapter 313, Subchapter B that is entered into on or after September 1, 2017, if, on or after that date, a wind-powered energy device is installed or constructed on the same parcel of land at a location that is within 25 nautical miles of the boundaries of a military aviation facility located in this state. This prohibition applies regardless of whether the wind-powered energy device is installed or constructed at a location that is in the reinvestment zone.

Tax Code 313.024

Application for Limitation on Appraised Value

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

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

Tax Code 313.025(a)

Required Contents and Format

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

Optional Requests

An applicant may include in an application:

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

34 TAC 9.1053(a), (b)

Changes

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

1. Be submitted in the same form or schedule and manner as the information was initially submitted or should have been initially submitted;

2. Include a date for the submission and a sequential number identifying the number of submissions made by the applicant;

3. Have the signature of the authorized representative(s) by which the applicant confirms and attests to the truth and accuracy of the information submitted in the application amendment or supplement, as applicable, to the best knowledge and belief of the applicant and its representative(s); and

4. Be submitted before the 120th day after the application was accepted by the district or within another time period as provided in writing by the comptroller.

34 TAC 9.1053(c)

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

1. Reject the amended application, supplemental application, or application, in whole or in part, and discontinue consideration of any submission by the applicant;

2. With the written concurrence of the comptroller, consider the completed application, as amended or supplemented, before the 151st day from the application review start date; or

3. Review the documents submitted by the applicant, issue an amended written notice of a completed application, and present the amended application to the board in the manner and time period authorized by 34 Administrative Code 9.1053(c)(5).

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

Confidential Business Information

Information provided to a district in connection with an application for a limitation on appraised value that describes the specific processes or business activities to be conducted or the specific tangible personal property to be located on real property covered by the application shall be segregated in the application from other information in the application and is confidential and not subject to public disclosure unless the board approves the application. Other information in the custody of a district or the comptroller in connection with the application, including information related to the economic impact of a project or the essential elements of eligibility under Tax Code Chapter 313, such as the nature and amount of the projected investment, employment, wages, and benefits, may not be considered confidential business information if the board agrees to consider the application. Information in the custody of a

district or the comptroller if the board approves the application is not confidential under this provision. *Tax Code 313.028; 34 TAC 9.1055(a)(1)–(4)*

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

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

34 TAC 9.1053(e)

Action on Application

Initial Review

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

Acting on Completed Application

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

1. Provide written notice to the applicant and to the comptroller, with a copy to the appraisal district, that the district has received and will be considering a completed application. The notice shall include:
    a. The date on which the application was received;

b. The date on which the board elected to consider the application; and

c. The date on which the district determined that applicant has submitted a completed application;

2. At the time the district provides notice of a completed application, deliver to the comptroller:

a. A copy of the completed application including all material required by 34 Administrative Code 9.1053(a), and if applicable (b), (Entity Requesting Agreement to Limit Appraised Value); and

b. A request to the comptroller to provide an economic impact evaluation;

3. If the district maintains a generally accessible internet web site, provide a clear and conspicuous link on its web site to the internet web site maintained by the comptroller where substantive documents for the value limitation application for such district are posted;

4. On request of the comptroller, provide such written documents containing information requested by the comptroller as necessary for the consideration of a limitation on appraised value pursuant to Tax Code Chapter 313 within 20 days of the date of the request.

34 TAC 9.1054(c)(1)–(4)

Economic Impact Evaluation and Certification

The board is not required to consider an application for a limitation on appraised value. If the board elects to consider an application, the board shall deliver a copy of the application to the comptroller and request that the comptroller conduct an economic impact evaluation of the proposed investment. The comptroller shall conduct or contract with a third person to conduct the economic impact evaluation, which shall be completed and provided to the board, along with the comptroller's certificate or written explanation of the decision not to issue a certificate, as soon as practicable but not later than the 90th day after the date the comptroller receives the application. The board shall provide to the comptroller or to a third person contracted by the comptroller to conduct the economic impact evaluation any requested information. The board shall provide a copy of the economic impact evaluation to the applicant on request. *Tax Code 313.025(b); 34 TAC 9.1055(d)*

Supplemental application information, amended application information, and additional information requested by the comptroller shall be promptly forwarded to the comptroller within 20 days of the

date of the request. On request of the district or applicant, the comptroller may extend the deadline for providing additional information for a period of not more than ten working days. *34 TAC 9.1055(b)(1)(A)–(B)*

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

Effect on Instructional Facilities

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

Fees

The board by official action shall establish reasonable nonrefundable application fees to be paid by property owners who apply to the district for a limitation on the appraised value of the person's property. The amount of an application fee must be reasonable and may not exceed the estimated cost to the district of processing and acting on an application, including any cost to the district associated with the required economic impact evaluation. *Tax Code 313.031(b); 34 TAC 9.1054(a)*

The total fee shall be paid at the time the application is submitted to the district. Any fees not accompanying the original application shall be considered supplemental payments. *34 TAC 9.1054(a)*

The comptroller may charge the applicant a fee sufficient to cover the costs of providing the economic impact evaluation. *Tax Code 313.025(b)*

Supplemental Payments

A person and the district may not enter into an agreement under which the person agrees to provide supplemental payments to a district or any other entity on behalf of a district in an amount that exceeds an amount equal to the greater of $100 per student per

year in average daily attendance or $50,000 per year, or for a period that exceeds the period beginning with the qualifying time period and ending December 31 of the third tax year after the date the person's eligibility for a limitation under Tax Code Chapter 313 expires. This limit does not apply to amounts described below at item 4 at Contents, Required and item 1 at Contents, Optional. *Tax Code 313.027(i)*

Approval

The board shall approve or disapprove an application not later than the 150th day after the date the application is filed, unless the economic impact evaluation has not been received or an extension is agreed to by the board and the applicant. *Tax Code 313.025(b)*

The board may extend the time period to approve a completed application required only if:

1. Either:
    a. An economic impact analysis has not been submitted to the district by the comptroller; or
    b. By agreement with the applicant; and
2. Notice of the extension is provided to the comptroller within seven days of the decision to provide the extension.

34 TAC 9.1054(d)

Before approving or disapproving an application that the board elects to consider, the board must make a written finding as to any criteria considered by the comptroller in conducting the economic impact evaluation under Tax Code 313.026. The board shall deliver a copy of those findings to the applicant.

The board may approve an application only if the board finds that the information in the application is true and correct, finds that the applicant is eligible for the limitation on the appraised value of the person's qualified property, and determines that granting the application is in the best interest of the district and this state.

The board may not approve an application unless the comptroller submits to the board a certificate for a limitation on appraised value of the property.

Tax Code 313.025(d-1), (e), (f)

When presented a completed application for which the comptroller has submitted a certificate for a limitation, the board shall either:

1. By majority vote adopt a written resolution approving the application which shall include:

a. Written findings:

(1) As to each criterion listed in 34 Administrative Code 9.1055(d)(3)(B)–(D) (Comptroller Application Review and Agreement to Limit Appraised Value);

(2) As to the criteria required by Tax Code 313.025(f-1) (waiver of new jobs creation requirement) if applicable;

(3) That the information in the application is true and correct; and

(4) That the applicant is eligible for the limitation on the appraised value of the entity's qualified property;

b. A determination that granting the application is in the best interest of the district and this state; and

c. Designate and direct a representative of the board to execute the agreement for property tax limitation presented by the approved applicant that complies with 34 Administrative Code Chapter 9, Subchapter F and Tax Code Chapter 313;

2. By majority vote disapprove the application; or

3. Take no official action and the application shall be considered disapproved on the 151st day after the application review start date.

34 TAC 9.1054(c)(5), (f)

In determining whether to approve an application, the board is entitled to request and receive assistance from the comptroller, the Texas Economic Development and Tourism Office, the Texas Workforce Investment Council, and the Texas Workforce Commission. The Texas Economic Development and Tourism Office or its successor may recommend that a district approve an application under Tax Code Chapter 313. In determining whether to approve an application, the board shall consider any recommendation made by the Texas Economic Development and Tourism Office or its successor. *Tax Code 313.025(c), (g)*

Continued Eligibility

In order to obtain and continue to receive a limitation on appraised value pursuant to Tax Code Chapter 313, an applicant shall:

1. Have a completed application approved by the board in compliance with 34 Administrative Code 9.1054(f) (School District Application Review and Agreement to Limit Appraised Value);

2. At least 30 days prior to the meeting at which the board is scheduled to consider the application, provide to the district and the comptroller a Texas Economic Development Act Agreement, as specified in 34 Administrative Code 9.1052(a)(6), with terms acceptable to the applicant;

3. If the applicant includes a combined group or members of the combined group, have the agreement executed by the authorized representative of each member of the combined group that owns a direct interest in property subject to the proposed agreement by which such members are jointly and severally liable for the performance of the stipulations, provisions, terms, and conditions of the agreement;

4. Comply with all stipulations, provisions, terms, and conditions of the agreement for a limitation on appraised value executed with the district, 34 Administrative Code Chapter 9, Subchapter F, and Tax Code Chapter 313;

5. Be and remain in good standing under the laws of this state and maintain legal status as an entity;

6. Owe no delinquent taxes to the state;

7. Maintain eligibility for limitation on appraised value pursuant to Tax Code Chapter 313;

8. Provide to the district, the comptroller, and the appraisal district any change to information provided in the application, including but not limited to changes of the authorized representative(s); changes to the location and contact information for the approved applicant including all members of the combined group participating in the limitation agreement; and copies of any valid assignments of the agreement and contact information for authorized representative(s) of any assignees; and

9. Within 30 days after filing a completed application with the district, provide the comptroller with estimates of the gross tax benefit resulting from the requested limitation on appraised value for school district maintenance and operations ad valorem tax and future revenues from the qualified property.

34 TAC 9.1053(f)

Agreement

No later than 20 business days after receiving an agreement for limitation on appraised value acceptable to an applicant, the comptroller:

1. Shall review the agreement for compliance with Tax Code Chapter 313 and the applicable rules (34 Administrative Code 9.1051–.1060), and consistency with the application submitted to the comptroller and as amended or supplemented;

2. May amend or withdraw the comptroller certificate for a limitation if the comptroller determines that the agreement as submitted by the applicant does not comply with Tax Code Chapter 313 or the applicable rules or that the agreement contains provisions that are not consistent with or represents information significantly different from that presented in the application as submitted to the comptroller; and

3. Provide written notification to the district of the actions taken.

34 TAC 9.1055(e)

The board and the property owner shall enter into a written agreement for the implementation of the limitation on appraised value on the owner's qualified property. *Tax Code 313.027(d); 34 TAC 9.1054(g), .1060*

Limitation on Appraised Value

If the person's application is approved by the board, the appraised value for district maintenance and operations ad valorem tax purposes of the person's qualified property as described in the agreement between the person and the district may not exceed the lesser of:

1. The market value of the property; or

2. Subject to the minimum limitation amount below, the amount agreed to by the board.

Minimum Limitation

The amount agreed to by the board must be an amount in accordance with Tax Code 313.027(b), according to the category to which the district belongs. [See School District Categories, above] A district, regardless of category, may agree to a greater amount.

Tax Code 313.027(a), (b), (c)

For a district to which Tax Code Chapter 313, Subchapter C applies, the amount agreed to by the board must be an amount in accordance with Tax Code 313.054, according to the category to which the district belongs. [See School District Categories, above] A district, regardless of category, may agree to a greater amount. *Tax Code 313.054*

Contents

Required

The agreement must:

1. Provide that the limitation applies for a period of ten years;

2. Specify the beginning date of the limitation, which must be January 1 of the first tax year that begins after the application date, the qualifying time period, or the date commercial operations begin at the site of the project;

3. Describe with specificity the qualified investment that the person will make on or in connection with the person's qualified property that is subject to the limitation; other property of the person that is not specifically described in the agreement is not subject to the limitation unless the board, by official action, provides that the other property is subject to the limitation;

4. Incorporate each relevant provision of Tax Code Chapter 313, Subchapter B, and, to the extent necessary, include provisions for the protection of future district revenues through the adjustment of the minimum valuations, the payment of revenue offsets, and other mechanisms agreed to by the property owner and the district;

5. Require the property owner to maintain a viable presence in the district for at least five years after the date the limitation on appraised value of the owner's property expires;

6. Provide for the termination of the agreement, the recapture of ad valorem tax revenue lost as a result of the agreement if the owner of the property fails to comply with the terms of the agreement, and payment of a penalty or interest, or both, on that recaptured ad valorem tax revenue;

7. Specify the ad valorem tax years covered by the agreement;

8. Be in a form approved by the comptroller; and

9. Disclose any consideration promised in conjunction with the application and the limitation.

Tax Code 313.027(a-1), (e), (f), (j)

Optional

The agreement may:

1. Provide that the property owner will protect the district in the event the district incurs extraordinary education-related expenses related to the project that are not directly funded in state aid formulas, including expenses for the purchase of portable classrooms and the hiring of additional personnel to accommodate a temporary increase in student enrollment attributable to the project.

2. Specify any conditions the occurrence of which will require the district and the property owner to renegotiate all or any part of the agreement.

3. Provide for a deferral of the date on which the qualifying time period for the project is to commence or, subsequent to the date the agreement is entered into, be amended to provide for such a deferral. The agreement may not provide for the deferral of the date on which the qualifying time period is to commence to a date later than January 1 of the fourth tax year that begins after the date the application is approved except that if the agreement is one of a series of agreements related to the same project, the agreement may provide for the deferral of the date on which the qualifying time period is to commence to a date not later than January 1 of the sixth tax year that begins after the date the application is approved.

Tax Code 313.027(f), (h)

If an agreement for limitation on appraised value includes a provision in which the qualifying time period starts more than one year after the date that the application is approved, no earlier than 180 days and no later than 90 days prior to the start of the deferred qualifying time period:

1. The district shall provide the comptroller:
    a. Copies of any documents or other information received from the applicant; and
    b. After reviewing documents and information provided by the applicant, either:
        (1) A written acknowledgment of receiving the application amendment or supplement; or
        (2) A statement that no such amendment or supplement has been submitted; and
2. If the comptroller provides:
    a. A comptroller certificate for a limitation with conditions different from the existing agreement, the board shall hold a meeting and determine whether to amend the agreement to include the conditions required by the comptroller or terminate the agreement; or
    b. A written explanation of the comptroller's decision not to re-issue a certificate, the district shall terminate the agreement.

34 TAC 9.1054(h), .1055(g)

Compliance and Enforcement

The district shall provide to the comptroller any documents that reasonably appear to be substantive documents, and, within seven

days of executing the agreement, a copy of the executed agreement and any attachments thereto. The district shall provide a copy of the executed agreement to the appraisal district.

The district shall comply with and enforce the stipulations, provisions, terms, and conditions of the agreement for limitation of the appraised value, 34 Administrative Code Chapter 9, Subchapter F, and Tax Code Chapter 313. To determine and obtain compliance with each agreement, for each calendar year during the term of the agreement the district shall require the approved applicant to submit:

1. Either the information necessary to complete the annual eligibility report, or a completed annual eligibility report;
2. A completed job creation compliance report (Form 50-825); and
3. Any information required by the state auditor office or its designee.

34 TAC 9.1054(i)

Disclosure of Appraised Value Limitation Information

If a district maintains a generally accessible internet website, the district shall maintain a link on its internet website to the area of the comptroller's internet website where information on each of the district's agreements to limit appraised value is maintained. *Tax Code 313.0265(c)*

Accessibility of Documents

Any documents submitted in an electronic format (including searchable pdfs) to the comptroller must comply with the accessibility standards and specifications described in 1 Administrative Code Chapters 206 and 213. *34 TAC 9.1055(a)(5)*

Appraisal Function

The county appraisal district is responsible for appraising property in the appraisal district for ad valorem tax purposes of each taxing unit in the appraisal district. *Tax Code 6.01(b)*

Restrictions on Employment

An individual may not be employed by an appraisal district if the individual is an officer or employee of a taxing unit that participates in the appraisal district. *Tax Code 6.054*

Notice of Boundary Change

If a new taxing unit is formed or an existing taxing unit's boundaries are altered, the unit shall notify the appraisal office of the new boundaries within 30 days after the date the unit is formed or its boundaries are altered. *Tax Code 6.07*

Appraisal District Board of Directors

The appraisal district is governed by a board of directors. Five directors are appointed by the taxing units that participate in the appraisal district as provided by Tax Code 6.03.

Eligibility

To be eligible to serve on the appraisal district board, an individual other than a county assessor-collector serving as a nonvoting director must be a resident of the appraisal district and must have resided in the appraisal district for at least two years immediately preceding the date the individual takes office. An individual who is otherwise eligible to serve on the appraisal district board is not ineligible because of membership on the governing body of a taxing unit.

An employee of a taxing unit is not eligible to serve on the appraisal district board unless the employee is also a member of the governing body or an elected official of a taxing unit that participates in the appraisal district.

Tax Code 6.03(a)

Restrictions

Nepotism

An individual is ineligible to serve on an appraisal district board if the individual is related within the second degree by consanguinity or affinity, as determined under Government Code Chapter 573 [see DBE], to an individual who is engaged in the business of appraising property for compensation for use in proceedings under Tax Code Title 1 (the Property Tax Code) or of representing property owners for compensation in proceedings under the Property Tax Code in the appraisal district.

Delinquent Taxes

An individual is ineligible to serve on an appraisal district board if the individual owns property on which delinquent taxes have been owed to a taxing unit for more than 60 days after the date the individual knew or should have known of the delinquency unless the delinquent taxes and any penalties and interest are being paid under an installment payment agreement, or a suit to collect the delinquent taxes is deferred or abated.

Tax Code 6.035(a)

Prior Property Appraiser or Owner Representative

An individual is ineligible to serve on an appraisal district board if the individual has engaged in the business of appraising property for compensation for use in proceedings under the Property Tax Code or of representing property owners for compensation in proceedings under the Property Tax Code in the appraisal district at any time during the preceding three years. *Tax Code 6.035(a-1)*

Conflict of Interest

An individual is not eligible to be appointed to or to serve on an appraisal district board if the individual or a business entity in which the individual has a substantial interest is a party to a contract with the appraisal district or a taxing unit that participates in the appraisal district, if the contract relates to the performance of an activity governed by the Property Tax Code.

A taxing unit may not enter into a contract relating to the performance of an activity governed by the Property Tax Code with a member of the appraisal district board or with a business entity in which an appraisal district board member has a substantial interest.

An individual has a substantial interest in a business entity if the combined ownership of the individual and the individual's spouse is at least ten percent of the voting stock or shares of the business entity, or the individual or the individual's spouse is a partner, limited partner, or officer of the business entity.

"Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or other entity recognized by law.

Tax Code 6.036

Recall

In accordance with Tax Code 6.033, the governing body of a taxing unit, by resolution filed with the chief appraiser, may call for the recall of a member of the appraisal district board for whom the unit cast any of its votes in the appointment of the appraisal district board. *Tax Code 6.033(a)*

Budget and Financing

Each year the chief appraiser shall prepare a proposed budget for the operations of the appraisal district for the following tax year as described in Tax Code 6.06(a) and shall submit copies to each taxing unit and the appraisal district board before June 15.

Public Inspection

Each taxing unit shall maintain a copy of the proposed budget for public inspection at its principal administrative office.

Budget Adoption

The appraisal district board shall hold a public hearing to consider the budget. The secretary of the appraisal district board shall deliver to the presiding officer of the governing body of each taxing unit not later than the tenth day before the date of the hearing a

written notice of the date, time, and place fixed for the hearing. The appraisal district board of directors shall complete its hearings, make any amendments to the proposed budget it desires, and finally approve a budget before September 15.

If governing bodies of a majority of the taxing units adopt resolutions disapproving a budget and file them with the secretary of the appraisal district board within 30 days after its adoption, the budget does not take effect, and the appraisal district board shall adopt a new budget within 30 days of the disapproval.

Amendments

The appraisal district board may amend the approved budget at any time, but the secretary of the appraisal district board must deliver a written copy of a proposed amendment to the presiding officer of the governing body of each taxing unit not later than the 30th day before the date the appraisal district board acts on it.

Allocation

Each taxing unit participating in the appraisal district is allocated a portion of the amount of the budget equal to the proportion that the total dollar amount of property taxes imposed in the appraisal district by the unit for the tax year in which the budget proposal is prepared bears to the sum of the total dollar amount of property taxes imposed in the district by each participating unit for that year. Unless the governing body of a unit and the chief appraiser agree to a different method of payment, each taxing unit shall pay its allocation in four equal payments to be made at the end of each calendar quarter, and the first payment shall be made before January 1 of the year in which the budget takes effect.

Tax Code 6.06(a)–(e)

Changes in Method of Financing

The appraisal district board, in accordance with Tax Code 6.061(a), may prescribe a different method of allocating the costs of operating the appraisal district unless the governing body of any taxing unit adopts a resolution opposing the different method, and files it with the appraisal district board before September 1.

The taxing units may adopt a different method of allocating the costs of operating the appraisal district in accordance with Tax Code 6.061.

Tax Code 6.061

Disapproval of Appraisal District Board Actions

If the governing bodies of a majority of the taxing units adopt resolutions disapproving an action, other than adoption of the budget, by the appraisal district board and file them with the secretary of the appraisal district board within 15 days after the action is taken, the action is revoked effective the day after the day on which the required number of resolutions is filed. *Tax Code 6.10*

Appraisal Review Board

An appraisal review board is established for each appraisal district. This does not preclude the boards of directors of two or more adjoining appraisal districts from providing for the operation of a consolidated appraisal review board by interlocal contract.

Appointment

Counties of Less than 120,000

Members of the appraisal review board are appointed by resolution of a majority of the appraisal district board of directors.

Counties of 120,000 or More

Members of the board are appointed by the local administrative law judge under Government Code Chapter 74, Subchapter D in the county in which the appraisal district is established.

Tax Code 6.41

Eligibility

Appraisal review board members are subject to the eligibility restrictions described in Tax Code 6.412 and the conflict of interest provisions set forth in Tax Code 6.413. *Tax Code 6.412, .413*

Prohibition on Contracts

A school district may not enter into a contract with a member of the appraisal review board established for an appraisal district in which the school district participates or with a business entity in which a member of the appraisal review board has a substantial interest as defined in Tax Code 6.413(d). *Tax Code 6.413(c)*

Auxiliary Appraisal Review Board Members

The appraisal district board by resolution may provide for a number of auxiliary appraisal review board members that the board considers appropriate to hear taxpayer protests before the appraisal review board and to assist the board in performing its duties. *Tax Code 6.414(a)*

Special Appraisal Review Board Panels

An appraisal district board for a district established in a county with a population of one million or more by resolution of a majority of the board's members shall increase the size of the district's appraisal review board to the number of members the board of directors considers appropriate to manage the duties of the appraisal review board, including the duties of each special panel established under Tax Code 6.425. *Tax Code 6.41(b-2)*

The appraisal review board for an appraisal district described above shall establish special panels to conduct protest hearings under Tax Code Chapter 41 relating to property described in Tax Code 6.425(b). *Tax Code 6.425(a)–(b)*

Accounting System

A board must adopt and install a standard school fiscal accounting system that conforms with generally accepted accounting principles. The accounting system must meet at least the minimum requirements prescribed by the commissioner of education, subject to review and comment by the state auditor. *Education Code 44.007(a), (b)*

The rules for financial accounting are described in the official Texas Education Agency (TEA) publication, *Financial Accountability System Resource Guide*. *19 TAC 109.1, .41*

Report of Revenues and Expenditures

A record must be kept of all revenues realized and of all expenditures made during the fiscal year for which a budget is adopted. A report of the revenues and expenditures for the preceding fiscal year shall be filed with TEA on or before the date set by the State Board of Education. *Education Code 44.007(c), (d)*

Financial Statement

The board shall prepare an annual financial statement showing for each fund subject to the board's authority 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 the fund at the close of the fiscal year.

Local Gov't Code 140.005

Publication

The board president shall submit the annual financial statement to a daily, weekly, or biweekly newspaper published within the boundaries of the district. If a daily, weekly, or biweekly newspaper is not published within the boundaries of the district, the financial statement shall be published in 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.

The statement shall be published in accordance with the accounting method required by TEA not later than the 150th day after the date the fiscal year ends.

Local Gov't Code 140.006

Annual Local Debt Report

A district shall annually compile and report certain financial information ("Annual Local Debt Report") in the manner prescribed by Local Government Code 140.008 and 34 Administrative Code 10.1–.6. *Local Gov't Code 140.008(b); 34 TAC 10.2(a)*

The Annual Local Debt Report 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 amount of all authorized debt obligations secured by property taxes expressed as a per capita amount;
    h. The principal of all outstanding debt obligations secured by property taxes expressed as a per capita amount;
    i. 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
    j. 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 principal of each outstanding debt obligation secured by property taxes expressed as a per capita amount;
    c. The combined principal and interest required to pay each outstanding debt obligation on time and in full;

d. The combined principal and interest required to pay each outstanding debt obligation on time and in full expressed as a per capita amount;

e. 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

f. 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 district.

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

Submission to Comptroller

The comptroller shall provide a location on the comptroller's internet website where a district may submit the financial information described above 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 these provisions. These instructions and other information related to local government debt reporting will be provided on the comptroller's internet website.

34 TAC 10.3

Reporting Requirement

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

1. Submit an Annual Local Debt Report to the comptroller as described at Submission to Comptroller, above, in the form and in the manner prescribed by the comptroller and, if the district maintains an internet website, continually maintain a link from its website to the location on the comptroller's website where the district's financial information may be viewed; or

2. Post its contact information and the information required in an Annual Local Debt Report on the district's own internet website and make the report available for inspection by any person in accordance with other law.

A district that elects to post a report of its financial information on its own internet website as described in item 2 above shall provide upon request an electronic link to the location on the district's website where the information can be viewed to facilitate compliance with the requirements of this provision and to enable the comptroller to maintain a searchable database of local debt information that is comprehensive, accurate, and complete.

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

Definitions

The phrases, words, and terms used in the foregoing provisions shall have the meanings set out in 34 Administrative Code 10.1, unless the context clearly indicates otherwise. *34 TAC 10.1*

Financial Management Report

Each district is required to report information and financial accountability ratings to parents, taxpayers, and other stakeholders by implementing the reporting procedures below. *19 TAC 109.1001(q)*

Report Requirements

Each district must prepare and distribute an annual financial management report in accordance with 19 Administrative Code 109.1001(q). *19 TAC 109.1001(q)(1)*

The annual financial management report for a district must include:

1. A description of its financial management performance based on a comparison, provided by TEA, of its performance on the indicators established by the commissioner and reflected in 19 Administrative Code 109.1001. The report will contain information that discloses:
    a. State-established standards; and
    b. The district's financial management performance under each indicator for the current and previous year's financial accountability ratings [see CFC];
2. Any descriptive information required by the commissioner, including:
    a. A copy of the superintendent's current employment contract or other written documentation of employment if no contract exists. This must disclose all compensation and benefits paid to the superintendent. The district may publish the superintendent's employment contract on its website instead of publishing it in the annual financial management report;
    b. A summary schedule for the fiscal year (12-month period) of expenditures paid on behalf of the superintendent and each board member and total reimbursements received by the superintendent and each board member.

This includes transactions on the district's credit card(s), debit card(s), stored-value card(s), and any other similar instrument(s) to cover expenses incurred by the superintendent and each board member. The summary schedule must separately report reimbursements for meals, lodging, transportation, motor fuel, and other items. The summary schedule of total reimbursements should not include reimbursements for supplies and materials that were purchased for the operation of the district;

c. A summary schedule for the fiscal year of the dollar amount of compensation and fees received by the superintendent from an outside school district or any other outside entity in exchange for professional consulting or other personal services. The schedule must separately report the amount received from each entity;

d. A summary schedule for the fiscal year of the total dollar amount of gifts that had a total economic value of $250 or more received by the executive officers and board members.

(1) This reporting requirement applies only to:

(a) Gifts received by the district's executive officers and board members (and their immediate family as described by Government Code, Chapter 573, Subchapter B, Relationships by Consanguinity or by Affinity) from an outside entity that received payments from the district in the prior fiscal year, and

(b) Gifts from competing vendors that were not awarded contracts in the prior fiscal year;

(2) This reporting requirement does not apply to reimbursement by an outside entity for travel-related expenses when the purpose of the travel was to investigate matters directly related to an executive officer's or board member's duties or to investigate matters related to attendance at education-related conferences and seminars with the primary purpose of providing continuing education (this exclusion does not apply to trips for entertainment purposes or pleasure trips);

(3) This reporting requirement excludes an individual gift or a series of gifts from a single outside entity

that had a total economic value of less than $250 per executive officer or board member; and

e. A summary schedule for the fiscal year of the dollar amount received by board members for the total amount of business transactions with the district. This reporting requirement is not to duplicate the items disclosed in the summary schedule of reimbursements received by board members; and

3. Any other information the board of the district determines to be useful.

19 TAC 109.1001(q)(3)

Public Hearing

Each district must provide the public with an opportunity to comment on the report at a public hearing. *19 TAC 109.1001(q)(2)*

The board must hold a public hearing on the report within two months after receiving a final financial accountability rating. The public hearing must be held at a location in the district's facilities.

At the hearing, the district must provide the annual financial management report to the attending parents and taxpayers.

19 TAC 109.1001(q)(4), (5); Education Code 39.083(d)

Notice

The board must give notice of the hearing to owners of real property in the geographic boundaries of the district and to parents of district students.

In addition to other notice required by law, the board must provide notice of the hearing:

1. To a newspaper of general circulation in the geographic boundaries of the district in one posting prior to holding the public meeting, providing the time and place of the hearing. The notice in the newspaper may not be earlier than 30 days or later than ten days before the date of the hearing. If no newspaper is published in the county in which the district's central administration office is located, then the board must publish the notice in the county nearest to the county seat of the county in which the district's central administration office is located; and

2. Through electronic mail to the mass communication media serving the district, including, but not limited to, radio and television.

19 TAC 109.1001(q)(4); Education Code 39.083(d)

Dissemination	After the hearing, the report shall be disseminated in the district in the manner prescribed by the commissioner. *Education Code 39.083(e)*
Records Retention	The district must retain the annual financial management report for at least three years after the public hearing and make it available to parents and taxpayers upon request. *19 TAC 109.1001(q)(6)*
Corrective Action Plan	Each district that received an F rating must file a corrective action plan with TEA, prepared in accordance with instructions from the commissioner, within one month after the district's public hearing. *19 TAC 109.1001(q)(7); Education Code 39.0824*

Projected Deficit

If the commissioner, based on the indicators adopted under Education Code 39.082 [see CFC], projects a deficit for a district general fund within the following three school years, TEA shall provide the district interim financial reports, including projected revenues and expenditures, to evaluate the district's current budget status.

TEA may require a district to submit additional information needed to produce a financial report. If a district fails to provide information requested or if the commissioner determines that the information submitted by a district is unreliable, the commissioner may order the district to acquire professional services under Education Code 39A.902 [see AIC].

Education Code 39.0823

Annual Audit

The board shall have its district fiscal accounts audited annually at district expense by a certified or public accountant holding a permit from the State Board of Public Accountancy. The audit must be completed following the close of each fiscal year.

The independent audit must meet at least the minimum requirements and be in the format prescribed by the State Board of Education (SBOE), subject to review and comment by the state auditor. The audit shall include an audit of the accuracy of the fiscal information provided by the district through the Public Education Information Management System (PEIMS).

Education Code 44.008(a), (b)

Audit Requirements and Procedures

A district must file with the Texas Education Agency (TEA) an annual financial and compliance report and, if applicable, a state compensatory agreed-upon procedures report. These reports must be audited by an independent auditor, and the audit must be reviewed by TEA, including review of auditors' working papers, in accordance with the *Financial Accountability System Resource Guide* (*FASRG*) as adopted by reference in 19 Administrative Code 109.41.

The annual financial audit report and state compensatory agreed-upon procedures report are due 150 days after the end of the fiscal year.

Independent Auditor

The district must hire at its own expense an independent auditor to conduct an independent audit of its financial statements and provide an opinion on its annual financial and compliance report.

The independent auditor must:

1. Be associated with a certified public accountancy (CPA) firm that has a current valid license issued by the Texas State Board of Public Accountancy;
2. Be a certified public accountant with a current valid license issued by the Texas State Board of Public Accountancy, as required under Education Code 44.008; and
3. Adhere to the generally accepted auditing standards (GAAS), adopted by the American Institute of CPAs (AICPA), as amended, and the generally accepted government auditing standards (GAGAS), adopted by the U.S. Government Accountability Office, as amended.

The CPA firm must:

1. Be a member of the AICPA Governmental Audit Quality Center (GAQC);

2. Adhere to GAQC's membership requirements; and

3. Collectively have the knowledge, skills, and experience to be competent for the audit being conducted, including thorough knowledge of the government auditing requirements and:

   a. Texas public school district environment; or

   b. Public sector; or

   c. Nonprofit sector.

If at any time the TEA division responsible for financial compliance reviews an audit firm's working papers and finds that the firm or the quality of the work does not meet the required standards, the division may require the district to change its audit firm.

19 TAC 109.23

Financial Accountability System Resource Guide

The rules for financial accounting are described in the official TEA publication *Financial Accountability System Resource Guide*, dated July 2019, which is adopted by reference as TEA's official rule. *19 TAC 109.41*

Filing of Report

A copy of the annual audit report, approved by the board, shall be filed with TEA not later than the 150th day after the end of the fiscal year for which the audit was made. If a board declines or refuses to approve its auditor's report, it shall nevertheless file with TEA a copy of the audit report with its statement detailing reasons for failure to approve the report. *Education Code 44.008(d)*

Internet Posting of Audit

Each district shall maintain an internet website or have access to a generally accessible internet website that may be used for the purposes of this provision. Each district shall post or cause to be posted on the internet website the information required by Tax Code 26.18, including the district's most recent financial audit, in a format prescribed by the comptroller. *Tax Code 26.18* [See CE for other required information that must be posted.]

Note: For information on the efficiency audit required before a district may hold an election to seek voter approval to adopt a maintenance and operations tax rate, see CCG.

Financial Records

Each treasurer receiving or having control of any school fund of any district shall keep a full and separate itemized account with each of the different classes of its school funds coming into the treasurer's hands. The treasurer's records of the district's itemized accounts and records shall be available to audit. *Education Code 44.008(c)*

Financial Accountability Rating System

TEA will assign a financial accountability rating to each district as required by Education Code 39.082.

TEA will base the financial accountability rating of a district on its overall performance on the financial measurements, ratios, and other indicators established by the commissioner. Financial accountability ratings for a rating year are based on the data from the immediate prior fiscal year.

A financial accountability rating remains in effect until replaced by a subsequent rating.

19 TAC 109.1001(b), (e), (l)

Issuance of Ratings

TEA will issue a preliminary financial accountability rating to a district on or before August 8 of each year. TEA will not delay the issuance of a preliminary or final rating if a district fails to meet the statutory deadline under Education Code 44.008 for submitting the annual financial report (AFR). Instead, the district will receive an F rating for substandard achievement.

Appeals

A district may appeal its preliminary financial accountability rating through the appeals process described at 19 Administrative Code 109.1001(n).

If TEA receives an appeal of a preliminary rating, TEA will issue a final rating to the district no later than 60 days after the deadline for submitting appeals. If TEA does not receive an appeal of a preliminary rating, the preliminary rating automatically becomes a final rating 31 days after issuance of the preliminary rating.

A final rating issued by TEA may not be appealed under Education Code 7.057 or any other law or rule.

19 TAC 109.1001(m)–(o)

Asbestos Hazard Emergency Response Act

The rules adopted under the Asbestos Hazard Emergency Response Act (AHERA) (15 U.S.C. 2641-2656) require a district to identify asbestos-containing material (ACM) in schools by visually inspecting school buildings for such materials, sampling such materials if they are not assumed to be ACM, and having samples analyzed by appropriate techniques; submit management plans; and implement the plans in a timely fashion. Districts are required to use persons who have been accredited to conduct inspections, reinspections, develop management plans, or perform response actions. The rule includes recordkeeping requirements.

Delegation

Districts may contractually delegate their duties, but they remain responsible for the proper performance of those duties.

40 C.F.R. 763.80(a)

Duties

A district shall:

1. Ensure that the activities of any persons who perform inspections, reinspections, and periodic surveillance, develop and update management plans, and develop and implement response actions, including operations and maintenance, are carried out in accordance with 40 C.F.R. 763.80–.99 and appendices (subpart E).
2. Ensure that all custodial and maintenance employees are properly trained as required by subpart E and other applicable federal and/or state regulations (e.g., the Occupational Safety and Health Administration asbestos standard for construction, the Environmental Protection Agency [EPA] worker protection rule, or applicable state regulations).
3. Ensure that workers and building occupants, or their legal guardians, are informed at least once each school year about inspections, response actions, and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress.
4. Ensure that short-term workers (e.g., telephone repair workers, utility workers, or exterminators) who may come in contact with asbestos in a school are informed of the locations of asbestos-containing building material (ACBM) and suspected ACBM assumed to be ACM.
5. Ensure that warning labels are posted in accordance with 40 C.F.R. 763.95 (see Warning Labels, below).
6. Ensure that management plans are available for inspection, and notification of such availability has been provided as specified in the management plan under 40 C.F.R. 763.93(g).

7. Designate a person to ensure that requirements under 40 C.F.R. 763.84 are properly implemented and ensure that the designated person receives adequate training to perform duties assigned.

8. Consider whether any conflict of interest may arise from the interrelationship among accredited asbestos personnel and whether that should influence the selection of accredited personnel to perform activities under subpart E.

40 C.F.R. 763.84

Management Plan

Each district shall develop an asbestos management plan for each school, including all buildings that they lease, own, or otherwise use as school buildings, and submit the plan to the Texas Department of State Health Services (TDSHS). Each district shall maintain and update its management plan to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, reinspection and response action activities. All provisions required to be included in the management plan shall be retained as part of the management plan, as well as any information that has been revised to bring the plan up-to-date. *40 C.F.R. 763.93(a), (d)*

The management plan shall be developed by an accredited management planner and shall include:

1. A list of the name and address of each school building and whether it contains friable ACBM, nonfriable ACBM, and friable and nonfriable suspected ACBM assumed to be ACM.

2. Specific information for each inspection conducted before December 14, 1987.

3. Specific information for each inspection and reinspection conducted under 40 C.F.R. 763.85.

4. The name, address, and telephone number of the person designated under 40 C.F.R. 763.84 to ensure that the duties of the district are carried out, and the course name, and dates and hours of training taken by that person to carry out the duties.

5. The recommendations made to the district regarding response actions, under 40 C.F.R. 763.88(d), the name, signature, state of accreditation of each person making the recommendations, and if applicable, his or her accreditation number.

6. A detailed description of preventive measures and response actions to be taken, including methods to be used, for any friable ACBM, the locations where such measures and action will be taken, reasons for selecting the response action or preventive measure, and a schedule for beginning and completing each preventive measure and response action.

7. With respect to the persons who inspected for ACBM and who will design or carry out response actions, except for operations and maintenance, a statement regarding the person's accreditation.

8. A detailed description in the form of a blueprint, diagram, or in writing of any ACBM or suspected ACBM assumed to be ACM that remains in the school once response actions are undertaken pursuant to 40 C.F.R. 763.90. This description shall be updated as response actions are completed.

9. A plan for reinspection under 40 C.F.R. 763.85, a plan for operations and maintenance activities under 40 C.F.R. 763.91, a plan for periodic surveillance under 40 C.F.R. 763.92, a description of the management planner's recommendation regarding additional cleaning under 40 C.F.R. 763.91(c)(2) as part of an operation's maintenance program, and the district's response to that recommendation.

10. A description of steps taken to inform workers and building occupants, or their legal guardians, about inspections, reinspections, response actions, and post-response action activities, including periodic reinspection and surveillance activities that are planned or in progress.

11. An evaluation of the resources needed to complete response actions successfully and carry out reinspection, operations and maintenance activities, periodic surveillance, and training.

12. With respect to each consultant who contributed to the management plan, the name of the consultant and a statement regarding the person's accreditation.

40 C.F.R. 763.93(e); Occupations Code 1954.101 (License Required for Certain Activities)

Plan Availability Upon submission of a management plan to TDSHS for review, a district shall keep a copy of the plan in its administrative office. The management plans shall be available, without cost or restriction, for inspection by representatives of EPA and the state, the public, including teachers, other school personnel and their representatives, and parents. The district may charge a reasonable cost to make copies of management plans.

Each school shall maintain in its administrative office a complete, updated copy of the management plan for that school. Management plans shall also be available for inspection, without cost or restriction, to workers before work begins in any area of a school building. The school shall make management plans available for inspection to representatives of EPA and the state, the public, including parents, teachers, and other school personnel and their representatives, within five working days after receiving a request for inspection. The school may charge a reasonable cost to make copies of the management plan.

Notice of Availability

Upon submission of its management plan to TDSHS and at least once each school year, a district shall notify in writing parent, teacher, and employee organizations of the availability of the management plans and shall include in the management plan a description of the steps taken to notify such organizations, and a dated copy of the notification.

40 C.F.R. 763.93(g)

Inspections

Each building leased or acquired to be used as a school building shall be inspected in accordance with 40 C.F.R. 763.85(a)(3) and (4) prior to use as a school building. In the event that emergency use of an uninspected building as a school building is necessitated, such buildings shall be inspected within 30 days after commencement of such use. At least once every three years after a management plan is in effect, each district shall conduct a reinspection of all friable and nonfriable known or assumed ACBM in each school building that they lease, own, or otherwise use as a school building. For each inspection and reinspection, the district shall have an accredited inspector provide a written assessment of all friable known or assumed ACBM in the school building. *40 C.F.R. 763.85, .88*

Response Actions

The district shall select and implement in a timely manner the appropriate response actions in 40 C.F.R. 763.90 consistent with the assessment. The response actions selected shall be sufficient to protect human health and the environment. The district may then select, from the response actions that protect human health and the environment, that action which is the least burdensome method. *40 C.F.R. 763.90(a)*

Periodic Surveillance

At least once every six months after the management plan is in effect, each district shall conduct periodic surveillance in each building that it leases, owns, or otherwise uses as a school building that contains ACBM or is assumed to contain ACBM. *40 C.F.R. 763.92(b)*

Operations and Maintenance Training	The district shall ensure, prior to the implementation of operations and maintenance provisions of the management plan, that all members of the maintenance and custodial staff who may work in a building that contains ACBM receive awareness training of at least two hours, whether or not they are required to work with ACBM. New custodial and maintenance employees shall be trained within 60 days after commencement of employment. Training shall include information specified in 40 C.F.R. 763.92(a)(1)(i)–(v). The district shall ensure that all members of its maintenance and custodial staff who conduct any activities that will result in the disturbance of ACBM shall receive training described above and 14 hours of additional training that includes information specified in 40 C.F.R. 763.92(a)(2)(i)–(iv). *40 C.F.R. 763.92(a)*
Warning Labels	The district shall attach a warning label immediately adjacent to any friable and nonfriable ACBM and suspected ACBM assumed to be ACM located in routine maintenance areas at each school building. This shall include friable ACBM that was responded to by a means other than removal and ACBM for which no response action was carried out. All labels shall be prominently displayed in readily visible locations and shall remain posted until the ACBM that is labeled is removed. The warning label shall read, in print which is readily visible because of large size or bright color, as follows: CAUTION: ASBESTOS. HAZARDOUS. DO NOT DISTURB WITHOUT PROPER TRAINING AND EQUIPMENT. *40 C.F.R. 763.95*
Texas Asbestos Health Protection Act	A district shall ensure compliance with AHERA for all schools in its jurisdiction. *25 TAC 295.63*
Asbestos- Related Activity	An “asbestos-related activity” means the removal, encapsulation, or enclosure of asbestos; the performance of an asbestos survey; the development of an asbestos management plan or response action; the collection or analysis of an asbestos sample; or the performance of another activity for which a license is required under Occupations Code Chapter 1954 (the Texas Asbestos Health Protection Act). *Occupations Code 1954.002, .101 (License Required for Certain Activities)*
Notice of Certain Activities	A person engaged in removing asbestos from or encapsulating or enclosing asbestos in a public building shall notify TDSHS in writing at least ten days before the date the person begins the removal, encapsulation, or enclosure project according to applicable laws. A person may give the required notice orally if the removal, encapsulation, or enclosure project is of an emergency nature. *Occupations Code 1954.252*
Responsibility	It is the responsibility of the facility owner and/or operator to notify TDSHS under 25 Administrative Code 295.61. In a public building,

this task may be delegated to the owner's agent such as a licensed asbestos abatement contractor or consultant and must be delegated in writing. In a demolition where a licensed abatement contractor or consultant is not required, the task may be delegated in writing to the demolition contractor or other agent. The notification must be filed on the form specified by TDSHS. The notification shall have all information completed with no blocks left blank. The facility owner, and the agent to whom the task of notification has been delegated, are jointly and severally responsible for the accuracy and timeliness of the notification. *25 TAC 295.61(b)*

Records Recordkeeping requirements are set out in 40 U.S.C. 763.94.

School District Peace Officers, School Resource Officers, and Security Personnel

The board may employ security personnel, enter into a memorandum of understanding with a local law enforcement agency for the provision of school resource officers, and commission peace officers to carry out Education Code Chapter 37, Subchapter C (Law and Order).

Jurisdiction

The jurisdiction of a peace officer, a school resource officer, or security personnel shall be determined by the board and may include all territory in the boundaries of the district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the district and the board that employ the peace officer or security personnel or that enter into a memorandum of understanding for the provision of a school resource officer.

Education Code 37.081(a)

Duties

The board shall determine the law enforcement duties of peace officers, school resource officers, and security personnel. The duties must be included in:

1. The district improvement plan under Education Code 11.252 [see BQ];
2. The student code of conduct adopted under Education Code 37.001 [see FO];
3. Any memorandum of understanding providing for a school resource officer; and
4. Any other campus or district document describing the role of peace officers, school resource officers, or security personnel in the district.

A district peace officer, a school resource officer, and security personnel shall perform law enforcement duties for the school district that must include protecting the safety and welfare of any person in the jurisdiction of the peace officer, resource officer, or security personnel; and the property of the school district.

In determining the law enforcement duties, the board shall coordinate with district campus behavior coordinators and other district employees to ensure that district peace officers, school resource officers, and security personnel are tasked only with duties related to law enforcement intervention and not tasked with behavioral or administrative duties better addressed by other district employees.

Education Code 37.081(d), (d-1), (d-4)

Prohibited Duties

A district may not assign or require as duties of a district peace officer, a school resource officer, or security personnel:

1. Routine student discipline or school administrative tasks; or
2. Contact with students unrelated to the law enforcement duties of the peace officer, resource officer, or security personnel.

This provision does not prohibit a district peace officer, a school resource officer, or security personnel from informal contact with a student unrelated to:

1. The assigned duties of the officer or security personnel; or
2. An incident involving student behavior or law enforcement.

Education Code 37.081(d-2), (d-3)

Refusal or Removal from District Property

A school resource officer or district peace officer may refuse to allow a person to enter on or may eject a person from property under the district's control in accordance with Education Code 37.105. *Education Code 37.105(a); 19 TAC 103.1207* [See GKA]

Weapons

If a board authorizes a person employed as security personnel to carry a weapon, the person must be a commissioned peace officer. *Education Code 37.081(a)* [See CKEA]

Training

A district peace officer or school resource officer shall complete an active shooter response training program approved by the Texas Commission on Law Enforcement (TCOLE).

A district that commissions a school district peace officer or at which a school resource officer provides law enforcement shall adopt a policy requiring the officer to complete the education and training program required by Occupations Code 1701.263.

Education Code 37.0812

School district peace officers or school resource officers providing law enforcement services at a district must obtain a school-based law enforcement proficiency certificate within 180 days of the officer's commission or placement in the district or campus of the district. *37 TAC 218.3(d)(5); Occupations Code 1701.263(b)*

Notice of Exposure to Communicable Disease

A district that employs emergency medical service employees, paramedics, firefighters, law enforcement officers or correctional officers must post the required notice regarding work-related exposure to communicable disease in its workplace to inform employees about Health and Safety Code requirements which may affect qualifying for workers' compensation benefits following a work-related exposure to a reportable communicable disease. *28 TAC 110.108*

Handgun Licensees

A board may promulgate written regulations or written authorization allowing the holder of a handgun license to carry a handgun on school premises pursuant to Penal Code 46.03(a)(1).

A board may appoint a school marshal [see CKEB] and authorize another person to serve under the district's regulations and authorization under Penal Code 46.03(a)(1).

The holder of a handgun license does not commit a criminal offense under Penal Code 46.035 by carrying a handgun in a building where a high school sporting event or interscholastic event is taking place or at an open meeting of the board when the person is lawfully carrying a handgun pursuant to a board's written regulations and authorization.

Att'y Gen. Op. GA-1051 (2014) (citing Education Code 11.151(b))

Note: For general provisions applicable to district security personnel, including district peace officers, see CKE.

Powers and Duties

Code of Criminal Procedure

Any peace officer commissioned by the board must meet all minimum standards for peace officers established by the Texas Commission on Law Enforcement (TCOLE). *Education Code 37.081(h)*

Officers commissioned by a board are peace officers. *Code of Criminal Procedure 2.12(8)*

It is the duty of every peace officer to preserve the peace within the officer's jurisdiction. To effect this purpose, the officer shall use all lawful means. *Code of Criminal Procedure 2.13(a)*

The peace officer shall perform the duties listed in Code of Criminal Procedure 2.13.

Determined by the Board

A district peace officer shall perform law enforcement duties for the district as determined by the board. *Education Code 37.081(d), (d-1)* [See CKE(LEGAL)]

The board may authorize any officer commissioned by the board to enforce rules adopted by the board. Education Code Chapter 37, Subchapter D (protection of buildings and grounds) is not intended to restrict the authority of each district to adopt and enforce appropriate rules for the orderly conduct of the district in carrying out its purposes and objectives or the right of separate jurisdiction relating to the conduct of its students and personnel. *Education Code 37.103*

In a peace officer's jurisdiction, a peace officer commissioned by the board:

1. Has the powers, privileges, and immunities of peace officers;
2. May enforce all laws, including municipal ordinances, county ordinances, and state laws;
3. May take a child into custody in accordance with Family Code Chapter 52 [see GRA] or Code of Criminal Procedure 45.058; and
4. May dispose of cases in accordance with Family Code 52.03 or 52.031.

Education Code 37.081(b); Family Code 52.01(a)(3)

The board shall determine the scope of the on-duty and off-duty law enforcement activities of district peace officers. A district must

authorize in writing any off-duty law enforcement activities performed by a district peace officer.

A district peace officer may provide assistance to another law enforcement agency. A district may contract with a political subdivision for the jurisdiction of a district peace officer to include all territory in the jurisdiction of the political subdivision.

Education Code 37.081(c), (e)

Chief of Police

The chief of police of a district police department shall be accountable to the superintendent and shall report to the superintendent. District police officers shall be supervised by the district chief of police or the chief's designee and shall be licensed by TCOLE. *Education Code 37.081(f)*

Oath and Bond

A peace officer assigned to duty and commissioned by a board shall take and file the oath required of peace officers and shall execute and file a bond in the sum of $1,000, payable to the board, with two or more sureties, conditioned that the peace officer will fairly, impartially, and faithfully perform all the duties that may be required of the peace officer by law. *Education Code 37.081(h)*

Reporting Appointment and Separation

Before a law enforcement agency may appoint a person licensed or seeking a license as a peace officer, the agency head or designee must comply with the requirements of 37 Administrative Code 217.7(a), including:

1. For a person's initial appointment, submit an appointment application (L1 Form) and receive an approval of the application before the person discharges any duties related to the license sought.

2. For current licensees, submit a Statement of Appointment (L1 Form) within seven days of the appointment.

37 TAC 217.7(a)(9)(B)(vi), (10)

When a person licensed by TCOLE separates from an agency, the agency shall, within 7 business days:

1. Submit a separation report (Form F5) to TCOLE; and

2. Provide a copy to the licensee in a manner prescribed by Occupations Code 1701.452 (Employment Termination Report).

37 TAC 217.7(b)

An agency must retain records kept under these provisions while the person is appointed and for a minimum of five years after the licensee's separation date with that agency. The records must be

maintained under the control of the agency head or designee in a format readily accessible to TCOLE. *37 TAC 217.7(d)*

Memorandum of Understanding

A district police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts between the department and the agencies. *Education Code 37.081(g)*

Body-Worn Cameras

A law enforcement agency that operates a body-worn camera program shall adopt a policy for the use of body-worn cameras that must ensure that a body-worn camera is activated only for a law enforcement purpose and must include guidelines and provisions required by Occupations Code 1701.655(b).

A policy may not require a peace officer to keep a body-worn camera activated for the entire period of the officer's shift.

Before a law enforcement agency may operate a body-worn camera program, the agency must provide training to peace officers who will wear the body-worn cameras and any other personnel who will come into contact with video and audio data obtained from the use of body-worn cameras.

Occupations Code 1701.655, .656

Motor Vehicle Stops

A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including the information required by Code of Criminal Procedure 2.133.

The chief administrator of a law enforcement agency is responsible for auditing these reports to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Code of Criminal Procedure 2.133

A law enforcement agency shall compile and analyze the information contained in each report received by the agency. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to TCOLE. *Code of Criminal Procedure 2.134*

Civil Penalty

If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Code of Criminal Procedure 2.134, the department is liable to the state for a civil penalty in an amount not to exceed $5,000 for each violation. *Code of Criminal Procedure 2.1385(a)*

Racial Profiling

A peace officer may not engage in racial profiling. *Code of Criminal Procedure 2.131*

Each law enforcement agency that employs peace officers who make traffic stops in the routine performance of the officer's official duties shall adopt a detailed written policy on racial profiling that complies with Code of Criminal Procedure 2.132(b). *Code of Criminal Procedure 2.132*

Mental Health Crisis or Substance Abuse Issue

A law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

1. There is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;
2. It is reasonable to divert the person;
3. The offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and
4. The mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

This requirement does not apply to a person who is accused of specified offenses involving intoxication.

Code of Criminal Procedure 16.23

Administration of Epinephrine

A law enforcement agency may acquire and possess epinephrine auto-injectors and a peace officer may possess and administer an epinephrine auto-injector in accordance with Occupations Code Chapter 1701, Subchapter O. *Occupations Code 1701.702(a)* [See FFAC regarding district maintenance and administration of epinephrine auto-injectors.]

Officer-Involved Injury or Death

"Officer-involved injury or death" means an incident during which a peace officer discharges a firearm causing injury or death to another.

Not later than the 30th day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident must complete and submit a written or electronic report to the office of the attorney general. The report must include all information required by Code of Criminal Procedure 2.139(b).

Code of Criminal Procedure 2.139

Not later than the 30th day after the date of the occurrence of an incident in which, while a peace officer is performing an official duty, a person who is not a peace officer discharges a firearm and causes injury or death to the officer, the law enforcement agency employing the injured or deceased officer at the time of the incident must complete and submit a written or electronic report to the office of the attorney general. The report must include all information required by Code of Criminal Procedure 2.1395(a). *Code of Criminal Procedure 2.1395(b)*

Failure to Report

A law enforcement agency that fails to submit the required report on or before the seventh day after the date the agency received notice of failure to report from the office of the attorney general, is liable for a civil penalty in the amount of $1,000 for each day after the seventh day that the agency fails to submit the report. Beginning on the day after the date of receiving notice of failure to report, a law enforcement agency that, in the five-year period preceding the date the agency received the notice, has been liable for a civil penalty is liable for a civil penalty for each day the agency fails to submit the required report in the amount of $10,000 for the first day and $1,000 for each additional day that the agency fails to submit the report. *Code of Criminal Procedure 2.13951(b), (c)*

Complaints Against Peace Officers

To be considered by the head of the district's police department, a complaint against a district peace officer must be in writing and signed by the person making the complaint. A copy of the complaint shall be given to the officer within a reasonable time after it is filed. Disciplinary action may not be taken against the officer unless a copy of the signed complaint is given to the officer. The officer may not be indefinitely suspended or terminated based on the subject matter of the complaint unless the complaint is investigated and there is evidence to prove the allegation of misconduct. *Gov't Code 614.021–.023; Colorado County v. Staff, 510 S.W.3d 435 (Tex. 2017); Atty. Gen. Op. GA-251 (2004)*

On the commencement of an investigation by a law enforcement agency of a complaint by an individual who believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer. *Code of Criminal Procedure 2.132(b)(3), (f)*

[See DGBA, FNG, and GF for appeals]

Legal Representation

A district shall provide a district employee who is a peace officer with legal counsel without cost to the employee to defend the em-

ployee against a suit for damages by a party other than a governmental entity if legal counsel is requested by the employee, and the suit involves an official act of the employee within the scope of the employee's authority.

To defend the employee against the suit, the district may provide counsel already employed by it or may employ private counsel.

An employee may recover from a district that fails to provide counsel as required the reasonable attorney's fees incurred in defending the suit if the trier of fact finds that the fees were incurred in defending a suit covered by these provisions and the employee is without fault or that the employee acted with a reasonable good faith belief that the employee's actions were proper.

Local Gov't Code 180.002(b)–(d)

Note: For provisions regarding selection and adoption of instructional materials, see EFA.

Instructional Materials and Technology

Instructional materials selected for use in the public schools shall be furnished without cost to the students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment. *Education Code 31.001*

Each instructional material, including electronic instructional material only to the extent of any applicable licensing agreement, purchased as provided by Education Code Chapter 31 for a district is the property of the district. *Education Code 31.102(a)–(b)*

Allotment

A district is entitled to an allotment each biennium from the state instructional materials and technology fund for each student enrolled in the district on a date during the last year of the preceding biennium specified by the commissioner of education. The commissioner shall determine the amount of the allotment per student each biennium on the basis of the amount of money available in the state instructional materials and technology fund to fund the allotment. The allotment shall be transferred from the state instructional materials and technology fund to the credit of the district's instructional materials and technology account as provided by Education Code 31.0212. *Education Code 31.0211(a)*

The commissioner shall, as early as practicable during each biennium, notify each district of the estimated amount to which the district will be entitled during the next fiscal biennium. *Education Code 31.0215(a)*

No Appeal

The amount of the allotment determined by the commissioner is final and may not be appealed. *19 TAC 66.1307(d)*

Delayed Publisher Payment Option

A district may requisition and receive state-adopted instructional materials before allotment funds for those materials are available. The total cost of delayed-payment-option materials requisitioned may not exceed 80 percent of the district's expected allotment for the subsequent biennium.

When a district submits a requisition for instructional materials under this provision, the Texas Education Agency (TEA) will expend a district's existing allotment balance before applying the delayed payment option. TEA will make payment for any remaining balance for a district's order as the allotment funds become available and will prioritize payment for requisitions over reimbursement of purchases made directly by a district.

The commissioner shall ensure that publishers of instructional materials are informed of any potential delay in payment and that payment is subject to the availability of appropriated funds. Publishers may decline orders for which payments could be delayed. A publisher's decision to decline an order shall affect all of that publisher's orders for which payments could be delayed. Publishers may not selectively decline individual orders or orders from individual districts. Government Code Chapter 2251 does not apply to requisitions under this provision.

Education Code 31.0215; 19 TAC 66.1312

Allotment Adjustment

Change in Enrollment

Not later than May 31 of each school year, a district may request that the commissioner adjust the number of students for which the district is entitled to receive an allotment on the grounds that the number of students attending school in the district will increase or decrease during the school year for which the allotment is provided. The commissioner may also adjust the number of students for which a district is entitled to receive an allotment, without a request by the district, if the commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the district. The commissioner's determination is final. *Education Code 31.0211(e)*

High Enrollment Growth

Each year the commissioner shall adjust the instructional materials and technology allotment of districts experiencing high enrollment growth. *Education Code 31.0214(a)*

High-enrollment growth adjustments will be based on the difference between the district's percentage of enrollment growth and that of the state. Enrollment growth calculations will be determined each fiscal year based on fall Texas Student Data Systems Public Education Information Management System (TSDS PEIMS) enrollment data. The amount of the adjustment determined by the commissioner is final and may not be appealed.

If sufficient funds are available, high-enrollment growth adjustments will be granted once each fiscal year. Notwithstanding this, a district that experiences an unexpected growth:

1. Of at least two percent due to a natural or man-made disaster or catastrophic event may apply for additional funding at any time during a fiscal year.
2. In its bilingual population of at least ten percent in any school year may apply for additional bilingual funding at any time during a fiscal year.

Any additional funding will be dependent on the availability of funds.

The per-student high-enrollment growth adjustment granted in the second year of a biennium shall not exceed one-half of the per-student amount established as the biennial allotment.

19 TAC 66.1309

Permitted Expenditures

The allotment may be used to purchase:

1. Materials on the list adopted by the commissioner under Education Code 31.0231;
2. Instructional materials, regardless of whether the instructional materials are on the list adopted under Education Code 31.024;
3. Consumable instructional materials, including workbooks;
4. Instructional materials for use in bilingual education classes, as provided by Education Code 31.029;
5. Instructional materials for use in college preparatory courses under Education Code 28.014, as provided by Education Code 31.031;
6. Supplemental instructional materials, as provided by Education Code 31.035;
7. State-developed open education resource instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;
8. Instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;
9. Technological equipment necessary to support the use of materials included on the list adopted by the commissioner under Education Code 31.0231 or any instructional materials purchased with an allotment under these provisions; and
10. Inventory software or systems for storing, managing, and accessing instructional materials and analyzing the usage and effectiveness of the instructional materials.

The allotment may be used to pay:

1. For training educational personnel directly involved in student learning in the appropriate use of instructional materials and for providing for access to technological equipment for instructional use; and

2. The salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning.

Education Code 31.0211(c); 19 TAC 66.1307(f)

Prohibited Expenditures

The allotment may not be used to pay for:

1. Services for installation;
2. The physical conduit that transmits data such as cabling and wiring or electricity;
3. Office and school supplies; or
4. Items that are not directly related to student instruction such as furniture, athletic equipment, extension cords, temporary contractors, or video surveillance equipment;
5. Travel expenses; or
6. Equipment used for moving or storing instructional materials.

19 TAC 66.1307(g)

Certification of Allotment

A district shall annually certify to the commissioner that the district's allotment has been used only for permitted expenses. *Education Code 31.0213*

Priority of Purchase

Each biennium a district shall use the district's allotment to purchase, in the following order:

1. Instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level.
2. Any other instructional materials or technological equipment as determined by the district.

Education Code 31.0211(d); 19 TAC 66.1307(e)

Instructional Materials and Technology Account

The commissioner shall maintain an instructional materials and technology account for each district. In the first year of each biennium, the commissioner shall deposit the district's allotment in the account. The commissioner shall pay the cost of instructional materials requisitioned by a district under Education Code 31.103 using funds from the district's instructional materials and technology account.

A district may also use funds in the district's account to purchase electronic instructional materials or technological equipment. The

district shall submit to the commissioner a request for funds for this purpose from the district's account in accordance with the commissioner's rules.

Money deposited in a district's instructional materials and technology account during each state fiscal biennium remains in the account and available for use by the district for the entire biennium. At the end of each biennium, a district with unused money in the district's account may carry forward any remaining balance to the next biennium.

Education Code 31.0212

Access to Allotment

The allotment for each biennium will be made available for district use through the state's online instructional material ordering system (EMAT) as early as possible in the fiscal year preceding the beginning of the biennium for which the funds have been appropriated. A district may access its allotment for any upcoming school year upon completion of:

1. Submission to the commissioner certification that:
    a. The district has instructional materials that cover all the required Texas essential knowledge and skills (TEKS), except those for physical education, as required by Education Code 31.004 [see Certification of Instructional Materials, below]; and
    b. The district has used its allotment for only the allowable expenditures [see Permitted Expenditures and Certification of Allotment Use, above]; and
2. Preparation by TEA of EMAT for the new school year with the new allotment amounts.

Upon completion of these requirements, a district may access its funds by correctly providing all information required in EMAT.

19 TAC 66.1307(h)–(j)

Online Requisition System (EMAT)

The commissioner shall maintain an online requisition system (EMAT) for districts to requisition instructional materials to be purchased with the district's allotment. *Education Code 31.101(f)*

Delegation of Authority

The board may delegate to an employee the authority to requisition, distribute, and manage the inventory of instructional materials, consistent with Education Code Chapter 31 and rules adopted under that chapter. *Education Code 31.104(a)*

Local Funds

A district may use local funds to purchase any instructional materials in addition to those selected under Education Code Chapter 31. *Education Code 31.106*

Requisitions, Use, and Distribution

A district shall make a requisition for instructional materials using the online requisition program (EMAT) maintained by the commissioner. A district may requisition instructional materials on the State Board of Education (SBOE) instructional materials list for grades above the grade level in which a student is enrolled. *Education Code 31.103(b)–(c)*

Distribution

The board shall distribute printed instructional materials to students in the manner that the board determines is most effective and economical. *Education Code 31.102(c)*

Supplemental Instructional Materials

A district may requisition supplemental instructional material adopted by the SBOE but not on the instructional material list adopted under Education Code 31.023 only if the district requisitions the supplemental instructional material along with other supplemental instructional materials or instructional materials on the list adopted under Education Code 31.023 that in combination cover each element of the essential knowledge and skills for the course for which the district is requisitioning the supplemental instructional materials. *Education Code 31.035(d)*

Availability of Open Education Resource Instructional Materials

A district that selects open education resource instructional material shall requisition a sufficient number of printed copies for use by students unable to access the instructional material electronically unless the district provides to each student:

1. Electronic access to the instructional material at no cost to the student; or
2. Printed copies of the portion of the instructional material that will be used in the course.

Education Code 31.103(d)

Employee Training

The board shall require the employee responsible for ordering instructional materials to complete TEA-developed training in the use of the allotment and the use of the instructional materials ordering system (EMAT). Training shall be completed prior to ordering instructional materials for the first time and again each time the district is notified by TEA that the training has been updated. The district shall maintain documentation of the completion of the required training. *19 TAC 66.107(d)*

Special Instructional Materials

All laws and rules applying to instructional materials provided to students with no disabilities that are not in conflict with Education Code 31.028 or 19 Administrative Code 66.1311 shall apply to the distribution and control of special instructional materials. Special instructional materials include braille, large-print, and audio books and any other formats designed specifically to provide equal access to students with disabilities.

Requisitions for special instructional materials shall be based on actual student enrollment but may include up to two copies per student if necessary to meet individual need.

Special instructional materials are the property of the state. A district is responsible for replacing or reimbursing the state for lost, stolen, or damaged special instructional materials.

For Teachers

Adopted instructional materials needed by a teacher with a print disability to carry out his or her instructional duties shall be furnished in the required format without cost. The materials are to be loaned to the district as long as needed and are to be returned to the state when they are no longer needed.

For Parents

Adopted instructional materials in a specialized format that are requested by a parent with a print disability shall be furnished without cost by the state. Requests for electronic files shall be filled by TEA after the parent signs and TEA receives a statement, through the district, promising that the parent will safeguard the security of the files and observe all current copyright laws, including those that forbid reproduction of the files and their transfer to other parties. All specialized instructional material formats and electronic files that have been provided must be returned to the local school district at the end of the school year.

19 TAC 66.1311

Bilingual Instructional Materials

A district shall purchase with its allotment or otherwise acquire instructional materials for use in bilingual education classes. The commissioner shall determine the amount of the allotment for bilingual education based on TSDS PEIMS bilingual enrollment data from the fall collection of the school year preceding the first year of each biennium. *Education Code 31.029; 19 TAC 66.1307(c)*

Certification of Instructional Materials

Prior to the beginning of each school year, a district shall submit to the SBOE and commissioner certification that for each subject in the required curriculum under Education Code 28.002, other than physical education, and each grade level, the district provides each student with instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE for that subject and grade level. The certification shall be submitted in a format approved by the commissioner and can be based on both state-adopted and non-state-adopted materials.

To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills, a district may consider:

1. Instructional materials adopted by the SBOE;

2. Materials adopted or purchased by the commissioner under Education Code 31.0231 or Education Code Chapter 31, Subchapter B-1;

3. Open education resource instructional materials submitted by eligible institutions and adopted by the SBOE;

4. Open education resource instructional materials made available by other public schools;

5. Instructional materials developed or purchased by the district; and

6. Open education resource instructional materials and other electronic instructional materials included in the repository under Education Code 31.083.

The certifications shall be ratified by the board in a public, noticed meeting.

Education Code 31.004; 19 TAC 66.105

Ownership

Except as otherwise provided, a student must return all instructional materials to the teacher at the end of the school year or when the student withdraws from school. At the end of the school year for which open education resource instructional material that a district does not intend to use for another student is distributed, the printed copy of the open education resource instructional material becomes the property of the student to whom it is distributed.

This provision does not apply to an electronic copy of open education resource instructional material.

Education Code 31.104(c), (g)–(h); 19 TAC 66.107(b)

Responsibility for Instructional Materials and Equipment

Each student or the student's parent or guardian is responsible for all instructional material and technological equipment not returned in an acceptable condition by the student. A student who fails to return in an acceptable condition all instructional materials and technological equipment forfeits the right to free instructional materials and technological equipment until all instructional materials and technological equipment previously issued but not returned in an acceptable condition are paid for by the student, parent, or guardian.

As provided by board policy, a district may waive or reduce the payment required if the student is from a low-income family. [See FP] The district shall allow the student to use instructional materials and technological equipment at school during each school day.

If instructional materials or technological equipment is not returned in an acceptable condition or paid for, a district may withhold the student's records. A district may not prevent the student from graduating, participating in a graduation ceremony, or receiving a diploma. [See FL and GBA regarding student and parental right to access records; and FD, FFAB, and FL regarding a district's duties to provide records to another district]

The board may not require an employee of the district who acts in good faith to pay for instructional materials or technological equipment that is stolen, misplaced, or not returned by a student. [See DG]

These provisions do not apply to an electronic copy of open education resource instructional material.

Education Code 31.104(d), (e), (h); 19 TAC 66.107(c) [See also EF]

Acceptable Condition

Printed instructional materials are considered to be in acceptable condition if:

1. The cover, binding, pages, spine, and all integral components of the instructional materials are wholly intact and the instructional materials are fully usable by students; and
2. No component of the instructional materials is soiled, torn, or damaged (whether intentionally or by lack of appropriate care) to the extent that any portion of the content is too disfigured or obscured to be fully accessible to other students.

Electronic instructional materials are considered to be in acceptable condition if:

1. All components or applications that are a part of the electronic instructional materials are returned;
2. The electronic materials perform as they did when they were new;
3. The electronic instructional materials do not contain computer code (e.g., bug, virus, worm, or similar malicious software) that has been designed to self-replicate, damage, change, or otherwise hinder the performance of any computer's memory, file system, or software; and
4. The electronic instructional materials have not been installed with plug-ins, snap-ins, or add-ins without the prior approval of the district.

Technological equipment is considered to be in acceptable condition if:

1. The equipment is returned with the software and hardware in their original condition unless the district authorized changes; and
2. The physical condition of the equipment is fully usable as it was originally intended to be used.

19 TAC 66.1310

Lost or Damaged Instructional Materials

A district may order replacements for instructional materials that have been lost or damaged directly from the publisher of the instructional materials or any source for a printed copy of open education resource instructional material. *Education Code 31.104*

Sale or Disposal

The board shall determine how the district will dispose of discontinued printed instructional materials, electronic instructional materials, and technological equipment.

Sale

The board may sell printed instructional materials on the date the instructional material is discontinued for use in the public schools by the SBOE or the commissioner. The board may also sell electronic instructional materials and technological equipment owned by the district.

Use of Proceeds

Any funds received by a district from a sale must be used to purchase instructional materials and technological equipment allowed under Education Code 31.0211.

Disposal

The board may dispose of printed instructional material before the date the instructional material is discontinued for use in the public schools by the SBOE if the board determines that the instructional material is not needed by the district and the board does not reasonably expect that the instructional material will be needed. A district must notify the commissioner of any instructional material the district disposes of under this provision.

Education Code 31.105

Annual Inventory

A district shall conduct an annual physical inventory of all currently adopted instructional materials that have been requisitioned by and delivered to the district. The results of the inventory shall be recorded in the district's files. *19 TAC 66.107(a)*

Local Handling Expenses

School districts shall not be reimbursed from state funds for expenses incurred in local handling of instructional materials. *19 TAC 66.104(d)*

Texas Department of Agriculture Authority

The Texas Department of Agriculture (TDA) administers federal and state nutrition programs, including the National School Lunch Program (NSLP) under 42 U.S.C. Section 1751 et seq., and the School Breakfast Program (SBP) under 42 U.S.C. Section 1773. *Agriculture Code 12.0025*

Note: Regulations applicable to federal nutrition programs are found at the following:

7 C.F.R. 210: National School Lunch Program

7 C.F.R. 215: Special Milk Program for Children

7 C.F.R. 220: School Breakfast Program

7 C.F.R. 225: Summer Food Service Program

7 C.F.R. 245: Free and Reduced Price Eligibility

Program Compliance

TDA shall require that school food authorities (SFAs) comply with the applicable provisions 7 C.F.R. Part 210. TDA shall ensure compliance through audits, administrative reviews, technical assistance, training guidance materials or by other means. *7 C.F.R. 210.19(a)(3)*

[For the definition of "school food authority," see COA(LEGAL).]

Administrative Review

TDA must conduct administrative reviews of all SFAs participating in the NSLP (including the Afterschool Snacks and the Seamless Summer Option) and SBP at least once during a 3-year review cycle, provided that each SFA is reviewed at least once every 4 years.

"Administrative reviews" means the comprehensive off-site and/or on-site evaluation of all SFAs participating in the specified programs. The term administrative review is used to reflect a review of both critical and general areas in accordance with 7 C.F.R. 210.18(g) and (h), as applicable for each reviewed program, and includes other areas of program operations determined by TDA to be important to program performance.

7 C.F.R. 210.18

Note: For recordkeeping and retention information, see TDA's School Nutrition Program (SNP) Records Retention List.[1]

School Nutrition Professional Standards

An SFA that operates the NSLP or the SBP must establish and implement professional standards for school nutrition program directors, managers, and staff. *7 C.F.R. 210.30(a)*

Minimum Standards for Program Directors

Each SFA must ensure that all newly hired school nutrition program directors meet minimum hiring standards and ensure that all new and existing directors have completed the minimum annual training/education requirements for school nutrition program directors, as set forth in 7 C.F.R. 210.30. *7 C.F.R. 210.30(b)*

Note: All school nutrition program directors hired on or after July 1, 2015, must meet the required minimum educational requirements based on student enrollment. *See Summary of School Nutrition Program Director Professional Standards by Local Educational Agency Size chart, 7 C.F.R. 210.30(b)(2).*

Exempt Fundraisers

Schools that participate in the NSLP or SBP may sell food and beverages that do not meet nutritional standards outlined in 7 C.F.R. Parts 210 and 220 as part of a fundraiser, during the school day, for up to six days per school year on each school campus, provided that no specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service. *4 TAC 26.2*

Definitions

"School day" means the midnight before, to 30 minutes after the end of the official school day.

"School campus" means all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

4 TAC 26.1

Unpaid Meal Charges

State Law

The board of a district that allows students to use a prepaid meal card or account to purchase meals served at schools in the district shall adopt a grace period policy regarding the use of the cards or accounts. The policy:

1. Must allow a student whose meal card or account balance is exhausted or insufficient to continue, for a period determined by the board, to purchase meals by:
    a. Accumulating a negative balance on the student's card or account; or
    b. Otherwise receiving an extension of credit from the district;
2. Must require the district to notify the parent of or person standing in parental relation to the student that the student's meal card or account balance is exhausted;

3. May not permit the district to charge a fee or interest in connection with meals purchased under item 1, above; and

4. May permit the district to set a schedule for repayment on the account balance as part of the notice to the parent or person standing in parental relation to the student.

Education Code 33.908

Federal Law

An SFA operating a NSLP and/or SBP must:

1. Have a written and clearly communicated meal charge policy in order to ensure a consistent and transparent approach to the issue of how students who pay the full or reduced price cost of a reimbursable meal are impacted by having insufficient funds on hand or in their account to purchase a meal.

2. Include policies regarding the collection of delinquent meal charge debt in the written meal charge policy.

3. Ensure that the policy is provided in writing to all households at the start of each school year and to households that transfer to the school during the school year.

4. Provide the meal charge policy to all school or SFA-level staff responsible for policy enforcement, including school food service professionals responsible for collecting payment for meals at the point of service, staff involved in notifying families of low or negative balances, and staff involved in enforcing any other aspects of the meal charge policy.

Excerpts from *USDA Memo SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies*[2] *(July 8, 2016)*

Lauren's Law

A district may not adopt any rule, policy, or program under Education Code 28.002(a), (k), (l), (l-1), or (l-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:

1. Children in the classroom of the child on the occasion of the child's birthday; or

2. Children at a school-designated function.

Education Code 28.002(l-3)(2)

Donation of Food

A district may allow a campus to donate food to a nonprofit organization through an official of the nonprofit organization who is affiliated with the campus, including a teacher, counselor, or parent of a student enrolled at the campus. The donated food may be received, stored, and distributed on the campus. Food donated by the campus may include:

1. Surplus food prepared for breakfast, lunch, or dinner meals or a snack to be served at the campus cafeteria, subject to any applicable local, state, and federal requirements; or

2. Food donated to the campus as the result of a food drive or similar event.

The type of food donated may include packaged and unpackaged unserved food, packaged served food if the packaging is in good condition, whole uncut produce, wrapped raw produce, and unpeeled fruit required to be peeled before consumption.

Food donated to a nonprofit may be distributed at the campus at any time. Campus employees may assist in preparing and distributing as volunteers of the nonprofit organization.

A district may adopt a policy under which the district provides food at no cost to a student for breakfast, lunch, or dinner meals or a snack if the student is unable to purchase such meals or snack.

Education Code 33.907

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[1] TDA's School Nutrition Program (SNP) Records Retention List: http://www.squaremeals.org/Portals/8/FND%20Forms/Program%20Forms/SNP_RecordsList_List_V001_200423.pdf
[2] USDA Memo *Unpaid Meal Charges: Local Meal Charge Policies:* https://fns-prod.azureedge.net/sites/default/files/cn/SP46-2016os.pdf

Next Generation Technology

A district, in the administration of the district, shall consider using next generation technologies, including cryptocurrency, blockchain technology, and artificial intelligence. *Gov't Code 2054.601*

Children's Internet Protection Act

"Harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

Definitions

Harmful to Minors

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

47 U.S.C. 254(h)(7)(G); 20 U.S.C. 7131(e)(6)

Technology Protection Measure

"Technology protection measure" means a specific technology that blocks or filters internet access to the material covered by a certification described at Certifications to the FCC, below, to which such certification relates. *47 U.S.C. 254(h)(7)(I)*

Universal Service Discounts (E-Rate)

An elementary or secondary school having computers with internet access may not receive universal service discount rates unless the district submits to the FCC the certifications described below at Certifications to the FCC and a certification that an internet safety policy has been adopted and implemented as described at Internet Safety Policy, below, and ensures the use of computers with internet access in accordance with the certifications. *47 U.S.C. 254(h)(5)(A); 47 C.F.R. 54.520*

Certifications to the FCC

A district that receives discounts for internet access and internal connections services under the federal universal service support mechanism for schools must make certifications in accordance with 47 C.F.R. 54.520(c) each funding year. A district that only receives discounts for telecommunications services is not subject to the certification requirements, but must indicate that it only receives discounts for telecommunications services. *47 C.F.R. 54.520(b)*

With Respect to Minors

A certification under 47 U.S.C. 254(h)(5)(B) is a certification that the district is:

1. Enforcing a policy of internet safety for minors that includes monitoring their online activities and the operation of a tech-

nology protection measure with respect to any of its computers with internet access that protects against access through such computers to visual depictions that are obscene, child pornography, or harmful to minors;

2. Enforcing the operation of such technology protection measure during any use of such computers by minors; and

3. Educating minors, as part of its internet safety policy, about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

47 U.S.C. 254(h)(5)(B); 47 C.F.R. 54.520(c)(1)

With Respect to Adults

A certification under 47 U.S.C. 254(h)(5)(C) is a certification that the district is:

1. Enforcing a policy of internet safety that includes the operation of a technology protection measure with respect to any of its computers with internet access that protects against access through such computers to visual depictions that are obscene or child pornography; and

2. Enforcing the operation of such technology protection measure during any use of such computers.

47 U.S.C. 254(h)(5)(C); 47 C.F.R. 54.520(c)(1)

Disabling for Adults

An administrator, supervisor, or other person authorized by the district may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. *47 U.S.C. 254(h)(5)(D)*

Internet Safety Policy

A district shall adopt and implement an internet safety policy that addresses:

1. Access by minors to inappropriate matter on the internet and the World Wide Web;

2. The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

3. Unauthorized access, including “hacking,” and other unlawful activities by minors online;

4. Unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and

5. Measures designed to restrict minors' access to materials harmful to minors.

47 U.S.C. 254(l); 47 C.F.R. 54.520(c)(1)(ii)

Public Hearing — A district shall provide reasonable public notice and hold at least one public hearing or meeting to address the proposed internet safety policy. *47 U.S.C. 254(h)(5)(A)(iii), (l)(1)(B)*

Inappropriate for Minors — A determination regarding what matter is inappropriate for minors shall be made by the board or designee. *47 U.S.C. 254(l)(2)*

Noncompliance — A district that knowingly fails to submit required certifications shall not be eligible for discount services under the federal universal service support mechanism for schools until such certifications are submitted.

A district that knowingly fails to ensure the use of computers in accordance with the required certifications must reimburse any funds and discounts received under the federal universal service support mechanism for schools for the period in which there was noncompliance.

47 C.F.R. 54.520(d), (e); 47 U.S.C. 254(h)(5)(F)

ESEA Funding — No federal funds made available under Title IV, Part A of the ESEA for an elementary or secondary school that does not receive universal service discount rates may be used to purchase computers used to access the internet, or to pay for direct costs associated with accessing the internet unless a district:

1. Has in place a policy of internet safety for minors that includes the operation of a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors; and enforces the operation of the technology protection measure during any use by minors of its computers with internet access; and

2. Has in place a policy of internet safety that includes the operation of a technology protection measure that protects against access to visual depictions that are obscene or child pornography; and enforces the operation of the technology protection measure during any use of its computers with internet access.

An administrator, supervisor, or other person authorized by the district may disable the technology protection measure to enable access for bona fide research or other lawful purposes.

Certification to DOE

A district shall certify its compliance with these requirements during each annual program application cycle under the ESEA.

20 U.S.C. 7131

Uniform Electronic Transactions Act (UETA)

The UETA (Business and Commerce Code Chapter 322) applies to electronic records and electronic signatures relating to a transaction. *Business and Commerce Code 322.003(a)*

The UETA applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. The UETA does not require a record or signature to be created, generated, sent, communicated, received, stored, or otherwise processed or used by electronic means or in electronic form. A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. This right may not be waived by agreement. *Business and Commerce Code 322.005(a)–(c)*

Except as otherwise provided in Business and Commerce Code 322.012(f), the UETA does not require a district to use or permit the use of electronic records or electronic signatures. *Business and Commerce Code 322.017(c)*

Records Retention

If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record which:

1. Accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and

2. Remains accessible for later reference.

A record retained as an electronic record in accordance with the provisions above satisfies a law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after January 1, 2002, specifically prohibits the use of an electronic record for the specified purpose.

Business and Commerce Code 322.012(a), (f)

[For more information on records management, see CPC.]

Definitions

"Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

"Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

Business and Commerce Code 322.002(7), (8), (15)

Digital Signature

A digital signature may be used to authenticate a written electronic communication sent to a district if it complies with rules adopted by the board. Before adopting the rules, the board shall consider the rules adopted by the Department of Information Resources (DIR) and, to the extent possible and practicable, make the board's rules consistent with DIR rules. *Gov't Code 2054.060(b); 1 TAC 203*

"Digital signature" means an electronic identifier intended by the person using it to have the same force and effect as the use of a manual signature. *Gov't Code 2054.060(e)(1)*

Interception of Communications

For information on the unlawful interception, use, or disclosure of communications, see the Electronic Communications Privacy Act (18 USC 2510–2523 [federal wiretap act] and 2701–2713 [Stored Communications Act]) and Penal Code 16.02 (state wiretap law) and 16.04 (Unlawful Access to Stored Communications).

Information Required on Website

A district that at any time on or after January 1, 2019, maintained a publicly accessible internet website shall post on a publicly accessible website the following information:

1. The district's contact information, including a mailing address, telephone number, and email address;
2. Each member of the board;
3. The date and location of the next election for board members [see BB series];
4. The requirements and deadline for filing for candidacy of board member, which shall be continuously posted for at least one year before the election day for the office [see BB series];
5. Each notice of a meeting of the board under the Open Meetings Act (Government Code Chapter 551, Subchapter C) [see BE]; and
6. Each record of a meeting of the board under Government Code 551.021 [see BE].

Items 5 and 6 above do not apply to a district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000.

Gov't Code 2051.151–.152

Trustee Information

Each district that maintains an internet website shall post on the website the name, email address, and term of office, including the date the term began and the date the term expires, of each member of the district's board of trustees. If a district does not maintain an internet website, the district shall submit the information required above to the Texas Education Agency (TEA). On receipt of the district's information, TEA shall post the information on TEA's internet website.

Each time there is a change in the membership of a district's board, the district shall update the information required above and, as applicable post the updated information on the district's internet website or submit the updated information to TEA for posting on TEA's internet website.

Education Code 11.1518

Note: The following is an index of website posting requirements that are addressed in the legal reference material of the policy manual. The list is not all-inclusive. The list does not address postings that are required in response to a specific incident or postings required under special circumstances.

Other Required Internet Postings

The following posting requirements apply to a district that maintains an internet website:

1. A board may not vote on adoption of a proposed local innovation plan unless the final version of the proposed plan has been available on the district website for at least 30 days, under Education Code 12A.005(a)(1) and 19 Administrative Code 102.1307(a)(1). [See AF]

2. A district designated as a district of innovation shall ensure that a copy of its current local innovation plan is available to the public by posting and maintaining the plan in a prominent location on the district's website, under Education Code 12A.0071(a) and 19 Administrative Code 102.1305(e), .1307(f). [See AF]

3. Not later than 30 days after an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked is assigned, a district must post notice on the home page of its website with a link to the required notification under 19 Administrative Code 97.1055(f), and maintain this until the district is assigned the accredited status. [See AIA]

4. A board shall disseminate its Texas Academic Performance Report (TAPR) by posting it on the district website under 19 Administrative Code 61.1022(f). [See AIB]

5. Not later than the tenth day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's accreditation status and performance rating, and a definition and explanation of each accreditation status, under Education Code 39.362. [See AIB]

6. A district shall post its annual federal report card under 20 U.S.C. 6311(h)(2). [See AIB]

7. A campus intervention team must notify the public of the meeting for input for the development of a targeted improve-

ment plan fifteen days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(d)(3)(A)(ii) and Education Code 39A.056. [See AIC]

8. A district shall post a targeted improvement plan for a campus assigned an unacceptable performance rating on its website before the board hearing on the plan under Education Code 39A.057(b). [See AIC]

9. A district shall notify stakeholders of their ability to review the completed campus turnaround plan and post the completed plan on the district website at least 30 days before the final plan is submitted to the board of trustees, under 19 Administrative Code 97.1064(e). [See AIC]

10. A district shall post an election notice required under Election Code 85.007. [See BBBA]

11. Each day early voting is conducted, the district shall post the branch daily register under Election Code 85.072. [See BBBA]

12. A district shall post early voting rosters under Election Code 87.121. [See BBBA]

13. A district shall post the minutes of the last regular board meeting held before an election of trustees if the minutes reflect that a trustee is deficient in meeting the trustee's training requirement, under Education Code 11.159(b) and 19 Administrative Code 61.1(j). [See BBD]

14. A district that is located wholly or partly in a municipality with a population of more than 500,000 and with a student enrollment of more than 15,000 shall post a report filed pursuant to Election Code Chapter 254 by a board member, a candidate for membership on the board, or a specific-purpose committee for supporting, opposing, or assisting a candidate or member of a board under Election Code 254.04011. [See BBBC]

15. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]

16. A district shall post the statements regarding activities to support and promote student health under Education Code 28.004. [See BDF]

17. A board must post notice of a board meeting and, if the district contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the

board must also post the agenda for a board meeting under Government Code 551.056. [See BE]

18. A district that has a student enrollment of 10,000 or more shall post the archived recording, or a link thereto, of its meetings under Government Code 551.128(b-1). [See BE]

19. A district conducting a bond election shall post the election order, the election notice, the contents of the proposition, and any sample ballot under Election Code 4.003(f). [See CCA]

20. A district conducting a bond election shall post the voter information document beginning not later than the 21st day before election day and ending on the day after the election, under Government Code 1251.052(d). [See CCA]

21. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]

22. Not later than 30 days before the date of an election to approve a tax rate, a district must post the results of an efficiency audit under Education Code 11.184. [See CCG]

23. A district shall include on the home page of its website the prescribed statement if the district increases the amount of taxes to fund maintenance and operation expenditures under Tax Code 26.05(b). [See CCG]

24. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]

25. In the format prescribed by the comptroller, a district shall post or cause to be posted tax rate and budget information under Tax Code 26.18. [See CE]

26. A district shall maintain its adopted budget on the district's website until the third anniversary of the date the budget was adopted, under Education Code 44.0051. [See CE]

27. A district shall continuously post its contact information and Annual Local Debt Report under Local Government Code 140.008 and 34 Administrative Code 10.1–.6 on its website until the district posts the next annual report, or, as an alternative, the district may continually maintain a link to the comptroller's website where the district's financial information may be viewed. [See CFA]

28. A district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall post its comparability report, together with the policy or contract for the group health coverage plan, under Education Code 22.004(d). [See CRD]

29. A district that is a service provider seeking to limit liability under the Digital Millennium Copyright Act must post information regarding its designated agent under 17 U.S.C. 512(c)(2). [See CY]

30. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]

31. The board shall adopt and post on the district's website early childhood literacy and mathematics plans that set specific annual goals under Education Code 11.185. [See EA]

32. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the early childhood literacy and mathematics plans under Education Code 11.185. [See EA]

33. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the college, career, and military readiness plans under Education Code 11.186. [See EA]

34. A district shall post the transition and employment guide for students enrolled in special education programs and their parents in order to provide information on statewide services and programs that assist in the transition to life outside the public school system, under Education Code 29.0112. [See EHBAD]

35. A district shall make available on the district or campus website by November 1 of each school year a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education, under 19 Administrative Code 102.1003(e). [See EHBG]

36. Annually, a district shall post any agreement between the district and a public institution of higher education to provide a dual credit program, under Education Code 28.009(b-2). [See EHDD]

37. A district shall publish information from TEA under Education Code 28.02121 explaining the advantages of the distinguished level of achievement and each endorsement. [See EIF]

38. A district shall post the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered, under Education Code 29.916. [See EK]

39. A district that receives funds under Title 1, Part A shall post on its website and the website of each campus for each grade served, information on each assessment required by the state to comply with 20 U.S.C. 6311, other assessments required by the state, and assessments required district-wide, under 20 U.S.C. 6312(e)(2)(B). [See EKB]

40. A district shall post information regarding local programs and services, including charitable programs and services, available to assist students who are homeless, under Education Code 33.906. [See FDC]

41. A district shall prominently post information about required and recommended immunizations and procedures for claiming an exemption from immunization requirements under Education Code 38.019. [See FFAB]

42. Each school year, the board shall post a summary of the Guidelines for the Care of Students With Food Allergies At-Risk for Anaphylaxis[1] on the district's website with instructions for obtaining access to the complete guidelines document, under Education Code 38.0151. [See FFAF]

43. A district must prominently display the contact information required to be listed for the Title IX Coordinator and policy on its website, if any, under 34 C.F.R. 106.8(b). [See FFH]

44. A district must make all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process publicly available on its website, if any, under 34 C.F.R. 106.45(b)(10)(i)(D). [See FFH]

45. To the extent practicable, a district must post the procedure for reporting bullying established by the district's bullying policy, under Education Code 37.0832(e). [See FFI]

46. A district shall post on its website, for each district campus, the email address and dedicated phone number of the campus behavior coordinator under Education Code 26.015. [See FO]

47. If the board designates a method for making a written request for public information, other than mail, email, or hand-delivery, the board must include a statement that a request may be made by that method on its website under Government Code

552.234(b) unless the statement is on the sign required by Government Code 552.205. [See GBAA]

48. A board that allows requestors to use the public information request form created by the attorney general must post the form on the district website under Government Code 552.235. [See GBAA]

49. A district shall post on its website and each campus shall post on any campus website a notice regarding the district's ability to refuse entry or eject certain persons under Education Code 37.105 and 19 Administrative Code 103.1207(g), including the appeal process. [See GKA]

Optional Internet Postings

A district that maintains an internet website has the following options:

1. A board may broadcast an open meeting over the internet, under Government Code 551.128. [See BE]

2. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the annual financial management report under 19 Administrative Code 109.1001(q)(3)(B)(i). [See CFA]

3. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the district's internet website, rather than on a bulletin board, under Education Code 11.1513. [See DC]

4. A district may place on its internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 C.F.R. 300.504(b). [See EHBAE]

5. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of programs under which a student may earn college credit, under Education Code 28.010. [See EHDD]

6. A board may post a mailing address and email address designated for receiving written requests for public information on its website under Government Code 552.234(d). [See GBAA]

Geospatial Data Products

"Geospatial data product" means a document, computer file, or internet website that contains geospatial data; a map; or information about a service involving geospatial data or a map. *Gov't Code 2051.101(1)*

Notice

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;
2. Appears to represent property boundaries; and
3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries."

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

Gov't Code 2051.102

Exemption

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or
4. Is filed with the county clerk.

Gov't Code 2051.103

[1] TDSHS Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis: https://www.dshs.texas.gov/uploadedFiles/Content/Prevention_and_Preparedness/schoolhealth/SHAC/Guidelines-Food%20Allergy-Final.pdf

Cybersecurity Policy

Each district shall adopt a cybersecurity policy to:

1. Secure district cyberinfrastructure against cyber attacks and other cybersecurity incidents; and
2. Determine cybersecurity risk and implement mitigation planning.

A district's cybersecurity policy may not conflict with the information security standards for institutions of higher education adopted by the Department of Information Resources (DIR) under Government Code Chapters 2054 and 2059.

Cybersecurity Coordinator

The superintendent shall designate a cybersecurity coordinator to serve as a liaison between the district and the Texas Education Agency (TEA) in cybersecurity matters.

Report to TEA

The district's cybersecurity coordinator shall report to TEA any cyber attack or other cybersecurity incident against the district cyberinfrastructure that constitutes a breach of system security as soon as practicable after the discovery of the attack or incident.

Report to Parent

The district's cybersecurity coordinator shall provide notice to a parent of or person standing in parental relation to a student enrolled in the district of an attack or incident for which a report is required to TEA involving the student's information.

Definitions

For purposes of the district's cybersecurity policy, the following definitions apply:

Breach of System Security

"Breach of system security" means an incident in which student information that is sensitive, protected, or confidential, as provided by state or federal law, is stolen or copied, transmitted, viewed, or used by a person unauthorized to engage in that action.

Cyber Attack

"Cyber attack" means an attempt to damage, disrupt, or gain unauthorized access to a computer, computer network, or computer system.

Cybersecurity

"Cybersecurity" means the measures taken to protect a computer, computer network, or computer system against unauthorized use or access.

Education Code 11.175

Cybersecurity Training

At least once each year, a district shall identify district employees who have access to a district computer system or database and require those employees and board members to complete a cybersecurity training program certified under Government Code 2054.519 (state-certified cybersecurity training programs) or offered by the

district as described at District Training Program, below. *Gov't Code 2054.5191(a-1)*

The board may select the most appropriate state-certified cybersecurity training program or district training program for employees of the district to complete. The board shall:

1. Verify and report on the completion of a cybersecurity training program by district employees to the DIR; and
2. Require periodic audits to ensure compliance with these provisions.

Gov't Code 2054.5191(b)

District Training Program

A district that employs a dedicated information resources cybersecurity officer may offer to its employees a cybersecurity training program that satisfies the requirements described by Government Code 2054.519(b). *Gov't Code 2054.519(f)*

Security Breach Notification

A district that owns, licenses, or maintains computerized data that includes sensitive personal information shall disclose 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 district 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.

To Individuals

Resident of Other State

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 that owns or licenses computerized data to provide notice of a breach of system security, the notice of the breach of system security required under Notice, below, may be provided under that state's law or under Notice, below.

To the Owner or License Holder

A district that maintains computerized data that includes sensitive personal information not owned by the district shall notify the owner or license holder 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.

Notice

A district may give the required notice to individuals or the owner or license holder by providing:

1. Written notice at the last known address of the individual;
2. Electronic notice, if the notice is provided in accordance with 15 U.S.C. Section 7001 (electronic records and signatures); or
3. If the district demonstrates that the cost of providing notice would exceed $250,000, the number of affected persons exceeds 500,000, or the district does not have sufficient contact information, by:
    a. Electronic mail, if the district has electronic mail addresses for the affected persons;
    b. Conspicuous posting of the notice on the district's website; or
    c. Notice published in or broadcast on major statewide media.

Information Security Policy

A district that maintains its 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 described above complies with the notice requirements if the district notifies affected persons in accordance with that policy.

To the Attorney General

A district that is required to disclose or provide notification of a breach of system security under these provisions shall notify the attorney general of that breach not later than the 60th day after the date on which the district determines that the breach occurred if the breach involves at least 250 residents of this state. The notification must include:

1. A detailed description of the nature and circumstances of the breach or the use of sensitive personal information acquired as a result of the breach;
2. The number of residents of this state affected by the breach at the time of notification;
3. The measures taken by the district regarding the breach;
4. Any measures the district intends to take regarding the breach after the notification described at Notice, above; and
5. Information regarding whether law enforcement is engaged in investigating the breach.

To a Consumer Reporting Agency

If a district is required to notify at one time more than 10,000 persons of a breach of system security, the district 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 district shall provide the notice without unreasonable delay.

Criminal Investigation Exception

A district may delay providing the required notice to individuals 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.

Business and Commerce Code 521.053; Local Gov't Code 205.010

Definitions

For purposes of security breach notifications, the following definitions apply:

Breach of System Security

"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. *Business and Commerce Code 521.053(a)*

Sensitive Personal Information

"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)

Cybersecurity Information Sharing Act

A 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 in accordance with the Cybersecurity Information Sharing Act, 6 U.S.C. Subchapter I (sections 1501–1510). *6 U.S.C. 1503(c)*

Removal of Personal Information

A district sharing a cyber threat indicator pursuant to these provisions shall, prior to sharing:

1. Review such indicator to assess whether it contains any information not directly related to a cybersecurity threat that the district 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 district 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)

Definitions

For purposes of the Cybersecurity Information Sharing Act, the following definitions apply:

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 United States 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 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 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)*
Security Control	"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. *6 U.S.C. 1501(16)*
Security Vulnerability	"Security vulnerability" means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control. *6 U.S.C. 1501(17)*

Options

A district shall extend workers' compensation benefits to its employees by choosing one of the following options:

1. Becoming a self-insurer.
2. Providing insurance under workers' compensation insurance contracts or policies.
3. Entering into interlocal agreements with other political subdivisions providing for self-insurance.

Labor Code 504.011

Definition

For the purposes of this policy, "employee" means every person in the service of a district who has been employed as provided by law or for whom the district provides optional coverage. No person paid on a basis other than by the hour, day, week, month, or year shall be considered an "employee." *Labor Code 504.001, .014*

Optional Coverages

By majority vote of the board, a district may cover as employees an elected official or persons paid for service in the conduct of an election. *Labor Code 504.012(b)*

Notice

A district shall notify the Texas Department of Insurance (TDI) of the method by which district employees shall receive benefits, the approximate number of employees covered, and the estimated amount of payroll. Notice of the provision for workers' compensation benefits and the effective date of the coverage shall be given a district's employees. *Labor Code 504.018*

Report to Carrier

First Report of Injury

A district shall provide to the district's insurance carrier a report on each:

1. Death;
2. On-the-job injury that results in an employee's absence from work for more than one day; and
3. Occupational disease of which the district has received notice of injury or has knowledge. "Knowledge" means receipt of written or verbal information regarding diagnosis or diagnosis through examination or testing by a doctor employed by the district.

The report shall contain the information and be in the form, format, and manner prescribed by the TDI, and be filed no later than the eighth day after the employee's absence from work for more than one day or upon first knowledge of absence for more than one day. A district shall maintain a record of the date the report of injury is filed with the insurance carrier.

Copy to Employee

A copy of the report of injury, including a summary of the employee's rights and responsibilities under the Texas Labor Code, shall be sent to the injured employee at the time the report is filed with the insurance carrier. The summary shall be written in plain language in English and Spanish, or in English and any other language common to the employee, and shall contain the words prescribed by the TDI.

Notice of Modified Duty Program

A district shall, on the written request of the employee, a doctor, the insurance carrier, or the TDI, notify the employee, the employee's treating doctor if known to the district, 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 district. If those opportunities or that program exists, a district shall identify the district'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.

Supplemental Report of Injury

A supplemental report shall be filed with a district's insurance 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 all post-injury earnings as defined 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.

A district's duty to file supplemental reports continues until the employee reaches "maximum medical improvement" or is no longer employed by the district and the district has made the required report.

For injuries that require the filing of a first report of injury, a district shall file the supplemental report with the district's insurance carrier and provide a copy to the employee within three days after:

1. The employee begins losing 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 of disability as a result of the injury.

A district shall maintain a record of the date the supplemental report is filed with the carrier and provided to the employee.

Labor Code 409.005; 28 TAC 120.2, .3

Injury and Occupational Disease Report

A district's report of injury filed in accordance with Texas Labor Code 409.005 [see First Report of Injury, above] shall satisfy the district's requirement to file an injury and occupational disease report under Texas Labor Code 411.032. *28 TAC 160.3*

Wage Reports

A district is required to timely file a complete wage statement on a form prescribed by the TDI.

The wage statement shall be filed with the carrier, the claimant, and any claimant representative. The wage statement should be filed and received within 30 days of the earliest of:

1. The date a district 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 any claimant representative within seven days of a change in any wage information provided on the previous wage statement. A wage statement shall also be filed with TDI within seven days of receiving a request from TDI.

28 TAC 120.4(a)

Ombudsman Program

A district shall notify its employees, in the manner prescribed by the Office of Injured Employee Counsel, of the ombudsman program to assist injured workers and persons claiming death benefits in obtaining benefits under the Texas Workers' Compensation Act.

A district that employs first responders, as defined in Labor Code 504.055, or supervises volunteer first responders shall notify the first responders, in the manner prescribed by the Office of Injured Employee Counsel, of the first responder liaison who shall assist an injured first responder during a workers' compensation administrative dispute resolution process.

Labor Code 404.151, .1525, .153; 28 TAC 276.5

Reports of Safety Violations

A district shall notify its employees, in the manner prescribed by the TDI, of the 24-hour-a-day toll-free telephone system for reporting violations of an occupational health or safety law. A district shall not suspend, terminate, or otherwise discriminate against an employee for making a good faith report of a violation of an occupational health or safety law. *Labor Code 411.081, .082*

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.

"Post-injury earnings" include, among several other components:

1. The value of any full days of accrued sick or annual leave that the employee voluntarily elects to use after the date of injury; and
2. The value of any partial days of accrued or annual leave that the employee has voluntarily elected to use after the date of injury that, when combined with the employee's TIBs, exceeds the AWW.

28 TAC 129.2

Offsetting Paid Leave Against Workers' Compensation Income Benefits

A board may provide that while an employee is receiving workers' compensation benefits, the employee may elect to receive previously accrued sick leave benefits in an amount equal to the difference in the workers' compensation benefits and the weekly compensation the employee was receiving before the injury that resulted in the claim, with a proportionate deduction in the employee's sick leave balance. *Labor Code 504.052* [See DEC(LOCAL)]

Unless a board 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. *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 above provision is liable for reasonable damages incurred by the employee as a result of the violation, and

an employee discharged in violation of the above provision is entitled to reinstatement in the former position of employment. The burden of proof in a proceeding alleging violation of the above provision is on the employee. *Labor Code 451.002*

Claims by First Responder

A first responder, as defined in Government Code 421.095, who alleges a violation of Labor Code 451.001 [at Prohibited Discrimination, above] by a district that employs the first responder may sue the district for 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, these provisions do not affect that immunity. *Labor Code 451.0025*

Note: A retaliatory discharge claim may not be brought against a school district without its consent. Except as stated above, current state law does not waive a school district's immunity and provide consent. *Labor Code 504.053(e); Travis Cent. Appraisal Dist. v. Norman, 342 S.W.3d 54 (Tex. 2011)*

Leaves of Absence

A district 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. *Atty. Gen. Op. JM-227 (1984)* [See DEC(LEGAL) for information on absence control.]

Facilities Standards All new facilities must meet the commissioner's standards for adequacy of school facilities to be eligible to be financed with state or local tax funds. *Education Code 46.008*

State Standards After January 1, 2004 The requirements for school facility standards set out in 19 Administrative Code 61.1036 ("section 61.1036") apply to projects for new construction or major space renovations approved by a board or its authorized representative on or after January 1, 2004. *19 TAC 61.1036(b)*

Definitions "Major space renovation" means renovations to all or part of the facility's instructional space where the scope of the work in the affected part of the facility involves substantial renovations to the extent that most existing interior walls and fixtures are demolished and then subsequently rebuilt in a different configuration and/or function. Other renovations associated with repair or replacement of architectural interior or exterior finishes, fixtures, equipment, and electrical, plumbing, and mechanical systems are not subject to space or educational adequacy requirements of section 61.1036(d) and (e), but shall comply with applicable building codes under section 61.1036(f). *19 TAC 61.1036(a)(10)*

"Educational program" means a written document, developed and provided by a district, that includes the following information:

1. A summary of the school district's educational philosophy, mission, and goals; and
2. A description of the general nature of the district's instructional program in accordance with the 19 Administrative Code 74.1 (relating to Essential Knowledge and Skills). The written educational program should describe:
    a. The learning activities to be housed, by instructional space;
    b. How the subject matter will be taught (methods of instructional delivery);
    c. The materials and equipment to be used and stored;
    d. Utilities and infrastructure needs; and
    e. The characteristics of furniture needed to support instruction.

19 TAC 61.1036(a)(2)

"Educational specifications" means a written document for a proposed new school facility or major space renovation that includes a description of the proposed project, expressing the range of issues

and alternatives. School districts that do not have personnel on staff with experience in developing educational specifications shall use the services of a design professional or consultant experienced in school planning and design to assist in the development of the educational specifications. The school district shall allow for input from teachers, other school campus staff, and district program staff in developing the educational specifications. The following information should be included in the educational specifications:

1. The instructional programs, grade configuration, and type of facility;
2. The spatial relationships—the desired relationships for the functions housed at the facility:
    a. Should be developed by the school district to support the district's instructional program;
    b. Should identify functions that should be:
        (1) Adjacent to, immediately accessible;
        (2) Nearby, easily accessible; and
        (3) Removed from or away from; and
    c. Should relate to classroom/instructional functions, instructional support functions, building circulation, site activities/functions, and site circulation.
3. Number of students;
4. A list of any specialized classrooms or major support areas, noninstructional support areas, outdoor learning areas, outdoor science discovery centers, living science centers, or external activity spaces;
5. A schedule of the estimated number and approximate size of all instructional and instructional support spaces included in the facility;
6. Estimated budget for the facility project;
7. School administrative organization;
8. Provisions for outdoor instruction;
9. Hours of operation that include the instructional day, extracurricular activities, and any public access or use;
10. The safety of students and staff in instructional programs, such as science and vocational instruction; and

11. The overall security of the facility.

19 TAC 61.1036(a)(3)

Certification of Design and Construction

The school district shall notify and obligate the architect or engineer to provide the required certification.

"Certify" indicates that the architect or engineer has reviewed the standards contained in 19 Administrative Code Chapter 61 and used the best professional judgment and reasonable care consistent with the practice of architecture or engineering in the state of Texas in executing the construction documents. The architect or engineer also certifies that these documents conform to the provisions of section 61.1036, except as indicated on the certification. The architect's or engineer's signature and seal on the construction documents shall certify compliance.

To ensure that facilities have been designed and constructed according to the provisions of section 61.1036, each involved party shall execute responsibilities as set forth in section 61.1036(c)(3).

19 TAC 61.1036(c)

Construction Quality

Districts with Building Codes

A district located in an area that has adopted local construction codes shall comply with those codes (including building, fire, plumbing, mechanical, fuel gas, energy conservation, and electrical codes). If the local building authority does not require a plan review, then a qualified, independent third party, not employed by the design architect or engineer, shall review the plans and specifications for compliance with the requirements of the adopted building code. If the local building authority does not conduct reviews and inspections during the course of construction of the facility, then a qualified, independent third party, not employed by the design architect or engineer or contractor, should perform a reasonable number of reviews and inspections during the course of construction for compliance with the requirements of the adopted building code. *19 TAC 61.1036(f)(1)(A), (D)*

Districts without Building Codes

A district located in an area that has not adopted local building codes shall adopt and use the building code and related fire, plumbing, mechanical, fuel gas, and energy conservation codes from the latest edition of the family of International Codes as published by the International Code Council (ICC); and the National Electric Code as published by the National Fire Protection Association (NFPA). As an alternative, a district may adopt the building code and related codes as adopted by a nearby municipality or county. A qualified, independent third party, not employed by the design architect or engineer, shall review the plans and specifications for compliance with the requirements of the adopted building

code. A qualified, independent third party, not employed by the design architect or engineer or contractor, should perform a reasonable number of reviews and inspections during the course of construction for compliance with the requirements of the adopted building code. *19 TAC 61.1036(f)(2)(A), (D)*

International Energy Conservation Code

The International Energy Conservation Code as it existed on May 1, 2015, is adopted as the energy code for use in this state for all commercial construction. *Health and Safety Code 388.003(b); 34 TAC 19.53(b)*

Because a public school building is not a residential building, it falls within the scope of "commercial" construction for purposes of the International Energy Conservation Code and likely for purposes of Health and Safety Code Chapter 388. *Atty. Gen. Op. KP-148 (2017)*

Fire Protection

Fire alarms shall be provided. Districts should consider providing automatic sprinkler systems for fire protection, fire suppression, and life safety. *19 TAC 61.1036(f)(1)(B)–(C), (f)(2)(B)–(C)*

State Standards Before January 1, 2004

The requirements for school facility standards set out in 19 Administrative Code 61.1033 apply to projects for new construction and major space renovations approved by a board before January 1, 2004. *19 TAC 61.1033(b)*

Fire Escapes

School buildings of at least two stories shall be equipped with fire escapes as required by law. *Health and Safety Code 791.002, .035, .036*

Security Criteria

A district that constructs a new instructional facility or conducts a major renovation of an existing instructional facility using Instructional Facilities Allotment funds shall consider, in the design of the instructional facility, appropriate security criteria. *Education Code 46.0081*

Accessibility

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

A district shall operate each program, service, or activity so that when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. A district is not required to make each existing facility or every part of a facility accessible to and usable by individuals with disabilities.

A district may comply with these requirements by:

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

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

28 C.F.R. 35.150; 34 C.F.R. 104.22

Review of Plans

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

A district, as owner of each building or facility that has an estimated construction, renovation, or modification cost of at least $50,000, is responsible for having the building or facility inspected for compliance with the standards and specifications adopted by the Commission of Licensing and Regulation not later than the first anniversary of the date that construction or substantial renovation or modification of the building or facility is completed. The inspection must be performed by the Department, an entity with whom the Commission contracts, or a person who holds a certificate of registration to perform inspections.

Gov't Code 469.101, .102(a), (c), .105

Notice

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

Relocatable Educational Facility

In this section, "relocatable educational facility" means a portable, modular building capable of being relocated, regardless of whether the facility is built at the installation site, that is used primarily as an educational facility for teaching the curriculum required under Education Code 28.002.

A relocatable educational facility that is purchased or leased on or after January 1, 2010, must comply with all provisions applicable to industrialized buildings under Occupations Code Chapter 1202.

Occupations Code 1202.004

Any portable, modular building capable of being relocated that is purchased or leased for use as a school facility by a district, whether that building is manufactured off-site or constructed on-site, must comply with all provisions of 19 Administrative Code 61.1036. *19 TAC 61.1036(a)(11), (f)(3)*

Playgrounds

Public funds may not be used to purchase or install:

1. Playground equipment that:
    a. Does not comply with each applicable provision of ASTM Standard F1487-07ae1, "Consumer Safety Performance Specification for Playground Equipment for Public Use," published by ASTM International; or
    b. Has a horizontal bare metal platform or a bare metal step or slide, unless the bare metal is shielded from direct sun by a covering provided with the equipment or by a shaded area in the location where the equipment is installed;
2. Surfacing for the area under and around playground equipment if the surfacing will not comply with each applicable provision of ASTM Standard F2223-04e1, "Standard Guide for ASTM Standards on Playground Surfacing," published by ASTM International.

Exception

Public funds may be used to maintain playground equipment or surfacing that was purchased before September 1, 2009, even if the equipment or surfacing does not comply with the applicable specifications described above.

Health and Safety Code 756.061

Outdoor Lighting

An outdoor lighting fixture may be installed, replaced, maintained, or operated using state funds only if it meets standards for state-funded outdoor lighting fixtures in Health and Safety Code Chapter 425.

Exceptions

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

1. A federal law, rule, or regulation preempts state law;
2. The fixture is used on a temporary basis:
3. Because emergency personnel temporarily require additional illumination for emergency procedures;
4. For nighttime work;
5. Special events or circumstances require additional illumination;
6. The fixture is used solely to enhance the aesthetic beauty of an object; or
7. A compelling safety interest cannot be addressed by another method.

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

Health and Safety Code 425.002

Natural Gas Piping Pressure Testing

A district shall perform biennial pressure tests on the natural gas piping system in a school facility before the beginning of the school year. A district with more than one facility may perform the testing on a two-year cycle under which the district pressure tests the natural gas piping system in approximately one-half of the facilities each year. If a district operates the facilities on a year-round calendar, the pressure test in each of those facilities must be conducted and reported not later than July 1 of the year in which the pressure test is performed.

A natural gas piping pressure test performed under a municipal code in compliance with Railroad Commission rules shall satisfy the pressure testing requirements.

Utilities Code 121.502; 16 TAC 8.230(c)(1), (4)

Requirements of Test

A district shall perform the pressure test to determine whether the natural gas piping downstream of a district facility's meter holds at

least normal operating pressure over a specified period determined by the Railroad Commission. During the pressure test, each system supply inlet and outlet in the facility must be closed. The pressure test shall be performed by a person authorized under Railroad Commission rules. At a district's request, the Railroad Commission shall assist the district in developing a procedure for conducting the test. *Utilities Code 121.503; 16 TAC 8.230(c)(2), (3)*

Notice

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

Termination of Service

A supplier shall terminate service to a district facility if:

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

Utilities Code 121.505(a)

A supplier shall develop procedures for terminating service to a district if the supplier:

1. Receives notification of a hazardous natural gas leak in the school facility piping system; or
2. Does not receive written notification from the district specifying the completion date and results of the testing.

16 TAC 8.230(b)(2)

Reporting Leaks

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

LP-Gas Systems Testing

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

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

Natural Resources Code 113.352; 16 TAC 9.41

Requirements of Test

A district shall perform the leakage test to determine whether the LP-gas piping system holds at least the amount of pressure specified by the Railroad Commission. The leakage test must be conducted in accordance with Railroad Commission rules at 16 Administrative Code 9.41. The leakage test shall be conducted by a person authorized under Railroad Commission rules. At a district's request, the Railroad Commission shall assist the district in providing for the certification of a district employee to conduct the test and in developing a procedure for conducting the test. *Natural Resources Code 113.353; 16 TAC 9.41(b)–(d)*

Notice

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

Documentation

A district shall retain documentation specifying the date and the result of each leakage test or other inspection of each LP-gas piping system until at least the fifth anniversary of the date the test or other inspection was performed. The Railroad Commission may review a district's documentation of each leakage test or other inspection conducted by the district.

Natural Resources Code 113.354; 16 TAC 9.41(b)(3)–(4)

Termination of Service

A supplier shall terminate service to a district facility if:

1. The supplier receives official notification from the district or the person conducting the test that there is leakage in a school LP-gas system;
2. The leakage test performed on a school LP-gas system was not performed as required; or
3. The supplier has not received a copy of the required form from the district verifying that the LP-gas system has been tested in accordance with 16 Administrative Code 9.41.

Natural Resources Code 113.355; 16 TAC 9.41(e)

Reporting Leaks

An identified school LP-gas leakage in a school district facility shall be reported to the board. The district shall immediately remove the affected school district facility from LP-gas service until repairs are made and it passes a subsequent school LP-gas system leakage test. If a district employee performs the initial test, then the subsequent test may not be performed by a district employee. *Natural Resources Code 113.356; 16 TAC 9.41(b)(2)*

Definitions

“School district facility” means each building or structure operated by a school district and equipped with a school LP-gas system, in which students receive instruction or participate in school sponsored extracurricular activities, excluding maintenance or bus facilities, vehicle fueling facilities, administrative offices, and similar facilities not regularly used by students.

“School LP-gas system” means all piping, fittings, valves, regulators, appliance connectors, equipment, and connections supplying fuel gas from the outlet of the shutoff valve at each LP-gas storage container or upstream of each meter to the shutoff valve(s) on each appliance in a school district facility.

16 TAC 9.41(a)(4)–(5)

Intrastate Pipeline Emergency Response Plan

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

1. On written request from a district, provide in writing the following parts of a pipeline emergency response plan that are relevant to the school:
    a. A description and map of the pipeline facilities that are within 1,000 feet of the school building or facility;
    b. A list of any product transported in the segment of the pipeline that is within 1,000 feet of the school facility;
    c. The designated emergency number for the pipeline facility operator;
    d. Information on the state’s excavation one-call system; and
    e. Information on how to recognize, report, and respond to a product release; and
2. Mail a copy of the requested items by certified mail, return receipt requested, to the superintendent of the district in which the school building or facility is located.

A pipeline operator or the operator’s representative shall appear at a regularly scheduled board meeting to explain the above items if requested by the board or district.

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

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

Note: Copyright information can be found on the U.S. Copyright Office website.[1]

Copyright

Copyright protection subsists, in accordance with United States Code Title 17 (Title 17), in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories:

1. Literary works;
2. Musical works, including any accompanying words;
3. Dramatic works, including any accompanying music;
4. Pantomimes and choreographic works;
5. Pictorial, graphic, and sculptural works;
6. Motion pictures and other audiovisual works;
7. Sound recordings; and
8. Architectural works.

In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.

17 U.S.C. 102

Ownership

Copyright in a work protected under copyright law vests initially in the author or authors of the work. The authors of a joint work are co-owners of copyright in the work. *17 U.S.C. 201(a)*

Work for Hire

In the case of a work made for hire, the employer or other person for whom the work was prepared is considered the author for purposes of copyright law, and, unless the parties have expressly agreed otherwise in a written instrument signed by them, owns all of the rights comprised in the copyright. *17 U.S.C. 201(b)*

A “work made for hire” is:

1. A work prepared by an employee within the scope of his or her employment; or
2. A work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or

other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas, if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire.

A "supplementary work" is a work prepared for publication as a secondary adjunct to a work by another author for the purpose of introducing, concluding, illustrating, explaining, revising, commenting upon, or assisting in the use of the other work, such as forewords, afterwards, pictorial illustrations, maps, charts, tables, editorial notes, musical arrangements, answer material for tests, bibliographies, appendixes, and indexes.

An "instructional text" is a literary, pictorial, or graphic work prepared for publication and with the purpose of use in systematic instructional activities.

17 U.S.C. 101

Transfer

The ownership of a copyright may be transferred in whole or in part by any means of conveyance or by operation of law, and may be bequeathed by will or pass as personal property by the applicable laws of intestate succession. Any of the exclusive rights comprised in a copyright, including any subdivision of any of the rights specified by 17 U.S.C. 106, may be transferred and owned separately. The owner of any particular exclusive right is entitled, to the extent of that right, to all of the protection and remedies accorded to the copyright owner. *17 U.S.C. 201(d)*

Copyright Registration

At any time during the subsistence of the first term of copyright in any published or unpublished work in which the copyright was secured before January 1, 1978, and during the subsistence of any copyright secured on or after that date, the owner of copyright or of any exclusive right in the work may obtain registration of the copyright claim by delivering to the Copyright Office the deposit specified by 17 U.S.C. 408, together with the application and fee specified by 17 U.S.C. 409 and 708. Such registration is not a condition of copyright protection. *17 U.S.C. 408(a)*

Exclusive Rights

Subject to 17 U.S.C. 107–122 (limitations on and scope of exclusive rights), the owner of a copyright has the exclusive rights:

1. To reproduce the copyrighted work in copies or phonorecords;
2. To prepare derivative works based upon the copyrighted work;
3. To distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;

4. In the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;

5. In the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and

6. In the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

17 U.S.C. 106

Fair Use

Notwithstanding the provisions of 17 U.S.C. 106 above and 106a (rights of authors of visual art works), the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include:

1. The purpose and character of the use, including whether such use is of a commercial nature or for nonprofit educational purposes.

2. The nature of the copyrighted work.

3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole.

4. The effect of the use upon the potential market for or value of the copyrighted work.

17 U.S.C. 107

Performances and Displays

Notwithstanding the provisions of 17 U.S.C. 106, certain performances and displays set out in 17 U.S.C. 110 are not infringements of copyright, including performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made under Title 17, and that the person responsible for the performance knew or had reason to believe was not lawfully made. *17 U.S.C. 110(1)*

Copyright Infringement

Anyone who violates any of the exclusive rights of the copyright owner as provided by 17 U.S.C. 106 through 122 or of the author as provided in 17 U.S.C. 106A(a), or who imports copies or phonorecords into the United States in violation of 17 U.S.C. 602, is an infringer of the copyright or right of the author. The legal or beneficial owner of an exclusive right under a copyright is entitled, subject to the requirements of 17 U.S.C. 411, to institute an action for any infringement of that particular right committed while he or she is the owner of it.

17 U.S.C. 501(a)–(b)

Note: For information on copyright issues and online distance learning, see the TEACH Act, 17 U.S.C. 110(2) and 112(f).

Digital Millennium Copyright Act

Service Provider

"Service provider" means:

1. As used in 17 U.S.C. 512(a) (item 1 at Limitation of Liability below), an entity offering the transmission, routing, or providing of connections for digital online communications, between or among points specified by a user, of material of the user's choosing, without modification to the content of the material as sent or received.

2. As used in 17 U.S.C. 512, other than subsection (a), a provider of online services or network access, or the operator of facilities therefor, and includes an entity described in item 1 above.

17 U.S.C. 512(k)

Limitation of Liability

A service provider shall not be liable for monetary relief or, except as provided in 17 U.S.C. 512(j), for injunctive or other equitable relief, for infringement of copyright by reason of:

1. The provider's transmitting, routing, or providing connections for material through a system or network controlled or operated by or for the service provider, or by reason of the intermediate and transient storage of that material in the course of such transmitting, routing, or providing connections, if 17 U.S.C. 512(a)(1)–(5) are satisfied.

2. The intermediate and temporary storage of material on a system or network controlled or operated by or for the service provider in a case in which:

    a. The material is made available online by a person other than the service provider;

b. The material is transmitted from the person described above through the system or network to a person other than the person described above at the direction of that other person; and

c. The storage is carried out through an automatic technical process for the purpose of making the material available to users of the system or network who, after the material is transmitted as described in item b, request access to the material from the person described in item a, if the conditions set forth in 17 U.S.C. 512(b)(2) are met.

3. The storage at the direction of a user of material that resides on a system or network controlled or operated by or for the service provider, if the service provider:

a. Does not have actual knowledge that the material or an activity using the material on the system or network is infringing; in the absence of such actual knowledge, is not aware of facts or circumstances from which infringing activity is apparent; or upon obtaining such knowledge or awareness, acts expeditiously to remove, or disable access to, the material;

b. Does not receive a financial benefit directly attributable to the infringing activity, in a case in which the service provider has the right and ability to control such activity; and

c. Upon notification of claimed infringement as described at Notification below responds expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity.

4. The provider referring or linking users to an online location containing infringing material or infringing activity, by using information location tools, including a directory, index, reference, pointer, or hypertext link, if the service provider:

a. Does not have actual knowledge that the material or activity is infringing; in the absence of such actual knowledge, is not aware of facts or circumstances from which infringing activity is apparent; or upon obtaining such knowledge or awareness, acts expeditiously to remove, or disable access to, the material;

b. Does not receive a financial benefit directly attributable to the infringing activity, in a case in which the service provider has the right and ability to control such activity; and

c. Upon notification of claimed infringement as described at Notification, below, responds expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity, except that, for purposes of this provision, the information described in item 3 at Notification, below, shall be identification of the reference or link, to material or activity claimed to be infringing, that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate that reference or link.

17 U.S.C. 512(a)–(d)

Designated Agent

The limitations on liability established in item 3 at Limitation of Liability, above, apply to a service provider only if the service provider has designated an agent to receive notifications of claimed infringement described at Notification, below, by making available through its service, including on its website in a location accessible to the public, and by providing to the Copyright Office (the Office), substantially the following information:

1. The name, address, phone number, and electronic mail address of the agent.

2. Other contact information which the Register of Copyrights may deem appropriate.

17 U.S.C. 512(c)(2); 37 C.F.R. 201.38

The Register of Copyrights shall maintain a current directory of agents available to the public for inspection, including through the internet, and may require payment of a fee by service providers to cover the costs of maintaining the directory. *17 U.S.C. 512(c)(2)*

Amendment

All service providers must ensure the currency and accuracy of the information contained in designations submitted to the Office by timely updating information when it has changed. A service provider may amend a designation previously registered with the Office at any time to correct or update information.

Renewal

A service provider's designation will expire and become invalid three years after it is registered with the Office, unless the service provider renews such designation by either amending it to correct or update information or resubmitting it without amendment. Either amending or resubmitting a designation, as appropriate, begins a new three-year period before such designation must be renewed.

37 C.F.R. 201.38(c)(3)–(4)

Notification

To be effective, a notification of claimed infringement must be a written communication provided to the designated agent of a service provider that includes substantially the following:

1. A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
2. Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site.
3. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material.
4. Information reasonably sufficient to permit the service provider to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.
5. A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.
6. A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

17 U.S.C. 512(c)(3)

Disabling or Removing Access

Subject to the exceptions below, a service provider shall not be liable to any person for any claim based on the service provider's good faith disabling of access to, or removal of, material or activity claimed to be infringing or based on facts or circumstances from which infringing activity is apparent, regardless of whether the material or activity is ultimately determined to be infringing.

Exceptions

The provision above shall not apply with respect to material residing at the direction of a subscriber of the service provider on a system or network controlled or operated by or for the service provider that is removed, or to which access is disabled by the service provider, pursuant to a notice provided under item 3c at Limitation of Liability, unless the service provider:

1. Takes reasonable steps promptly to notify the subscriber that it has removed or disabled access to the material;

2. Upon receipt of a counter notification described in 17 U.S.C. 512(g)(3), promptly provides the person who provided the notification under item 3c with a copy of the counter notification, and informs that person that it will replace the removed material or cease disabling access to it in ten business days; and

3. Replaces the removed material and ceases disabling access to it not less than ten, nor more than 14, business days following receipt of the counter notice, unless its designated agent first receives notice from the person who submitted the notification under item 3c that such person has filed an action seeking a court order to restrain the subscriber from engaging in infringing activity relating to the material on the service provider's system or network.

17 U.S.C. 512(g)

Eligibility for Limitations on Liability

The limitations on liability established by 17 U.S.C. 512 shall apply to a service provider only if the service provider:

1. Has adopted and reasonably implemented, and informs subscribers and account holders of the service provider's system or network of, a policy that provides for the termination in appropriate circumstances of subscribers and account holders of the service provider's system or network who are repeat infringers; and

2. Accommodates and does not interfere with standard technical measures. The term "standard technical measures" means technical measures that are used by copyright owners to identify or protect copyrighted works and:

   a. Have been developed pursuant to a broad consensus of copyright owners and service providers in an open, fair, voluntary, multi-industry standards process;

   b. Are available to any person on reasonable and nondiscriminatory terms; and

   c. Do not impose substantial costs on service providers or substantial burdens on their systems or networks.

17 U.S.C. 512(i)

Note: Trademark information can be found on the U.S. Patent and Trademark Office (USPTO) website.[2]

Trademark

The term "trademark" includes any word, name, symbol, or device, or any combination thereof, used by a person or which a person

has a bona fide intention to use in commerce and applies to register on the principal register established by United States Code Title 15, Chapter 22 to identify and distinguish his or her goods, including a unique product, from those manufactured or sold by others and to indicate the source of the goods, even if that source is unknown. *15 U.S.C. 1127*

Trademark Registration

The owner of a trademark used in commerce may request registration of its trademark on the principal register by paying the prescribed fee and filing in the USPTO an application and a verified statement, in such form as may be prescribed by the director of the USPTO, and such number of specimens or facsimiles of the mark as used as may be required by the director. *15 U.S.C. 1051(a)*

Duration

Each registration shall remain in force for ten years, except that the registration of any mark shall be canceled by the director unless the owner of the registration files in the USPTO affidavits that meet the requirements of 15 U.S.C. 1058(b) within the time periods specified in 15 U.S.C. 1058(a). *15 U.S.C. 1058*

Renewal

Subject to 15 U.S.C. 1058 above, each registration may be renewed for periods of ten years at the end of each successive ten-year period following the date of registration upon payment of the prescribed fee and the filing of a written application, in such form as may be prescribed by the director. Such application may be made at any time within one year before the end of each successive ten-year period for which the registration was issued or renewed, or it may be made within a grace period of six months after the end of each successive ten-year period, upon payment of a fee and surcharge prescribed therefor. *15 U.S.C. 1059(a)*

Assignment of Mark

A registered mark or a mark for which an application to register has been filed shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. *15 U.S.C. 1060(a)(1)*

Trademark Infringement

Any person shall be liable in a civil action by the registrant for the remedies provided in 15 U.S.C. 1114 if the person, without the consent of the registrant:

1. Uses in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive; or

2. Reproduces, counterfeits, copies or colorably imitates a registered mark and applies such reproduction, counterfeit, copy or

colorable imitation to labels, signs, prints, packages, wrappers, receptacles or advertisements intended to be used in commerce upon or in connection with the sale, offering for sale, distribution, or advertising of goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive.

Under item 2 above, the registrant shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such imitation is intended to be used to cause confusion, or to cause mistake, or to deceive.

15 U.S.C. 1114(1)

Note: Patent information can be found on the U.S. Patent and Trademark Office (USPTO) website.[3]

Patent

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement, may obtain a patent, subject to the conditions and requirements of United States Code Title 35 (Title 35). *35 U.S.C. 101*

Assignment of Patent

Applications for patent, patents, or any interest therein, shall be assignable in law by an instrument in writing. The applicant, patentee, or his assigns or legal representatives may in like manner grant and convey an exclusive right under his application for patent, or patents, to the whole or any specified part of the United States. *35 U.S.C. 261*

Patent Infringement

Except as otherwise provided in Title 35, whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States, or imports into the United States any patented invention during the term of the patent, infringes the patent.

Whoever actively induces infringement of a patent shall be liable as an infringer.

Whoever offers to sell or sells within the United States or imports into the United States a component of a patented machine, manufacture, combination, or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer.

35 U.S.C. 271(a)–(c)

[1] U.S. Copyright Office: https://www.copyright.gov/
[2] USPTO on Trademarks: https://www.uspto.gov/trademark
[3] USPTO on Patents: https://www.uspto.gov/patent

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

SECTION D: PERSONNEL

DA	EMPLOYMENT OBJECTIVES
DAA	Equal Employment Opportunity
DAB	Genetic Nondiscrimination
DAC	Objective Criteria for Personnel Decisions
DB	EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
DBA	Credentials and Records
DBAA	Pre-Employment Reviews
DBB	Medical Examinations and Communicable Diseases
DBD	Conflict of Interest
DBE	Nepotism
DC	EMPLOYMENT PRACTICES
DCA	Probationary Contracts
DCB	Term Contracts
DCC	Continuing Contracts
DCD	At-Will Employment
DCE	Other Types of Contracts
DE	COMPENSATION AND BENEFITS
DEA	Compensation Plan
DEAA	Incentives and Stipends
DEAB	Wage and Hour Laws
DEB	Fringe Benefits
DEC	Leaves and Absences
DECA	Family and Medical Leave
DECB	Military Leave
DED	Vacations and Holidays
DEE	Expense Reimbursement
DEG	Retirement
DF	TERMINATION OF EMPLOYMENT
DFA	Probationary Contracts
DFAA	Suspension/Termination During Contract
DFAB	Termination at End of Year
DFAC	Return to Probationary Status
DFB	Term Contracts
DFBA	Suspension/Termination During Contract
DFBB	Nonrenewal
DFC	Continuing Contracts
DFCA	Suspension/Termination
DFD	Hearings Before Hearing Examiner
DFE	Resignation
DFF	Reduction in Force

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SECTION D: PERSONNEL

DFFA	Financial Exigency
DFFB	Program Change
DFFC	Continuing Contracts
DG	EMPLOYEE RIGHTS AND PRIVILEGES
DGA	Freedom of Association
DGB	Personnel-Management Relations
DGBA	Employee Complaints/Grievances
DGC	Immunity
DH	EMPLOYEE STANDARDS OF CONDUCT
DHA	Gifts and Solicitations
DHB	Reports to State Board for Educator Certification
DHC	Reports to Texas Education Agency
DHE	Searches and Alcohol/Drug Testing
DI	EMPLOYEE WELFARE
DIA	Freedom from Discrimination, Harassment, and Retaliation
DJ	EMPLOYEE RECOGNITION AND AWARDS
DK	ASSIGNMENT AND SCHEDULES
DL	WORK LOAD
DLA	Staff Meetings
DLB	Required Plans and Reports
DM	PROFESSIONAL DEVELOPMENT
DMA	Required Staff Development
DMB	Career Advancement
DMC	Continuing Professional Education
DMD	Professional Meetings and Visitations
DME	Research and Publication
DN	PERFORMANCE APPRAISAL
DNA	Evaluation of Teachers
DNB	Evaluation of Campus Administrators
DP	PERSONNEL POSITIONS
DPB	Substitute, Temporary, and Part-Time Positions

Nondiscrimination — in General

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

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

42 U.S.C. 1981; 42 U.S.C. 2000e et seq. (Title VII); 20 U.S.C. 1681 et seq. (Title IX); 42 U.S.C. 12111 et seq. (Americans with Disabilities Act); 29 U.S.C. 621 et seq. (Age Discrimination in Employment Act); 29 U.S.C. 793, 794 (Rehabilitation Act); 42 U.S.C. 2000ff et seq. (Genetic Information Nondiscrimination Act); U.S. Const. Amend. I; Human Resources Code 121.003(f); Labor Code Ch. 21 (Texas Commission on Human Rights Act); Labor Code Ch. 21, Subch. H (genetic information)

Title VII proscribes employment practices that are overtly discriminatory (disparate treatment), as well as those that are fair in form but discriminatory in practice (disparate impact). *Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989)*

Disparate Treatment

Disparate treatment (intentional discrimination) occurs when members of a protected 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

Disparate impact occurs when an employer uses a particular employment practice that causes a disparate (disproportionate) impact on a protected group and the employer fails to demonstrate that the challenged practice is job-related and consistent with business necessity. *42 U.S.C. 2000e-2(k)(1)(A); Labor Code 21.115, .122*

Bankruptcy Discrimination

A district may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person that is or has been a debtor under federal bankruptcy laws, solely because the bankrupt or debtor is or has been a debtor under federal bankruptcy laws; was insolvent before the commencement of a bankruptcy case or during the case but before the debtor was

granted or denied a discharge; or has not paid a debt that is dischargeable in the bankruptcy case or that was discharged under the bankruptcy laws. *11 U.S.C. 525(a)*

Student Loan Repayment

A district that issues a license may not take disciplinary action against a person based on the person's default on a student loan or breach of a student loan repayment contract or scholarship contract including by:

1. Denying the person's application for a license or license renewal;
2. Suspending the person's license; or
3. Taking other disciplinary action against the person.

Occupations Code 56.001, .003

Job Qualification

A district may take employment actions based on religion, sex, national origin, or age in those certain instances where religion, sex, national origin, or age is a bona fide occupational qualification. *42 U.S.C. 2000e-2(e); 29 U.S.C. 623(f); Labor Code 21.119*

Employment Postings

A district shall not print or publish any notice or advertisement relating to district employment that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, disability, or national origin, unless the characteristic is a bona fide occupational qualification. *42 U.S.C. 2000e-3(b); Labor Code 21.059*

Harassment of Employees

A district has an affirmative duty to maintain a working environment free of harassment on the basis of a protected characteristic. *42 U.S.C. 2000e et seq.; 29 C.F.R. 1606.8(a), 1604.11* [See DIA]

Retaliation

A 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); Labor Code 21.055* [See DIA]

Notices

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

Section 504 Notice

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

The notice shall state:

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

Methods of notification may include:

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

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

34 C.F.R. 104.8

Age Discrimination

The prohibition against discrimination on the basis of age applies only to discrimination against an individual 40 years of age or older. *Labor Code 21.101*

Bona Fide Employee Benefit Plan

A district may take an employment action on the basis of age pursuant to a bona fide seniority system or a bona fide employee benefit plan. However, a bona fide employee benefit plan shall not excuse the failure to hire any individual and no such benefit plan shall require or permit the involuntary retirement of any individual because of age. *29 U.S.C. 623(f); Labor Code 21.102*

Sex Discrimination

Gender Stereotypes

A district may not evaluate employees by assuming or insisting that they match the stereotype associated with their group. *Price Waterhouse v. Hopkins, 490 U.S. 228 (1989)*

Pregnancy

The prohibition against discrimination on the basis of sex includes discrimination on the basis of pregnancy, childbirth, or related medical conditions. A district shall treat women affected by pregnancy, childbirth, or related medical conditions the same as other employees for all employment-related purposes, including receipt of benefits under fringe benefit programs. *42 U.S.C. 2000e(k); 29 C.F.R. 1604.10; Labor Code 21.106*

Equal Pay

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

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 a district demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship to the district's business. "Undue hardship" means more than a *de minimus* (minimal) cost. *42 U.S.C. 2000e(j); 29 C.F.R. 1605.2; Labor Code 21.108*

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

A person employed or maintained to obtain or aid in obtaining positions for public school employees may not directly or indirectly ask about, orally or in writing, the religion or religious affiliation of anyone applying for employment in a public school of this state. A violation of this provision is a Class B misdemeanor. A person who violates this provision is subject to civil penalties. *Education Code 22.901*

Disability Discrimination

A district may not discriminate against a qualified individual on the basis of disability in job application procedures, hiring, advancement, or discharge of employees, compensation, job training, and other terms, conditions, and privileges of employment. *42 U.S.C. 12112(a); 29 C.F.R. 1630.4(b); Labor Code 21.051*

In addition, each district that receives assistance under the Individuals with Disabilities Education Act (IDEA) must make positive efforts to employ, and advance in employment, qualified individuals with disabilities in programs assisted by the IDEA. *34 C.F.R. 300.177(b)*

Discrimination Based on Lack of Disability

The Americans with Disabilities Act (ADA) and the Texas Commission on Human Rights Act do not provide a basis for a claim that an 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); Labor Code 21.005(c)*

Definition of Disability

"Disability" means:

1. An actual disability: a physical or mental impairment [see definition, below] that substantially limits one or more of an individual's major life activities;

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.

"Regarded as" Having an Impairment

An individual meets the requirement of being "regarded as" having an impairment if the individual establishes that he or she has been subjected to an action prohibited by 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.

Transitory and Minor

The "regarded as" prong of the definition does not apply to impairments that are transitory or minor. A transitory impairment is one with an actual or expected duration of six months or less. The "transitory" exception does not apply to the "actual disability" or "record of disability" prongs of the definition.

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, prosthetics, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

The ameliorative effects 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.

42 U.S.C. 12102(1), (3), (4); 29 C.F.R. 1630.2(g), (j)(1); Labor Code 21.002, .0021

Other Definitions

"Physical or mental impairment" means:

Physical or Mental Impairment

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)

Major Life Activities

"Major life activities" include 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.

"Major life activities" also include the operation of major bodily functions, 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); Labor Code 21.002

Qualified Individual

"Qualified individual" means an individual who:

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 a district's judgment as to what functions of a job are essential. A written job description prepared before advertising or interviewing applicants for the job is evidence of the job's essential functions.

42 U.S.C. 12111(8); 29 C.F.R. 1630.2(m)

Reasonable Accommodations

A district is required, absent undue hardship, to make a reasonable accommodation to an otherwise qualified individual who meets the definition of disability under the "actual disability" or "record of disability" prongs. A district is not required to provide a reasonable accommodation to an individual who meets the definition of disability solely under the "regarded as" prong. *42 U.S.C. 12112(b)(5); 29 C.F.R. 1630.2(o)(4), .9; 29 U.S.C. 794; 34 C.F.R. 104.11; Labor Code 21.128* [See DBB regarding medical examinations and inquiries under the Americans with Disabilities Act]

"Reasonable accommodation" includes:

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

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

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

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

Discrimination Based on Relationship

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

Illegal Drugs and Alcohol

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

Drug Testing

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

42 U.S.C. 12114(c), (d); Labor Code 21.002(6)(A) [See DHE]

Alcohol Use

The term "qualified individual with a disability" does not include an individual who is an alcoholic and whose current use of alcohol prevents the employee from performing the duties of his or her job or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others. *42 U.S.C. 12114(a); 29 U.S.C. 705(20)(C); 29 C.F.R. 1630.3(a); 28 C.F.R. 35.104; Labor Code 21.002(6)(A)*

Qualification Standards

It is unlawful for a district 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 district, is shown to be job related for the position in question and is consistent with business necessity. *29 C.F.R. 1630.10(a)*

Direct Threat to Health or Safety

As a qualification standard, a district may require that an individual not pose a direct threat to the health or safety of other individuals in the workplace. "Direct threat" means a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation. *42 U.S.C. 12111(3); 29 C.F.R. 1630.2(r); Labor Code 21.002(6)(B)*

Vision Standards and Tests

A district 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 district, is shown to be job-related for the position in question and consistent with business necessity. *42 U.S.C. 12113(c); 29 C.F.R. 1630.10(b); Labor Code 21.115(b)*

Communicable Diseases

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

Service Animals

A district 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]

A district 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 FBA].

28 C.F.R. 35.140

Military Service

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

Grievance Procedures

Section 504

A district that receives federal financial assistance and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for

	the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act. *34 C.F.R. 104.7(b), .11*
Americans with Disabilities Act	A district that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA. *28 C.F.R. 35.107, .140*
Title IX	A district that receives federal financial assistance shall adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging any action prohibited by Title IX. *34 C.F.R. 106.8(c); North Haven Board of Education v. Bell, 456 U.S. 512 (1982)* [For legally referenced material relating to Title IX grievance procedures, see FFH(LEGAL).]
Compliance Coordinators	A district that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with Section 504 of the Rehabilitation Act. The district's Section 504 notification [see Section 504 Notice, above] shall also identify the responsible employee so designated. *34 C.F.R. 104.7(a), .8(a)*
Section 504	
Americans with Disabilities Act	A district that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the ADA, including any investigation of any complaint communicated to it alleging its noncompliance with the ADA or alleging any actions that would be prohibited by the ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee or employees so designated. *28 C.F.R. 35.107(a)*
Title IX	A district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator." The district must notify applicants for admission and employment, students, parents or legal guardians, employees, and all professional organizations holding professional agreements with the district, of the name or title, office address, electronic mail address, and telephone number of the employee(s) so designated. *34 C.F.R. 106.8(a)*
Age Discrimination in Employment Act	A district shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the Age Discrimination in Employment Act (ADEA), including investigation of any complaints that the district receives alleging any actions that are prohibited by the ADEA. A district shall notify its employees of the identity of the responsible employee by name or title, address, and telephone number. *34 C.F.R. 110.25(a), (b)*

Criminal History Reviews

Definitions

"Criminal history clearinghouse" (clearinghouse) means the electronic clearinghouse and subscription service established by the Department of Public Safety (DPS) to provide criminal history record information to persons entitled to receive that information and to provide updates to such information. A person who is the subject of the criminal history record information requested must consent to the release of the information. *Gov't Code 411.0845(a), (h)*

"Criminal history record information" (CHRI) means information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges and their dispositions. *Gov't Code 411.082(2)*

"National criminal history record information" (NCHRI) means criminal history record information obtained from DPS under Government Code Chapter 411, Subchapter F, and the Federal Bureau of Investigation (FBI) under Government Code 411.087. *Education Code 22.081(2)*

"Request for CHRI" is the processing and entry of a person's complete set of fingerprints in DPS's tenprint database and the comparison of those prints to DPS's latent print database and if authorized the entry into FBI's tenprint and comparison to the FBI's latent print database. *37 TAC 27.172*

Participation in the Criminal History Clearinghouse

The purpose of the clearinghouse is to:

1. Provide authorized entities with the Texas and FBI fingerprint-based criminal history results.
2. Provide authorized entities with subscription and notification service to disseminate updated criminal history information.

Districts shall only submit a request for CHRI on a person who has authorized the access of their information.

Districts may subscribe to a person in the clearinghouse, if the entity has the authority to view the record. Entities shall unsubscribe from a person when it no longer has authority to view a record.

Districts shall validate their subscriptions in accordance with DPS policies. "Validation" is a process whereby the subscriber reviews a subscription to determine whether they are still authorized to receive CHRI on that individual and updates the subscription accordingly. Validations are required on a yearly basis.

Districts shall maintain compliance with the FBI Criminal Justice Information Services Security Policy. Districts shall allow DPS and

the FBI to conduct audits of their clearinghouse accounts to prevent any unauthorized access, use, or dissemination of the information.

37 TAC 27.171, .172(8), .174

Certified Persons

The State Board for Educator Certification (SBEC) shall review the NCHRI of a person who is an applicant for or holder of a certificate and who is employed by or is an applicant for employment by a district. *Education Code 22.0831(c)*

Noncertified Employees

Applicability

This section applies to a person who is not an applicant for or holder of a certificate from SBEC and who, on or after January 1, 2008, is offered employment by:

1. A district; or
2. A shared services arrangement, if the employee's or applicant's duties are or will be performed on school property or at another location where students are regularly present.

[For noncertified employees of a district or shared services arrangement hired before January 1, 2008, see All Other Employees, below.]

Information to DPS and TEA

Before or immediately after employing or securing the services of a person subject to this section, a district shall send or ensure that the person sends to DPS information that DPS requires for obtaining NCHRI, which may include fingerprints and photographs.

A district shall provide the Texas Education Agency (TEA) with the name of a person to whom this section applies. TEA shall examine the CHRI of the person and notify the district if the person may not be hired or must be discharged under Education Code 22.085.

Employment Pending Review

After the required information is submitted, the person may begin employment, but that employment is conditional upon the review of that person's CHRI by TEA and must be terminated if TEA makes a determination that the employee or applicant is ineligible for employment.

Criminal History

A district shall obtain all CHRI that relates to a person subject to this section through the clearinghouse and shall subscribe to the CHRI of that person. A district may require the person to pay any fees related to obtaining the CHRI.

Education Code 22.0833; 19 TAC 153.1109(d)

Districts of Innovation

A prohibition, restriction, or requirement imposed by Education Code Chapter 22, Subchapter C (Criminal History Records) on an

open-enrollment charter school applies to the same extent to a district of innovation or other charter entity.

The failure of a district of innovation to provide information required under Education Code 22.0832 may result in termination of the district 's designation as a district of innovation. [See AF]

Education Code 22.0815

Substitute Teachers

This section applies to a person who is a substitute teacher for a district or shared services arrangement.

Applicability

For purposes of the CHRI review requirements, a "substitute teacher" is a teacher who is on call or on a list of approved substitutes to replace a regular teacher and has no regular or guaranteed hours. A substitute teacher may be certified or noncertified.

Information to DPS and TEA

A district shall send or ensure that a person to whom this section applies sends to DPS information required for obtaining NCHRI, which may include fingerprints and photographs.

A district shall provide TEA with the name of a person to whom this section applies. TEA shall examine the CHRI and certification records of the person and notify the district if the person:

1. May not be hired or must be discharged as provided by Education Code 22.085; or
2. May not be employed as a substitute teacher because the person's educator certification has been revoked or is suspended.

Employment Pending Review

After the required information is submitted, the person may begin employment, but that employment is conditional upon the review of that person's CHRI by TEA and must be terminated if TEA makes a determination that the employee or applicant is ineligible for employment.

Criminal History

A district shall obtain all CHRI that relates to a person to whom this section applies through the clearinghouse. A district may require the person to pay any fees related to obtaining the CHRI.

Education Code 22.0836; 19 TAC 153.1101(5), .1111(d)

Student Teachers

Applicability

This section applies to a person participating in an internship consisting of student teaching to receive a teaching certificate.

Criminal History

A student teacher may not perform any student teaching until:

1. The student teacher has provided to a district a driver's license or another form of identification containing the person's

photograph issued by an entity of the United States government; and

2. The district has obtained from DPS all CHRI that relates to a student teacher. A district may also obtain CHRI relating to a student teacher from any other law enforcement agency, criminal justice agency, or private consumer reporting agency. A district may require a student teacher to pay any costs related to obtaining the CHRI.

Education Code 22.0835

Coordination of Efforts

TEA, SBEC, a district, and a shared services arrangement may coordinate as necessary to ensure that criminal history reviews authorized or required under Education Code Chapter 22, Subchapter C are not unnecessarily duplicated. *Education Code 22.0833(h)*

All Other Employees

A district shall obtain CHRI that relates to a person who is not subject to an NCHRI review under Education Code Chapter 21, Subchapter C and who is an employee of:

1. The district; or

2. A shared services arrangement, if the employee's duties are performed on school property or at another location where students are regularly present.

A district may obtain the CHRI from:

1. DPS;

2. A law enforcement or criminal justice agency; or

3. A private consumer reporting agency [see Consumer Credit Reports, below].

Education Code 22.083(a), (a-1); Gov't Code 411.097

Note: For criminal history record provisions regarding volunteers, see GKG. For provisions on employees of entities that contract with a district, see CJA.

Confidentiality of Record

CHRI that a district obtains from DPS, including any identification information that could reveal the identity of a person about whom CHRI is requested and information that directly or indirectly indicates or implies involvement of a person in the criminal justice system:

1. Is for the exclusive use of the district; and

2. May be disclosed or used by the district only if, and only to the extent, disclosure is authorized or directed by a statute, rule, or order of a court of competent jurisdiction.

For purposes of these confidentiality provisions, "criminal history record" information does not refer to any specific document provided by DPS, but to the information contained, wholly or partly, in a document's original form or any subsequent form or use.

A district or an individual may not confirm the existence or nonexistence of CHRI to any person who is not eligible to receive the information.

Gov't Code 411.084

CHRI obtained by a district, in the original form or any subsequent form, may not be released to any person except the individual who is the subject of the information, TEA, or SBEC, or by court order. The CHRI is not subject to disclosure under Government Code Chapter 552 (Public Information Act).

An employee of a district may request from the district a copy of any CHRI related to that employee that the district has obtained from DPS. The district may charge a fee to provide the information, not to exceed the actual cost of copying the CHRI.

Gov't Code 411.097(d), (f)

Destruction of CHRI

A district shall destroy CHRI obtained from DPS on the earlier of:

1. The date the information is used for the authorized purpose; or
2. The first anniversary of the date the information was originally obtained.

Gov't Code 411.097(d)(3)

Confidentiality of Information Obtained from Applicant or Employee

A district may not release information collected about a person in order to obtain CHRI, including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records, except:

1. To comply with Government Code Chapter 22, Subchapter C (criminal records);
2. By court order; or
3. With the consent of the person who is the subject of the information.

In addition, the information is not subject to disclosure under Government Code Chapter 522 (Public Information Act).

The district shall destroy the information not later than the first anniversary of the date the information is received.

Education Code 22.08391

Unauthorized Disclosure of CHRI

A person commits a Class B misdemeanor if the person knowingly or intentionally:

1. Obtains CHRI in an unauthorized manner, uses the information for an unauthorized purpose, or discloses the information to a person who is not entitled to the information; or
2. Violates a DPS rule adopted under Government Code Chapter 411, Subchapter F.

A person commits a second degree felony if the person:

1. Obtains, uses, or discloses CHRI for remuneration or for the promise of remuneration; or
2. Employs another person to obtain, use, or disclose CHRI for remuneration or for the promise of remuneration.

Gov't Code 411.085

Refusal to Hire Convicted Applicants

A district shall discharge or refuse to hire an employee or applicant for employment if the district obtains information through a CHRI review that the employee or applicant has been:

1. Convicted of or placed on deferred adjudication community supervision for an offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or
2. Convicted of:
    a. A felony under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed; or
    b. An offense under the laws of another state or federal law that is equivalent to an offense under item 1 or 2a, above.

Exception

However, a district is not required to refuse to hire an applicant if the person committed an offense under Title 5, Penal Code and:

1. The date of the offense is more than 30 years before the date the person's employment will begin; and

2. The applicant for employment satisfied all terms of the court order entered on conviction.

Certification to Commissioner

Each school year, the superintendent shall certify to the commissioner that the district has complied with the above provisions.

Sanctions

SBEC may impose a sanction on an educator who does not refuse to hire an applicant for employment if the educator knew that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor in accordance with Education Code 21.009(e), or knew or should have known, through a CHRI review, that the applicant has been convicted of or placed on deferred adjudication community supervision for an offense described above.

SBEC may impose a sanction on a superintendent who falsely or inaccurately certified to the commissioner that the district had complied with Education Code 22.085. [See Certification to Commissioner, above]

Termination for Failure to Disclose

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

Education Code 22.085; 19 TAC 249.15(b)(12), (14) [See DF]

Pre-employment Affidavit

An applicant for a certified or licensed position [see Professional Personnel at DBA(LEGAL)] with a school district, including a district of innovation, must submit, using a form adopted by TEA, a pre-employment affidavit disclosing whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.

An applicant who answers affirmatively concerning an inappropriate relationship with a minor must disclose in the affidavit all relevant facts pertaining to the charge, adjudication, or conviction, including, for a charge, whether the charge was determined to be true or false.

An applicant is not precluded from being employed based on a disclosed charge if the district determines based on the information disclosed in the affidavit that the charge was false.

A determination that an employee failed to disclose required information is grounds for termination of employment.

SBEC may revoke the certificate of an administrator if the board determines it is reasonable to believe that the administrator employed an applicant for a position described by Education Code 21.003(a) or (b) despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor.

Education Code 21.009

Do Not Hire Registry

TEA shall develop and maintain an internet portal through which required reports may be confidentially and securely filed and TEA makes available:

1. The registry of persons who are not eligible to be employed in public schools; and
2. Information indicating that a person is under investigation.

Education Code 22.095

TEA shall maintain and make available through its internet portal a registry of persons who are not eligible to be employed by a district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement.

A district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall discharge or refuse to hire a person listed on the registry.

The registry must list:

1. An employee of an open enrollment charter school determined by TEA under Education Code 22.0832 as a person who would not be eligible for educator certification based on their NCHRI;
2. A noncertified person determined by TEA to be not eligible for employment based on the person's CHRI, as provided by Education Code 22.0833 [see DBAA];
3. A person who is not eligible for employment based on CHRI received by TEA under Education Code 21.058(b) indicating that a certified employee is required to register as a sex offender;
4. A person whose certification or permit is revoked by SBEC on a finding that the person engaged in misconduct described by Education Code 21.006(b)(2)(A) or (A-1) [see DHB]; and

5. A noncertified person who is determined by the commissioner under Education Code 22.094 to have engaged in misconduct described by Education Code 22.093(c)(1)(A) or (B) [see DHC].

Education Code 22.092

Commercial Driver License Drug and Alcohol Clearinghouse

The U.S. Department of Transportation (DOT) operates and maintains a national clearinghouse for records relating to alcohol and controlled substances testing of commercial motor vehicle operators in order to improve compliance with DOT's alcohol and controlled substances testing program applicable to commercial motor vehicle operators [see DHE] and to enhance the safety of roadways by reducing accidents and injuries involving the misuse of alcohol or use of controlled substances by operators of commercial motor vehicles. *49 U.S.C. 31306a*

Pre-employment Query Required

A district must not employ a driver subject to controlled substances and alcohol testing under 49 C.F.R. Part 382 to perform a safety-sensitive function without first conducting a pre-employment query of the federal Drug and Alcohol Clearinghouse to obtain information about the driver's previous test results.

Annual Query Required

A district must conduct a query of the federal Drug and Alcohol Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing under 49 C.F.R. Part 382 to determine whether information exists about those employees.

Prohibition

A district may not allow a driver to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a prohibited test result.

Recordkeeping Required

A district must retain for three years a record of each query and all information received in response to each query made under this section.

49 C.F.R. 382.701

Consumer Credit Reports

Definitions

"Adverse action" includes a denial of employment or any other decision for employment purposes that adversely affects any current or prospective employee.

"Consumer report" includes any information from a consumer reporting agency that is used or expected to be used as a factor in establishing the person's eligibility for employment.

"Consumer reporting agency" is an agency that, for monetary fees, dues, or on a cooperative nonprofit basis, regularly assembles or

evaluates consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

"Employment purposes" when used in connection with a consumer report means a report used for the purpose of evaluating a person for employment, promotion, reassignment, or retention as an employee.

15 U.S.C. 1681a

Obtaining Reports

A district may not procure a consumer report for employment purposes unless:

1. The district has provided the applicant or employee a written disclosure that a consumer report may be obtained for employment purposes; and
2. The applicant or employee has authorized in writing the procurement of the consumer report.

Adverse Action

Before taking any adverse action based on the consumer report, a district shall provide the applicant or employee a copy of the consumer report and a written description of the person's rights under the Fair Credit Reporting Act, as prescribed by the Federal Trade Commission.

15 U.S.C. 1681b(b)(2)

Address Discrepancies

"Notice of address discrepancy" means a notice sent to a user by a consumer reporting agency that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.

A district must develop and implement reasonable policies and procedures designed to enable the district, when it receives a notice of address discrepancy, to form a reasonable belief that a consumer report relates to the consumer about whom it has requested the report.

If a district regularly and in the ordinary course of business furnishes information to the consumer reporting agency from which it received the notice of address discrepancy, the district must also develop and implement reasonable policies and procedures for furnishing an address for the consumer, which the district has reasonably confirmed is accurate, to the consumer reporting agency.

16 C.F.R. 641.1

Disposal of Records

A district must properly dispose of a consumer report by taking reasonable measures to protect against unauthorized access to or use of the information.

"Dispose" includes discarding or abandoning the consumer report, or selling, donating, or transferring any medium, including computer equipment, upon which the consumer report is stored.

Examples of reasonable measures include:

1. Burning, pulverizing, or shredding papers containing a consumer report so the information cannot practicably be read or reconstructed;

2. Destroying or erasing electronic media containing a consumer report so that the information cannot practicably be read or reconstructed; or

3. After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of the consumer report.

16 C.F.R. 682.3

Employment Policies

A board shall adopt a policy providing for the employment and duties of district personnel. The policy shall provide that:

1. A board employs and evaluates the superintendent;
2. A superintendent has sole authority to make recommendations to a board regarding the selection of all personnel, except that the board may delegate final authority for those decisions to the superintendent [see Superintendent Recommendation, below];
3. Each principal must approve each teacher or staff appointment to the principal's campus as provided by Education Code 11.202 [see DK and DP];
4. Notice will be provided of vacant positions [see Posting of Vacancies, below]; and
5. Each employee has the right to present grievances to the board. [See Grievances, below]

Education Code 11.1513

Tax Identifier

A board shall adopt a policy prohibiting the use of social security numbers as employee identifiers other than for tax purposes [see Social Security Numbers, below]. *Education Code 11.1514* [See DBA]

Contract Positions

A board shall establish a policy designating specific positions of employment, or categories of positions based on considerations such as length of service, to which continuing contracts or term contracts apply. *Education Code 21.002(c)* [See DCB and DCC]

Delegation of Authority

A district's employment policy may specify the terms of district employment or delegate to the superintendent the authority to determine the terms of employment with the district. *Education Code 11.1513(c)* [For nepotism implications, see BBFB and DBE]

Internal Auditor

If a district employs an internal auditor, the board shall select the internal auditor and the internal auditor shall report directly to the board. *Education Code 11.170* [See CFC]

Superintendent Recommendation

A board may accept or reject a superintendent's recommendation regarding the selection of district personnel and shall include the board's acceptance or rejection in the minutes of the board's open meeting, in the certified agenda or tape recording of a closed meeting, or in the recording required under Government Code 551.125 or 551.127, as applicable. If a board rejects a superintendent's recommendation, the superintendent shall make alternative recommendations until the board accepts a recommendation. *Education Code 11.1513(b)*

Posting of Vacancies

A district's employment policy must provide that not later than the tenth school day before the date on which a district fills a vacant position for which a certificate or license is required as provided by Education Code 21.003 [see DBA], other than a position that affects the safety and security of students as determined by the board, the district must provide to each current district employee:

1. Notice of the position by posting the position on:
    a. A bulletin board at:
        (1) A place convenient to the public in the district's central administrative office, and
        (2) The central administrative office of each campus during any time the office is open; or
    b. The district's internet website, if the district has a website; and
2. A reasonable opportunity to apply for the position.

Education Code 11.1513(d)

Exception

If, during the school year, a district must fill a vacant position held by a teacher, as defined by Education Code 21.201 [see DCB], in less than ten school days, the district must provide notice of the position in the manner described above as soon as possible after the vacancy occurs. However, a district is not required to provide the notice for ten school days before filling the position or to provide a reasonable opportunity to apply for the position. *Education Code 11.1513(e)*

Grievances

A district's employment policy must provide each employee with the right to present grievances to the board. The policy may not restrict the ability of an employee to communicate directly with a member of the board regarding a matter relating to the operation of a district, except that the policy may prohibit ex parte communication relating to:

1. A hearing under Education Code Chapter 21, Subchapter E (Term Contracts) or F (Hearing Examiners); and
2. Another appeal or hearing in which ex parte communication would be inappropriate pending a final decision by the board.

Education Code 11.1513(i)–(j) [See DGBA]

Transfers

A district's employment policy may include a provision for providing each current district employee with an opportunity to participate in a process for transferring to another school in or position with the district. *Education Code 11.1513(c)(3)* [See DK]

Contract Employees

A district shall employ each classroom teacher, principal, librarian, nurse, or school counselor under a probationary contract, a continuing contract, or a term contract. A district is not required to employ a person other than these listed employees under a probationary, continuing, or term contract. *Education Code 21.002*

Classroom Teacher

"Classroom teacher" means an educator who is employed by a district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting. The term does not include a teacher's aide or a full-time administrator. *Education Code 5.001(2)*

Minimum Length of Contract

A contract between a district and an educator must be for a minimum of ten months of service. An educator employed under a ten-month contract must provide a minimum of 187 days of service. *Education Code 21.401(a), (b)*

Proportionate Reduction

If a district anticipates providing less than 180 days of instruction for students during a school year, as indicated by the district's academic calendar, the district may reduce the number of days of service proportionately. A reduction by the district does not reduce an educator's salary. *Education Code 21.401(c-1)*

Commissioner Waiver

The commissioner of education may reduce the number of days of service if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools. A reduction by the commissioner does not reduce an educator's salary. *Education Code 21.401(c), 25.081(b)*

Educational Aides

A board shall establish a plan to encourage the hiring of educational aides who show a willingness to become certified teachers. *Education Code 54.363(f)*

Employment of Retirees

A district shall file a monthly certified statement of employment of a retiree in the form and manner required by TRS. A district shall inform TRS of changes in status of the district that affect the district's reporting responsibilities.

The certified statement must include information regarding:

1. Employees of third party entities if the employees are service or disability retirees who were first employed by the third party entity on or after May 24, 2003, and are performing duties or providing services on behalf of or for the benefit of the district that employees of the district would otherwise perform or provide; and

2. Retirees who retired within twelve full, consecutive calendar months of the month of the monthly certified statement and are performing duties or providing services for or on behalf of

the district that employees of the district would otherwise perform or provide, and are:

a. Waiving, deferring, or forgoing compensation for the services or duties;

b. Performing the duties or providing the services as an independent contractor; or

c. Serving as a volunteer without compensation and performing the same duties or providing the same services for a reporting entity that the retiree performed or provided immediately before retiring and the retiree has an agreement to perform those duties or provide those services after the first 12 full, consecutive calendar months after the retiree's effective date of retirement.

A district that fails to attain a completed status for the monthly certified statement as required by 34 Administrative Code 31.2 shall pay to TRS, in addition to the required employer surcharges and any applicable penalty interest on the unpaid amounts, the late fee established in 34 Administrative Code 31.2(d) for each business day that the monthly certified statement fails to attain a completed status.

An administrator of a district who is responsible for filing the statement, and who knowingly fails to file the statement, commits an offense.

Gov't Code 824.6022, 825.403(k); 34 TAC 31.2

Former Board Member Employment

A board member is prohibited from accepting employment with the district until the first anniversary of the date the board member's membership on a board ends. *Education Code 11.063* [See BBC]

New Hires

I-9 Forms

A district shall ensure that an employee properly completes section 1—"Employee Information and Verification"—on Form I-9 at the time of hire.

A district must verify employment eligibility, pursuant to the Immigration Reform and Control Act, and complete Form I-9 by the following dates:

1. Within three business days of initial hiring. If a district hires an individual for employment for a duration of less than three business days, the district must verify employment at the time of hire. A district shall not be deemed to have hired an individual if the individual is continuing in his or her employment and has a reasonable expectation of employment at all times. When a district rehires an individual, the district may, in lieu of

completing a new I-9, inspect a previously completed I-9 executed within three years of the date of rehire, to determine whether the individual is still eligible to work.

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

8 C.F.R. 274a.2(b)(1)(ii), (iii), (vii), (viii)

New Hire Reporting

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

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

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

Deadline

New hire reports are due:

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

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

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

Penalties

A district that knowingly violates the new hire provisions may be liable for a civil penalty, as set forth at Family Code 234.105.

42 U.S.C. 653a(b), (c); Family Code 234.101–.105; 1 TAC 55, Subch. I

Social Security Numbers

A board shall adopt a policy prohibiting the use of the social security number of an employee of the district as an employee identifier other than for tax purposes. *Education Code 11.1514* [See DBA]

Federal Law

A district shall not deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her social security number.

Exceptions

The federal law does not apply to:

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

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

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

Statement of Uses

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

Privacy Act of 1974, Pub. L. No. 93-579, Sec. 7, 88 Stat. 1896, 1897 (1974)

Employment Assistance Prohibited

Federal Law

A district that receives Title I funds shall have regulations or policies that prohibit any individual who is a school employee, contractor, or agent, or a district, from assisting a school employee in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or district knows, or has probable cause to believe, that such school employee engaged in sexual misconduct regarding a minor or student in violation of the law.

This requirement shall not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and has been properly reported to any other authorities as required by federal, state, or local law, including Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the implementing regulations under Part 106 of Title 34, Code of Federal Regulations, or any succeeding regulations; and:

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee engaged in sexual misconduct regarding a minor or student in violation of the law;

2. The school employee has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or

3. The case or investigation remains open and there have been no charges filed against, or indictment of, the school employee within four years of the date on which the information was reported to a law enforcement agency.

20 U.S.C 7926 [See also CJ]

State Law

SBEC may suspend or revoke a certificate, impose other sanctions against the person, or refuse to issue a certificate to the person if:

1. The person assists another person in obtaining employment at a school district, private school, or open-enrollment charter school, other than by the routine transmission of administrative and personnel files; and

2. The person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law.

The commissioner may require a school district to revoke or decline to issue a school district teaching permit under Education Code 21.055 issued to or requested by a person subject to SBEC action above.

Education Code 21.0581; 19 TAC 249.15(b)(13)

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

Withholding Information

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

Registry of Persons Not Eligible for Employment

A district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall discharge or refuse to hire a person listed on TEA's registry of persons who are not eligible to be employed. [See DBAA] *Education Code 22.092*

Discharge of Convicted Employees

A district shall discharge or refuse to hire an employee or applicant for employment if the district obtains information through a criminal history record information (CHRI) review that the employee or applicant has been:

1. Convicted of or placed on deferred adjudication community supervision for an offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or
2. Convicted of:
    a. A felony under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed; or
    b. An offense under the laws of another state or federal law that is equivalent to an offense under item 1 or 2a, above.

Exception

However, a district is not required to discharge an employee if the person committed an offense under Title 5, Penal Code, and:

1. The date of the offense is more than 30 years before the date the person's employment will begin; and
2. The employee satisfied all terms of the court order entered on conviction.

Certification to Commissioner

Each school year, a superintendent shall certify to the commissioner that the district has complied with the above provisions.

Sanctions

The State Board for Educator Certification (SBEC) may impose a sanction on an educator who does not discharge an employee when the employee was employed in a public school and on the

registry of persons who are not eligible to be employed under Education Code 22.092 [see DBAA], if the educator knew that the employee had been adjudicated for or convicted of having an inappropriate relationship with a minor in accordance with Education Code 21.009(e), or when the person knew or should have known, through a CHRI review, that the employee has been convicted of or placed on deferred adjudication community supervision for an offense described above.

SBEC may impose a sanction on a superintendent who falsely or inaccurately certified to the commissioner that the district had complied with Education Code 22.085. [See Certification to Commissioner, above]

Termination for Failure to Disclose

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

Education Code 22.085; 19 TAC 249.15(b)(12), (14) [See DBAA for Refusal to Hire Convicted Applicants]

Certain Offenses Against Students

Mandatory Termination

If a district receives notice that SBEC has revoked the certificate of a person based on conviction of or placement on deferred adjudication community supervision for an offense for which the person is required to register as a sex offender under Code of Criminal Procedure, Chapter 62, or a conviction of a felony under Penal Code Title 5 if the victim of the offense was under 18 years of age at the time the offense was committed, the district shall:

1. Immediately remove the person whose certificate has been revoked from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student; and
2. If the person is employed under a probationary or term contract, with the approval of the board or its designee:
    a. Suspend the person without pay;
    b. Provide the person with written notice that the person's contract is void [see Notice to Employee, below]; and
    c. Terminate the employment of the person as soon as practicable.

Education Code 21.058(a), (c)

Discretionary Termination

If a district becomes aware that a person employed by the district under a probationary or term contract has been convicted of or received deferred adjudication for a felony offense, and the person is not subject to the mandatory termination provision above, the district may, with the approval of the board or its designee:

1. Suspend the person without pay;
2. Provide the person with written notice that the person's contract is void [see Notice to Employee, below]; and
3. Terminate the employment of the person as soon as practicable.

Education Code 21.058(c-1)

Notice to Employee

A person's probationary or term contract is void if, with the approval of the board or its designee, the district provides written notice to the person, under the mandatory or discretionary termination provisions above, that the person's contract is void. *Education Code 21.058(c-2)*

No Appeal

Action taken by a district under the mandatory or discretionary terminations provisions above is not subject to appeal under Education Code Chapter 21 and the notice and hearing requirements of Chapter 21 do not apply to the action. *Education Code 21.058(e)*

Invalid or Expired Certification

An employee's probationary or term contract is void if the employee:

1. Does not hold a valid certificate or permit issued by SBEC;
2. Fails to fulfill the requirements necessary to renew or extend the employee's temporary, probationary, or emergency certificate or any other certificate or permit issued under Education Code Chapter 21, Subchapter B; or
3. Fails to comply with any requirement under Education Code Chapter 22, Subchapter C [criminal history review, see DBAA], if the failure results in suspension or revocation of the employee's certificate.

Education Code 21.0031(a)

A certificate or permit is not considered to have expired if:

1. The employee has completed the requirements for renewal of the certificate or permit;
2. The employee submitted the request for renewal before the expiration date; and

3. The date the certificate or permit would have expired is before the date SBEC takes action to approve the renewal of the certificate or permit.

Education Code 21.0031(f)

District's Options

If a district has knowledge that an employee's contract is void under Education Code 21.0031(a), the district may:

1. Terminate the employee;
2. Suspend the employee with or without pay; or
3. Retain the employee for the remainder of the school year on an at-will employment basis in a position that does not require a contract under Education Code 21.002, at the employee's existing rate of pay or at a reduced rate.

The employee is not entitled to the minimum salary prescribed by Education Code 21.402.

Education Code 21.0031(b)

Exception

A district may not terminate or suspend an employee under 21.0031(b) because of the employee's lack of a valid certificate or permit, or failure to renew or extend a certificate or permit, if:

1. The employee requests an extension from SBEC to renew, extend, or otherwise validate the employee's certificate or permit; and
2. Not later than the tenth day after the date the contract is void, the employee takes necessary measures to renew, extend, or otherwise validate the employee's certificate or permit, as determined by SBEC.

Education Code 21.0031(b-1)

No Appeal or Chapter 21 Hearing

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

Applicability

These void contract provisions do not affect the rights and remedies of a party in an at-will employment relationship and do not apply to a certified teacher assigned to teach a subject for which the teacher is not certified. *Education Code 21.0031; Nunez v. Simms, 341 F.3d 385 (5th Cir. 2003)*

Report to SBEC

A superintendent shall report the educator's termination to SBEC if the conditions set forth at Education Code 21.006 exist. [See DHB]

Report to Superintendent

A principal shall report the educator's termination to the superintendent if the conditions set forth at Education Code 21.006 exist. [See DP]

Falsification of Military Record

A district may discharge an employee, regardless of whether the employee is employed under an employment contract, if the district determines, based on a reasonable factual basis, that the employee, in obtaining the employee's employment or any benefit relating to the employee's employment, falsified or otherwise misrepresented any information regarding the employee's military record in a manner that would constitute an offense under Penal Code 32.54.

An employment contract entered into by a district with an employee discharged by the employer under Labor Code Chapter 105 is void and unenforceable as against public policy. [See DF series]

Labor Code Ch. 105

Note: The provisions of this policy apply to a district of innovation under Education Code, Chapter 12A. [See AF]

Definitions

"Abuse" has the meaning assigned by Family Code 261.001(1).

"Employee" means a person who is employed by a school district, district of innovation, charter school, service center, or shared services arrangement and does not hold a certification issued by the State Board for Educator Certification (SBEC) under Education Code, Chapter 21, Subchapter B.

19 TAC 153.1201(b), (d)

Misconduct of Noncertified Employees

Education Code 22.093 applies to a district employee who does not hold certification issued by SBEC or a school district teaching permit.

Notice to TEA of Termination or Resignation

A person who serves as the superintendent shall notify the commissioner of education in writing by filing a report within seven business days of the date the person either receives a report from a principal or knew that an employee was terminated or resigned from employment and there is evidence that the employee committed any of the following acts:

1. Abused or otherwise committed an unlawful act with a student or minor; or
2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

Principal Notification

A person who serves as principal must notify the superintendent no later than seven business days after an employee resigns or is terminated following an alleged incident of misconduct described above.

Investigation

A superintendent shall complete an investigation of an employee if there is reasonable cause to believe the employee may have engaged in misconduct described above, despite the employee's resignation from district employment before completion of the investigation.

Form of Report

The report must include:

1. The name or names of any student or minor who is the victim of abuse or unlawful conduct by an employee;
2. The factual circumstances requiring the report and the subject of the report by providing the following available information:

a. Name and any aliases and certificate number, if any, or social security number;

b. Last known mailing address and home and daytime phone numbers;

c. All available contact information for any alleged victim or victims;

d. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;

e. Current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and

f. Involvement by a law enforcement or other agency, including the name of the agency.

The name of the student or minor is not public information under the Public Information Act (PIA).

Notice to the Board and Employee

A superintendent shall notify the board and the employee of the filing of the report.

Immunity

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

Sanctions for Failure to Report

The commissioner shall refer an educator who fails to file a report to SBEC, which will determine whether to impose sanctions against the educator.

Criminal Offense

A superintendent commits an offense if the superintendent fails to timely file the report with intent to conceal an employee's criminal record or alleged incident of misconduct.

A principal commits an offense if the principal fails to timely provide notice with intent to conceal an employee's alleged incident of misconduct.

An offense under Education Code 22.093(k) is a state jail felony.

Review of District Records

The commissioner may review district records to ensure compliance with the requirement to report misconduct.

Education Code 22.093; 19 TAC 153.1203

Solicitation of Sexual Conduct

"Solicitation of sexual conduct" means deliberate or repeated acts that can be reasonably interpreted as the solicitation by an employee of a relationship with a student that is sexual in nature. Solicitation of sexual conduct is often characterized by a strong emotional or sexual attachment and/or by patterns of exclusivity but does not include appropriate relationships that arise out of legitimate contexts such as familial connections or longtime acquaintance. The following acts, considered in context, may constitute prima facie evidence of the solicitation by an employee of sexual conduct with a student:

1. Behavior, gestures, expressions, or communications with a student that are unrelated to the employee's job duties and evidence a sexual intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the intent of such communications or behavior, include, without limitation:
    a. The nature of the communications;
    b. The timing of the communications;
    c. The extent of the communications;
    d. Whether the communications were made openly or secretly;
    e. The extent that the employee attempts to conceal the communications;
    f. If the employee claims to be counseling a student, the commissioner of education may consider whether the employee's job duties included counseling, whether the employee reported the subject of the counseling to the student's guardians or to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether the employee reported the abuse or neglect to the appropriate authorities; and
    g. Any other evidence tending to show the context of the communications between employee and student;
2. Making inappropriate comments about a student's body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images;
3. Making sexually demeaning comments to a student;
4. Making comments about a student's potential sexual performance;

5. Requesting details of a student's sexual history;
6. Requesting a date, sexual contact, or any activity intended for the sexual gratification of the employee;
7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party;
8. Inappropriate hugging, kissing, or excessive touching;
9. Providing the student with drugs or alcohol;
10. Violating written directives from school administrators regarding the employee's behavior toward a student;
11. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage; and
12. Any other acts tending to show that the employee solicited sexual conduct with a student.

19 TAC 153.1201(a)

Searches—General Rule

Citizens, including district employees, have a right to be free from unreasonable searches and seizures. *U.S. Const. Amendment IV; Tex. Const. Art. I, Sec. 9*

A district may search an employee or an employee's property if:

1. There are reasonable grounds to believe that the search will turn up evidence that the employee is guilty of work-related misconduct; and
2. The search is reasonably related in scope to the circumstances that justified the interference in the first place.

O'Connor v. Ortega, 480 U.S. 709 (1987); New Jersey v. T.L.O., 469 U.S. 325 (1985)

In addition, a district may search an employee's workplace for non-investigatory, work-related purposes, if there are reasonable grounds to believe that the search will turn up evidence that the employee is guilty of work-related misconduct. *O'Connor v. Ortega, 480 U.S. 709 (1987)*

Drug/Alcohol Testing

Blood, urine, and breath tests of public employees to determine drug use are searches under the Fourth Amendment of the U.S. Constitution. *Skinner v. Railway Labor Executives Ass'n, 489 U.S. 602 (1989)*

Random Drug Testing

A district may conduct drug tests, without a warrant and without individualized suspicion, when the test serves special governmental needs that outweigh the individual's privacy expectation. *Skinner v. Railway Labor Executives Ass'n, 489 U.S. 602 (1989); Nat'l Treasury Employees Union v. Von Raab, 489 U.S. 656 (1989)*

Safety-Sensitive Positions

Random alcohol and drug testing of employees in "safety-sensitive" positions may be permissible when the intrusiveness of the search is minimal and a board is able to demonstrate that the drug-testing program furthers its interest in ensuring the physical safety of students. "Safety-sensitive" positions include those that involve the handling of potentially dangerous equipment or hazardous substances in an environment including a large number of children. *Aubrey v. Sch. Bd. of LaFayette Parish, 148 F.3d 559 (5th Cir. 1998)*

Note: The following testing requirements apply to employees who operate commercial motor vehicles and are subject to commercial driver's license requirements in accordance with federal regulations.

Testing of Drivers

A district shall conduct testing, in accordance with federal regulations, of commercial motor vehicle operators for use of alcohol or a controlled substance that violates law or federal regulation. *49 U.S.C. 31306; 49 C.F.R. Part 382*

Commercial Motor Vehicle Defined

A commercial motor vehicle is defined as a motor vehicle used to transport passengers or property that:

1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
2. Has a gross vehicle weight rating of 26,001 or more pounds; or
3. Is designed to transport 16 or more passengers, including the driver.

49 C.F.R. 382.107

Testing Procedures

A district shall ensure that all alcohol or controlled substances testing conducted under 49 C.F.R. Part 382 complies with the procedures set forth in 49 C.F.R. Part 40. *49 C.F.R. 382.105*

U.S. Department of Transportation (DOT) tests must be completely separate from non-DOT tests in all respects. DOT tests must take priority and must be conducted and completed before a non-DOT test is begun. *49 C.F.R. 40.13*

Tests Required

Required DOT testing includes:

1. Pre-employment controlled substance tests required under 49 C.F.R. 382.301 [see DBAA];
2. Post-accident alcohol or controlled substance tests required under 49 C.F.R. 382.303;
3. Random alcohol or controlled substances tests required under 49 C.F.R. 382.305;
4. Reasonable suspicion alcohol or controlled substance tests required under 49 C.F.R. 382.307;
5. Return-to-duty alcohol or controlled substances tests required under 49 C.F.R. 382.309; or
6. Follow-up alcohol or controlled substance tests required under 49 C.F.R. 382.311.

No Refusal

No driver shall refuse to submit to a required DOT test. A district shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

49 C.F.R. 382.211

Education and Treatment

A district is not required to provide an evaluation by a substance abuse professional or any subsequent recommended education or treatment for an employee who has violated a drug and alcohol regulation of the DOT.

However, if a district offers an employee an opportunity to return to a safety-sensitive duty following a violation, the district must, before the employee again performs that duty, ensure that the employee receives an evaluation by a substance abuse professional and that the employee successfully complies with the professional's evaluation recommendations.

49 C.F.R. 40.289

Return-to-Duty Testing

If a district permits an employee who has violated a DOT drug and alcohol regulation to return to safety-sensitive functions, the district must ensure that the employee takes a return-to-duty test. This test cannot occur until after the substance abuse professional has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.

A district is not required to return an employee to safety-sensitive duties because the employee has met the conditions described in the preceding paragraph. Return-to-duty is a personnel decision that the district has the discretion to make subject to legal requirements.

49 C.F.R. 40.305(a)–(b)

Educational Materials

A district shall provide educational materials that explain the federal requirements and the district's policies and procedures with respect to meeting the requirements. The district shall ensure that a copy of these materials is distributed to each driver before the start of alcohol and controlled substances testing under 49 C.F.R. Part 382 and to each driver subsequently hired or transferred into a position that requires driving a commercial motor vehicle. Written notice to representatives of employee organizations of the availability of this information shall also be provided. The materials shall include detailed discussion of at least the items listed at 49 C.F.R. 382.601. *49 C.F.R. 382.601*

Reports

A district required by federal safety regulations to conduct alcohol and drug testing of an employee who holds a commercial driver's license shall report the following information to the Department of Public Safety:

1. A valid positive result on an alcohol or drug test and whether the specimen producing the result was a dilute specimen. "Valid positive result" means an alcohol concentration of 0.04 or greater on an alcohol confirmation test, or a result at or above the cutoff concentration levels listed in 49 C.F.R. 40.87 on a confirmation drug test. "Dilute specimen" means a specimen with creatinine and specific gravity values that are lower than expected for human urine.

2. A refusal to provide a specimen for an alcohol or drug test.

3. An adulterated specimen or substituted specimen, as defined at 49 C.F.R. 40.3, on an alcohol or drug test.

For purposes of this requirement, the term "employee" includes applicants for employment subject to pre-employment testing.

Transp. Code 644.251–.252; 49 C.F.R. 40.3

Note: This policy addresses the prohibition against harassment of employees. For legally referenced material relating to employee discrimination and retaliation, see DAA(LEGAL).

For provisions related to harassment of students, including the district's response to sexual harassment as defined by Title IX, see FFH.

Criminal Offense—Official Oppression

A public servant acting under color of the public servant's office or employment commits an offense if the public servant intentionally subjects another to sexual harassment.

A public servant acts under color of the public servant's office or employment if the person acts or purports to act in an official capacity or takes advantage of such actual or purported capacity.

"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.

Penal Code 39.03(a)(3), (b), (c)

Harassment of Employees Prohibited

Harassment on the basis of a protected characteristic is a violation of the federal anti-discrimination laws. A district has an affirmative duty, under Title VII, to maintain a working environment free of harassment on the basis of sex, race, color, religion, and national origin. *42 U.S.C. 2000e, et seq.; 29 C.F.R. 1606.8(a), 1604.11*

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)*

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

Firing an employee on the basis of homosexuality or transgender status violates Title VII's prohibition against sex discrimination in employment. *Bostock v. Clayton County, Georgia, 17-1618, 2020 WL 3146686, (U.S. June 15, 2020)*

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

Conduct of a sexual nature also constitutes harassment when:

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

29 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)*

Harassment Policy

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

Corrective Action

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

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

1. That the district exercised reasonable care to prevent and promptly correct any harassing behavior; and
2. That the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

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

Harassment of Unpaid Interns

A district commits an unlawful employment practice if sexual harassment of an unpaid intern occurs and the district or its agents or supervisors know or should have known that the conduct constituting sexual harassment was occurring, and fail to take immediate and appropriate corrective action. *Labor Code 21.1065*

Note: This policy addresses discrimination, harassment, and retaliation against District employees. For Title IX and other provisions regarding discrimination, harassment, and retaliation against students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

Definitions

Solely for purposes of this policy, the term "employee" includes former employees, applicants for employment, and unpaid interns.

Statement of Nondiscrimination

The District prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, sex, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Discrimination

Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, religion, sex, national origin, age, disability, or any other basis prohibited by law, that adversely affects the employee's employment.

In accordance with law, discrimination on the basis of sex includes discrimination on the basis of biological sex, gender identity, sexual orientation, gender stereotypes, or any other prohibited basis related to sex.

Prohibited Conduct

In this policy, the term "prohibited conduct" includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Prohibited conduct also includes sexual harassment as defined by Title IX. [See FFH(LEGAL)]

Prohibited Harassment

Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee's race, color, religion, sex, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

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

Examples

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or

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

Sex-Based Harassment

As required by law, the District shall follow the procedures below at Response to Sexual Harassment—Title IX upon a report of sex-based harassment, including sexual harassment, when such allegations, if proved, would meet the definition of sexual harassment under Title IX. [See FFH(LEGAL)]

Sexual Harassment

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

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

Examples

Examples of sexual harassment may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, contact, or communication, including electronic communication.

Reporting Procedures

Any employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor or campus principal.

Alternatively, the employee may report the alleged acts to one of the District officials below.

Definition of District Officials

For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

Title IX Coordinator

Reports of discrimination based on sex, including sexual harassment, may be directed to the designated Title IX coordinator. [See DIA(EXHIBIT)]

ADA / Section 504 Coordinator — Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator. [See DIA(EXHIBIT)]

Superintendent — The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws.

Alternative Reporting Procedures

An employee shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

Timely Reporting

To ensure the District's prompt investigation, reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act.

Notice of Report

Any District supervisor who receives a report of prohibited conduct shall immediately notify the appropriate District official listed above and take any other steps required by this policy.

Any District employee who receives a report of prohibited conduct based on sex, including sexual harassment, shall immediately notify the Title IX coordinator.

Investigation of Reports Other Than Title IX

The following procedures apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. [See FFH(LEGAL)] For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX, see the procedures below at Response to Sexual Harassment—Title IX.

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

Initial Assessment — Upon receipt or notice of a report, the District official shall determine whether the allegations, if proved, would constitute prohibited conduct as defined by this policy. If so, the District shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

Interim Action — If appropriate, the District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

District Investigation	The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney. When appropriate, the principal or supervisor shall be involved in or informed of the investigation. The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.
Concluding the Investigation	Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation. The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.
District Action	If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct. The District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.
Confidentiality	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
Appeal	A complainant who is dissatisfied with the outcome of the investigation may appeal through DGBA(LOCAL), beginning at the appropriate level. The complainant may have a right to file a complaint with appropriate state or federal agencies.
Response to Sexual Harassment—Title IX	For purposes of the District's response to reports of harassment prohibited by Title IX, definitions can be found in FFH(LEGAL).
General Response	When the District receives notice or an allegation of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX coordinator shall promptly contact the complainant to:

- Discuss the availability of supportive measures and inform the complainant that they are available, with or without the filing of a formal complaint;
- Consider the complainant's wishes with respect to supportive measures; and
- Explain to the complainant the option and process for filing a formal complaint.

The District's response to sexual harassment shall treat complainants and respondents equitably by offering supportive measures to both parties, as appropriate, and by following the Title IX formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent.

If a formal complaint is not filed, the District reserves the right to investigate and respond to prohibited conduct in accordance with Board policies and administrative procedures.

Title IX Formal Complaint Process

To distinguish the process described below from the District's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of sexual harassment as the District's "Title IX formal complaint process."

The Superintendent shall ensure the development of a Title IX formal complaint process that complies with legal requirements. [See FFH(LEGAL)] The formal complaint process shall be posted on the District's website. In compliance with Title IX regulations, the District's Title IX formal complaint process shall address the following basic requirements:

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
4. A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;

6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
7. A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a dismissal of a Title IX formal complaint or any allegations therein;
9. A description of the supportive measures available to the complainant and respondent;
10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;
11. Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and
12. Other local procedures as determined by the Superintendent.

Standard of Evidence

The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.

Retaliation

The District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or otherwise participates or refuses to participate in an investigation.

Examples

Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, intimidation, coercion, unjustified negative evaluations, unjustified negative references, or increased surveillance.

Records Retention

The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records control schedules, but for no less than the minimum amount of time required by law. [See CPC]

[For Title IX recordkeeping and retention provisions, see FFH(LEGAL) and the District's Title IX formal complaint process.]

Access to Policy and Procedures

Information regarding this policy and any accompanying procedures shall be distributed annually to District employees. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and readily available at each campus and the District's administrative offices.

Staff Development

Educator — The staff development provided by a district to an educator other than a principal must be conducted in accordance with standards developed by the district and designed to improve education in the district.

Principal — The staff development provided by a district to a principal shall be governed by Education Code 21.3541 and rules adopted under that section. [See DNB]

Education Code 21.451(a), (a-1)

Training Specifics—Educators — Staff development shall be predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee.

A district may use district-wide staff development that has been developed and approved through the district-level decision process. [See BQA and BQB, as appropriate]

Education Code 21.451(b), (c)

Optional Training — Staff development may include training in:

1. Technology;
2. Positive behavior intervention and support strategies, including classroom management, district discipline policies, and the Student Code of Conduct; and
3. Digital learning.

Digital learning training must:

1. Discuss basic technology proficiency expectations and methods to increase an educator's digital literacy; and
2. Assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

Staff development may include instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.

Education Code 21.451(d)(1), (d-3), (g)

Required Training — Staff development must include training on:

1. Suicide prevention;
2. Recognizing signs of mental health conditions and substance abuse;

3. Strategies for establishing and maintaining positive relationships among students, including conflict resolution;

4. How grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma; and

5. Preventing, identifying, responding to, and reporting incidents of bullying.

Required training above must be provided on an annual basis, as part of a new employee orientation, to all new school district educators; and to existing school district educators on a schedule adopted by Texas Education Agency (TEA) rule. The training must use a best practice-based program recommended by TEA in coordination with the Health and Human Services Commission under Education Code 38.351 [see FFEB], and may include two or more topics listed together.

Education Code 21.451(d)(3), (d-1)

Instruction of Students with Disabilities

Staff development must include training that is evidence-based, as defined by Section 8101, Every Student Succeeds Act (20 USC 7801), and that:

1. Relates to the instruction of students with disabilities, including students with disabilities who also have other intellectual or mental health conditions; and

2. Is designed for educators who work primarily outside the area of special education.

A district is required to provide the training to an educator who works primarily outside the area of special education only if the educator does not possess the knowledge and skills necessary to implement the individualized education program developed for a student receiving instruction from the educator. A district may determine the time and place at which the training is delivered.

In developing or maintaining the training, a district must consult with persons with expertise in research-based practices for students with disabilities, including colleges, universities, private and nonprofit organizations, regional education service centers, qualified district personnel, and any other persons identified as qualified by the district, regardless of whether the training is provided at the campus or district level.

Education Code 21.451(d)(2), (e)–(f)

Suicide Prevention

The required suicide prevention training may be satisfied through independent review of suicide prevention training material that complies with the guidelines developed by TEA and is offered online. *Education Code 21.451(d-2); 19 TAC 153.1013(d)*

Suicide prevention programs on TEA's list of recommended best practice-based programs [see FFEB] must include components that provide for training school counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interact with students, to:

1. Recognize students at risk of attempting suicide, including students who are or may be the victims of or who engage in bullying;
2. Recognize students displaying early warning signs and a possible need for early mental health or substance abuse intervention, which warning signs may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;
3. Intervene effectively with students described above by providing notice and referral to a parent or guardian so appropriate action, such as seeking mental health or substance abuse services, may be taken by a parent or guardian; and
4. Assist students in returning to school following treatment of a mental health concern or suicide attempt.

A district shall provide training described in the components above for teachers, school counselors, principals, and all other appropriate personnel. A district is required to provide the training at an elementary school campus only to the extent that sufficient funding and programs are available. A school district may implement a program on TEA's list of recommended best practice-based programs [see FFEB] to satisfy this training requirement.

If a district provides the training, a district employee must participate in the training at least one time; and the district shall maintain records that include the name of each district employee who participated in the training.

Education Code 38.351(e), (g), (h); 19 TAC 153.1013

Staff Development Account

A district that receives resources from the commissioner of education's staff development account must pay to the commissioner for deposit in the account an amount equal to one-half of the cost of the resources provided to the district. *Education Code 21.453(c)*

Child Abuse, Trafficking, and Maltreatment

A district's methods for increasing awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children [see District Improvement Plan at BQ and Sexual Abuse, Trafficking, and Maltreatment Policies and Programs at FFG] must include training concerning prevention techniques for and recognition of sexual abuse, sex trafficking, and all other maltreatment of children, including the sexual abuse, sex trafficking, and other maltreatment of children with significant cognitive disabilities.

The training must be provided as part of new employee orientation to all new employees and to existing district employees not previously trained. The training may be included in staff development under Education Code 21.451.

The training must include:

1. Factors indicating a child is at risk for sexual abuse, trafficking, or other maltreatment;
2. Warning signs indicating a child may be a victim of sexual abuse, trafficking, or other maltreatment;
3. Internal procedures for seeking assistance for a child who is at risk for sexual abuse, trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;
4. Techniques for reducing a child's risk of sexual abuse, trafficking, or other maltreatment; and
5. Information on community organizations that have relevant research-based programs and that are able to provide training or other education for district staff, students, and parents.

A district must maintain records that include the name of each staff member who participated in the training.

To the extent that resources are not yet available from TEA or the commissioner of education, districts shall implement the policies and trainings with existing or publicly available resources. The district may also work in conjunction with a community organization to provide the training at no cost to the district.

Education Code 38.0041(c)–(f); 19 TAC 61.1051(d)

Trauma-Informed Care

A district's efforts to increase awareness and implementation of trauma-informed care must include training to new and existing employees. [See BQ, FFBA] *Education Code 38.036(c)*

Student Discipline

Each principal or other appropriate administrator who oversees student discipline shall, at least once every three school years, attend professional development training regarding Education Code Chapter 37, Subchapter G. The professional development shall include training relating to the distinction between a discipline management technique used at the principal's discretion under Education Code 37.002(a) and the discretionary authority of a teacher to remove a disruptive student under Education Code 37.002(b) [see FOA].

The professional development training may be provided in coordination with an education service center through the use of distance learning methods, such as telecommunications networks, and using available TEA resources.

Education Code 37.0181

Test Administration Procedures

A district shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner. *19 TAC 101.3031(c)*

Cybersecurity Training

Employees identified by the district with access to a district computer system or database must complete a cybersecurity training program selected by the board. [See CQB] *Gov't Code 2054.5191(a-1)*

Special Programs Training

A teacher shall attend a Texas adolescent literacy academy under 19 Administrative Code 102.1101 if:

Texas Adolescent Literacy Academies

1. The teacher teaches at a campus that receives a rating that reflects unacceptable performance and that fails to meet the state system safeguard performance target in reading for one or more student groups; and
2. The teacher teaches in general education, special education, or English as a second language for students in grade 6, 7, or 8, and:
    a. The teacher is a certified, full-time English language arts and reading teacher who instructs English language arts and/or reading for at least 50 percent of the teacher's instructional duties; or
    b. The teacher is a certified, full-time content area teacher who instructs mathematics, science, and/or social studies for at least 50 percent of the teacher's instructional duties.

A teacher described above is required to complete the training not later than December 31 of the calendar year in which the rating that reflects unacceptable performance is assigned.

A teacher who is required to attend an academy is eligible for a teacher stipend upon completion of face-to-face training if funds have been appropriated and are available for that purpose. A teacher who completes online training is not eligible for a stipend.

The stipend shall not be considered in determining whether a district is paying the teacher the state minimum monthly salary [see DEA and DEAA].

Each school district with teachers required to attend and complete Texas adolescent reading academies must maintain records to verify teacher attendance and completion in accordance with the district's record retention policy.

Education Code 21.4551(c), (e); 19 TAC 102.1101

Teacher Literacy Achievement Academies

A district shall ensure that:

1. Not later than the 2021–22 school year, each classroom teacher in kindergarten or first, second, or third grade and each principal at a campus with kindergarten or first, second, or third grade has attended a teacher literacy achievement academy developed under Education Code 21.4552; and

2. Each classroom teacher and each principal initially employed in a grade level or at a campus described above for the 2021–22 school year or a subsequent school year has attended a teacher literacy achievement academy developed under Education Code 21.4552 before the teacher's or principal's first year of placement in that grade level or campus.

Education Code 28.0062(a)(2)

[See EHAB for kindergarten–grade 3 reading standards]

Gifted and Talented Education

A district shall ensure that:

1. Before assignment to the program for gifted students, teachers who provide instruction and services that are part of the program have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessment of student needs, and curriculum and instruction for gifted students.

2. Teachers without the required training who provide instruction and services that are part of the gifted/talented program complete the 30-hour training requirement within one semester.

3. Teachers who provide instruction and services that are part of a program for gifted students receive a minimum of six hours annually of professional development in gifted education.

4. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

19 TAC 89.2

Elective Bible Course

A teacher of an elective Bible course offered under Education Code 28.011 [see EMI] must hold a minimum of a High School Composite Certification in language arts, social studies, or history with, where practical, a minor in religious or biblical studies. The teacher must successfully complete the staff development training developed by the commissioner with respect to Bible elective courses. *Education Code 28.011(f)*

Automated External Defibrillators

A district shall annually make available to employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator (AED).

The instruction provided in the use of AEDs must meet guidelines for approved AED training under Health and Safety Code 779.002. Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, and any other employee specified by the commissioner, and each student who serves as an athletic trainer, must:

1. Participate in the instruction; and

2. Receive and maintain certification in the use of an AED from the American Heart Association, the American Red Cross, or a similar nationally recognized association.

Education Code 22.902

Extracurricular Activity Safety Training

The following persons must satisfactorily complete an extracurricular activity safety training program:

1. A coach or sponsor for an extracurricular athletic activity;

2. A trainer, unless the trainer has completed the educational requirements for licensure as a licensed athletic trainer set forth at 22 Administrative Code 871.7 and the continuing education requirements at 22 Administrative Code 871.12;

3. A physician who is employed by a district or who volunteers to assist with an extracurricular athletic activity, unless the physician attends a continuing medical education course that specifically addresses emergency medicine; and

4. A director responsible for a school marching band.

The training must be conducted by the University Interscholastic League (UIL) or by another organization as determined by the UIL.

Education Code 33.202(b), (e), (f); 19 TAC 76.1003

Records

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the public proof of compliance for each person employed by or volunteering for the district who is required to receive safety training.

A campus that is determined by a superintendent to be out of compliance with the safety training requirements shall be subject to the range of penalties determined by the UIL.

Education Code 33.206; 19 TAC 76.1003(e)

Steroids

A district shall require that each employee who serves as an athletic coach at or above the seventh grade level for an extracurricular athletic activity sponsored or sanctioned by the UIL complete:

1. The educational program developed by the UIL regarding the health effects of steroids; or

2. A comparable program developed by the district or a private entity with relevant expertise.

Education Code 33.091(c-1)

Concussions

At least once every two years, the following employees shall take a training course from an authorized provider in the subject matter of concussions:

1. A coach of an interscholastic athletic activity shall take a course approved by the UIL.

2. An athletic trainer who serves as a member of a district's concussion oversight team shall take a course approved by the Texas Department of Licensing and Regulation (TDLR) or a course approved for continuing education credit by the licensing authority for athletic trainers.

3. A school nurse or licensed health-care professional, other than an athletic trainer, who serves as a member of a district's concussion oversight team shall take a course approved by

the UIL, TDLR, or the appropriate licensing authority for the profession.

The employee must submit proof of timely completion of an approved course to the superintendent or designee. A school nurse or licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity. [See FM]

Education Code 38.158

Seizure Recognition and Related First Aid

A school nurse employed by a district must complete a TEA-approved online course of instruction for school nurses regarding managing students with seizure disorders that includes information about seizure recognition and related first aid.

A district employee, other than a school nurse, whose duties at the school include regular contact with students must complete a TEA-approved online course of instruction for school personnel regarding awareness of students with seizure disorders that includes information about seizure recognition and related first aid.

Education Code 38.033(a), (b)

[See FFAF for information about a seizure management and treatment plan.]

Principal

Qualifications

A board, by local policy, shall adopt qualifications for principals. *Education Code 11.202(c)*

Certification

State Board for Educator Certification (SBEC) rules establish the requirements for receiving a principal certificate and for first-time principals in Texas. *19 TAC Ch. 241*

Duties

The principal shall be the instructional leader of the school and shall be provided with adequate training and personnel assistance to assume that role. *Education Code 11.202(a)*

A principal shall:

1. Approve all teacher and staff appointments for the campus. [See DK]
2. Set specific education objectives for the campus, through the planning process.
3. Develop budgets for the campus.
4. Assume administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline at the campus.
5. Assign, evaluate, and promote all personnel assigned to the campus.
6. Recommend to the superintendent the termination, suspension, or nonrenewal of an employee assigned to the campus.
7. Perform any other duties assigned by the superintendent pursuant to board policy.
8. Regularly consult with the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. [See BQ series]
9. Each school year, with the assistance of the campus-level committee, develop, review, and revise the campus improvement plan. [See BQ]
10. (For high school principals only) Serve, or appoint someone to serve, as deputy registrar for the county in which the school is located. *Election Code 13.046*

Education Code 11.202(b), .253(c), (h) [See also DMA]

Principal's Report to Superintendent

A principal must notify the superintendent not later than the seventh business day after the date:

Educators

1. Of an educator's termination of employment or resignation following an alleged incident of misconduct under Education Code 21.006(b); or

2. The principal knew about an educator's criminal record under Education Code 21.006(b)(1).

Education Code 21.006(b-2); 19 TAC 249.14(e) [See Required Reports at DHB(LEGAL)]

Noncertified Employees

A principal must notify the superintendent not later than the seventh business day after the date of a noncertified employee's termination or resignation following allegations that the employee:

1. Abused or otherwise committed an unlawful act with a student or minor; or

2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

Education Code 22.093(e) [See Principal Notification at DHC(LEGAL)]

Sanctions and Administrative Penalty

SBEC determines whether to impose sanctions, including an administrative penalty, against a principal who fails to provide notification to a superintendent. *Education Code 21.006(f), 22.093(i); 19 TAC 249.14(e), (h)*

If a principal is required to notify a superintendent about an educator's criminal record or alleged incident of misconduct and fails to provide the notice by the required date, SBEC may impose an administrative penalty of not less than $500 and not more than $10,000. SBEC may not renew the certification of an educator against whom an administrative penalty is imposed until the penalty is paid. *Education Code 21.006 (i)*

Criminal Offense

A principal required to notify a superintendent about an employee's criminal record or alleged incident of misconduct commits a state jail felony if the principal fails to provide the notice by the required date with intent to conceal an educator's criminal record or alleged incident of misconduct. *Education Code 21.006(j), 22.093(k)*

School Nurse

Minimum Salary Schedule

For purposes of the minimum salary schedule, a school nurse is an educator employed to provide full-time nursing and health-care services and who meets all the requirements to practice as a registered nurse (RN) pursuant to the Nursing Practice Act and the rules and regulations relating to professional nurse education, licensure, and practice and has been issued a license to practice professional nursing in Texas. *19 TAC 153.1022(a)(1)(D)*

Licensed Vocational Nurse

The practice of vocational nursing must be performed under the supervision of an RN, physician, physician assistant, podiatrist, or dentist. *Occupations Code 301.353*

Supervision is the process of directing, guiding, and influencing the outcome of an individual's performance of an activity. *22 TAC 217.11(2)*

Nursing Peer Review Committee

"Nursing peer review committee" includes a committee established under the authority of the governing body of a political subdivision for the purpose of conducting peer review.

A person shall establish a nursing peer review committee to conduct nursing peer review under Occupations Code Chapter 303 and Chapter 301:

1. For vocational nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses; and
2. For professional nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses, at least four of whom are RNs.

A person required to establish a nursing peer review committee under this section may contract with another entity to conduct peer review for the person.

Occupations Code 303.001(4), .0015

Note: Education Code 33.002 regarding certified school counselors applies only to school districts that apply for, receive, and allocate funds under Education Code 33.002(a).

Certified School Counselor

A district with 500 or more students enrolled in elementary school grades shall employ a certified school counselor for each elementary school and at least one school counselor for each 500 elementary school students [see DBA].

A district with fewer than 500 students enrolled in elementary school grades shall provide guidance and counseling services to elementary school students by any of the following methods:

1. Employing a part-time certified school counselor.
2. Employing a part-time teacher who is also certified as a school counselor.
3. Entering into a shared services agreement with one or more other districts to share a certified school counselor.

Education Code 33.002

Note: Education Code 33.006 applies to all districts that employ school counselors.

School Counselor Duties

The primary responsibility of a school counselor is to counsel students to fully develop each student's academic, career, personal, and social abilities. In addition, a school counselor shall:

1. Participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students who are:
    a. At risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide;
    b. In need of modified instructional strategies; or
    c. Gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged;
2. Consult with students' parents or guardians and make referrals as appropriate in consultation with parents or guardians;
3. Consult with school staff, parents, and other community members to help them increase the effectiveness of students' education and promote student success;
4. Coordinate people and resources in the school, home, and community;
5. With the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans;
6. Deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum; and
7. Serve as an impartial, non-reporting resource for interpersonal conflicts and discord involving two or more students, including accusations of bullying under Education Code 37.0832.

Nothing in item 7, above, exempts a school counselor from any mandatory reporting requirements imposed by other provisions of law.

Education Code 33.006

Nonphysician Mental Health Professional

A school district may employ or contract with one or more nonphysician mental health professionals.

In this section, "nonphysician mental health professional" means:

1. A psychologist licensed to practice in this state and designated as a health-service provider;
2. An RN with a master's or doctoral degree in psychiatric nursing;
3. A licensed clinical social worker;
4. A professional counselor licensed to practice in this state; or
5. A marriage and family therapist licensed to practice in this state.

Education Code 38.0101

Note: For information about mental health treatment, including counseling, see FFEA.

School Psychological Services

The Texas State Board of Examiners of Psychologists (TSBEP) has authority over the delivery of school psychological services in public schools. Recognizing the purview of the State Board of Education (SBOE) and Texas Education Agency (TEA) in safeguarding the rights of school children in Texas, the TSBEP adopts and enforces rules that reflect the occupational distinctions between the delivery of school psychological services in public schools and psychological services in the private sector. *22 TAC 465.38(a)*

Licensed Specialist in School Psychology (LSSP)

Licensed specialist in school psychology (LSSP) means a person who holds a license to engage in the practice of psychology under Occupations Code 501.260. *Occupations Code 501.002(s)*

School psychological services may be provided in Texas public schools only by an LSSP or other individual authorized by TSBEP in accordance with TSBEP rules. *22 TAC 465.38(e), 463.8, .9(g), .10, .11*

Scope of Practice

An LSSP is trained to address psychological and behavioral problems manifested in and associated with educational systems by utilizing psychological concepts and methods in programs or actions that attempt to improve the learning, adjustment and behavior of students. These activities include, but are not limited to:

1. Addressing special education eligibility;
2. Conducting manifestation determinations;

3. Assisting with the development and implementation of individual educational programs (IEPs);
4. Conducting behavioral assessments; and
5. Designing and implementing behavioral interventions and supports.

The assessment of emotional or behavioral disturbance, solely for educational purposes, using psychological techniques and procedures is considered the practice of school psychology.

An LSSP may not provide psychological services in any context or capacity outside of a public or private school.

Standards

The delivery of school psychological services in Texas public schools shall be consistent with nationally recognized standards for the practice of school psychology.

Occupations Code 501.260(c); 22 TAC 465.38(b), (c)

Notice of Assignment or Subcontract

An LSSP who contracts with a school to provide school psychological services must notify the school of any intent or plan to subcontract or assign those services to another provider prior to entering into the agreement. An LSSP shall be responsible for ensuring the school psychological services delivered comply with TSBEP standards. *22 TAC 465.38 (e)*

Compliance with Applicable Education Laws

LSSPs shall comply with all applicable state and federal laws affecting the practice of school psychology, including, but not limited to:

1. Texas Education Code;
2. Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g;
3. Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400 et seq.;
4. Texas Public Information Act, Texas Government Code, Chapter 552;
5. Section 504 of the Rehabilitation Act of 1973;
6. Americans with Disabilities Act (ADA) 42 U.S.C. 12101;

22 TAC 465.38 (f)

Career and Technology Education

A board may contract with another public school district, public or private post-secondary institution, or trade or technical school that is regulated by the state, as designated in the state plan for career and technology education, to provide career and technology classes for district students. *Education Code 29.184(a)* [See EHBF]

In addition, a board may develop and offer a program that provides a rigorous course of study consistent with the required curriculum and under which a student may receive specific education in a career and technology profession. *Education Code 29.187* [See also CRB and EHBF]

Students with Disabilities

A district may contract with a public or private facility, institution, or agency inside or outside of Texas for the provision of services to students with disabilities. *Education Code 29.008(a)* [See EHBA]

Educational Services

A board may contract with a public or private entity for that entity to provide educational services for the district. *Education Code 11.157*

Pre-K Licensing Standards

If a district contracts with a private entity to operate a prekindergarten program, the program shall comply at a minimum with the applicable child-care licensing standards adopted by the Texas Department of Family and Protective Services under Human Resources Code 42.042. *Education Code 29.1532(b)*

Driver Training Schools

A district school may enter into an agreement with a driver training school licensed under Education Code Chapter 1001 to allow the driver training school to conduct a driver training course at the public school for public school students. *Education Code 29.902(c)(2), 1001.353*

Military Instruction

Junior Reserve Officers' Training Corps (JROTC)

The secretary of each military department shall establish and maintain a Junior Reserve Officers' Training Corps, organized into units, at public and private secondary educational institutions which apply for a unit and meet the standards and criteria prescribed pursuant to 10 U.S.C. 2031.

Each public secondary educational institution that maintains a unit under this section shall permit membership in the unit to home-schooled students residing in the area served by the institution who are qualified for membership in the unit (but for lack of enrollment in the institution). A student who is a member of a unit pursuant to this subsection shall count toward the satisfaction by the institution concerned of the requirement relating to the minimum number of student members in the unit necessary for the continuing maintenance of the unit.

10 U.S.C. 2031(a)(1), (g)

Note: The provision below applies only to those districts in which military instruction is conducted under state or federal law requiring a district to give bond or otherwise indemnify this state, the United States, or any authorized agency for the care, safekeeping, and return of property furnished.

A board may contract with the proper governmental agency with respect to the teaching of courses in military training, and it may execute, as principal or surety, a bond to secure the contracts to procure arms, ammunition, animals, uniforms, equipment, supplies, means of transportation, or other needed property. *Education Code 29.901*

Purpose

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

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

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

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

Required Curriculum

Foundation Curriculum

A district that offers kindergarten through grade 12 shall offer a foundation curriculum that includes:

1. English language arts and reading;
2. Mathematics;
3. Science; and
4. Social studies, consisting of Texas, United States, and world history; government; geography; and economics with emphasis on the free enterprise system and its benefits.

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

Enrichment Curriculum

A district that offers kindergarten through grade 12 shall offer an enrichment curriculum that includes:

1. Languages other than English, to the extent possible. American Sign Language is a language for these purposes and the district may offer an elective course in the language;
2. Health, with emphasis on:
    a. Physical health, including the importance of proper nutrition and exercise;

b. Mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and

c. Suicide prevention, including recognizing suicide-related risk factors and warning signs;

3. Physical education;

4. Fine Arts;

5. Career and technical education;

6. Technology applications;

7. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and

8. Personal financial literacy.

Education Code 28.002(a)(2), (e); 19 TAC 74.1(a)(2)

Digital Citizenship

The State Board of Education by rule shall require each district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying.

"Cyberbullying" has the meaning assigned by Education Code 37.0832. [See FFI]

"Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

Education Code 28.002(z)

Local Credit

A district may offer courses for local credit, at its discretion, in addition to those in the required curriculum, but it may not delete or omit instruction in the foundation and enrichment curricula specified above. *Education Code 28.002(f); 19 TAC 74.1(b)*

Local Instructional Plan

A district's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. A district is encouraged to exceed minimum requirements of law and State Board rule.

Major Curriculum Initiatives

Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:

1. Includes teacher input;
2. Provides district employees with the opportunity to express opinions regarding the initiative; and
3. Includes a meeting of the board at which information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and members of the public and district employees are given the opportunity to comment regarding the initiative.

Education Code 28.002(g)

Common Core State Standards

A district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels. A district may not be required to offer any aspect of a common core state standards curriculum. "Common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative. *Education Code 28.002(b-1), (b-3), (b-4)*

Scope and Sequence

In adopting a recommended or designated scope and sequence for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level, a district shall ensure sufficient time is provided for teachers to teach and students to learn the essential knowledge and skills for that subject and grade level [see DG]. *Education Code 28.0027(a)*

Coordinated Health Programs

TEA shall make available to each district one or more coordinated health programs in elementary, middle, and junior high school. Each program must provide for coordinating education and services related to:

1. Physical health education, including programs designed to prevent obesity, cardiovascular disease, oral diseases, and Type 2 diabetes and programs designed to promote the role of proper nutrition;
2. Mental health education, including education about mental health conditions, mental health well-being, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse education, including education about alcohol abuse, prescription drug abuse, and abuse of other controlled substances;
4. Physical education and physical activity; and
5. Parental involvement.

Education Code 38.013; 19 TAC 102.1031(a)

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

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

Physical Education

Each district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. The physical education curriculum must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life.

A physical education course shall:

1. Offer students an opportunity to choose among many types of physical activity in which to participate;
2. Offer students both cooperative and competitive games; and
3. Be an enjoyable experience for students.

On a weekly basis, at least 50 percent of a physical education class shall be used for actual student physical activity and the activity shall be, to the extent practicable, at a moderate or vigorous level.

Student/Teacher Ratio

The objectives and goals shall include, to the extent practicable, student/teacher ratios [see EEB] that are small enough to enable the district to:

1. Carry out the purposes of and requirements for the physical education curriculum; and
2. Ensure the safety of students participating in physical education.

If a district establishes a student to teacher ratio greater than 45 to 1 in a physical education class, the district shall specifically identify the manner in which the safety of the students will be maintained.

Education Code 25.114, 28.002(d); 19 TAC 74.37

Classification for Physical Education

A district shall classify students for physical education on the basis of health into one of the following categories:

1. Unrestricted—not limited in activities.
2. Restricted—excludes the more vigorous activities. Restricted classification is of two types:
    a. Permanent—A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the impairment and the expectations for physical activity for the student.
    b. Temporary—Students may be restricted from physical activity of the physical education class. A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the temporary impairment and the expected amount of time for recovery. During recovery time, the student shall continue to learn the concepts of the lessons but shall not actively participate in the skill demonstration.
3. Adapted and remedial—specific activities prescribed or prohibited for students as directed by a member of the healing arts licensed to practice in Texas.

19 TAC 74.31

School Health Advisory Council

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

Duties

The SHAC's duties include recommending:

1. The number of hours of instruction to be provided in:
    a. Health education in kindergarten through grade 8; and
    b. If the district requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12.
2. Policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:

a. Health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education;

b. Physical education and physical activity;

c. Nutrition services;

d. Parental involvement;

e. Instruction on substance abuse prevention;

f. School health services, including mental health services;

g. A comprehensive school counseling program under Education Code 33.005 [see FFEA];

h. A safe and healthy school environment; and

i. School employee wellness;

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

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

a. School health services, including physical health services and mental health services, if provided at a campus by the district or by a third party under a contract with the district;

b. A comprehensive school counseling program under Education Code 33.005 [see FFEA];

c. A safe and healthy school environment; and

d. School employee wellness;

5. If feasible, joint use agreements or strategies for collaboration between the district and community organizations or agencies. Any agreement entered into based on a recommendation of the SHAC must address liability for the district and community organization;

6. Appropriate grade levels and curriculum for instruction regarding opioid addiction and abuse and methods for administering an opioid antagonist; and

7. Strategies to increase parental awareness regarding:

a. Risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and

b. Available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.

Education Code 28.004(c), (n)

Policy Recommendations

The SHAC shall consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students. The SHAC must consider research regarding unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The SHAC shall ensure that local community values are reflected in any policy recommendation made to the district concerning the importance of daily recess for elementary school students. *Education Code 28.004(l)*

The SHAC shall make policy recommendations to the district to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services. *Education Code 28.004(o)*

Content of Human Sexuality Instruction

The board shall determine the specific content of a district's instruction in human sexuality. *Education Code 28.004(h)*

The board shall select any instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) with the advice of the SHAC. The instruction must:

1. Present abstinence as the preferred choice of behavior for unmarried persons of school age;

2. Devote more attention to abstinence than to any other behavior;

3. Emphasize that abstinence is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with HIV or AIDS, and the emotional trauma associated with adolescent sexual activity;

4. Direct adolescents to a standard of behavior in which abstinence before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with HIV or AIDS; and

5. Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in the curriculum.

Education Code 28.004(e)

Condoms

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

Separate Classes

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

Notice to Parents

Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

1. A summary of the basic content of the district's human sexuality instruction to be provided to the student, including a statement informing the parent of the instructional requirements under state law;

2. A statement of the parent's right to:

   a. Review curriculum materials as provided by Education Code 28.004(j); and

   b. Remove the student from any part of that instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and

3. Information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the SHAC.

A parent may use the grievance procedure at FNG concerning a complaint of a violation of notice requirements.

Education Code 28.004(i)–(i-1)

Availability of Materials

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

Character Education

A district must adopt a character education program that includes the following positive character education traits:

1. Courage;
2. Trustworthiness, including honesty, reliability, punctuality, and loyalty;
3. Integrity;
4. Respect and courtesy;
5. Responsibility, including accountability, diligence, perseverance, and self-control;
6. Fairness, including justice and freedom from prejudice;
7. Caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity;
8. Good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law;
9. School pride; and
10. Gratitude.

In developing or selecting a character education program under Education Code 29.906, a district shall consult with a committee selected by the district that consists of parents of district students, educators, and other members of the community, including community leaders.

The provisions above do not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.

Education Code 29.906

Parental Notice of Assistance for Learning Difficulties

Each school year, a district shall notify a parent of each child, other than a child enrolled in a special education program under Education Code Chapter 29, Subchapter A, who receives assistance from the district for learning difficulties, including through the use of intervention strategies that the district provides that assistance to the child. The notice must:

1. Be provided when the child begins to receive the assistance for that school year;
2. Be written in English or, to the extent practicable, the parent's native language; and
3. Include:
    a. A reasonable description of the assistance that may be provided to the child, including any intervention strategies that may be used;
    b. Information collected regarding any intervention in the base tier of a multi-tiered system of supports that has previously been used with the child;
    c. An estimate of the duration for which the assistance, including through the use of intervention strategies, will be provided;
    d. The estimated time frames within which a report on the child's progress with the assistance, including any intervention strategies used, will be provided to the parent; and
    e. A copy of the explanation provided under Education Code 26.0081(c). [See FB]

This required notice may be provided to a child's parent at a meeting of the team established for the child under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), if applicable.

Education Code 26.0081(d)–(e)

"Intervention strategy" means a strategy in a multi-tiered system of supports that is above the level of intervention generally used in that system with all children. The term includes response to intervention and other early intervening strategies. *Education Code 26.004(a)*

Dyslexia and Related Disorders

Districts shall provide each student with dyslexia or a related disorder access to each program under which the student qualifies for services. A board must ensure that procedures for identifying a stu-

dent with dyslexia or a related disorder and for providing appropriate, evidence-based instructional services to students are implemented in the district.

District procedures must be implemented according to the State Board of Education (SBOE) approved strategies for screening, individualized evaluation, and techniques for treating dyslexia and related disorders. The strategies and techniques are described in the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders* available on TEA's Dyslexia webpage.[1] Districts shall provide a copy or a link to the electronic version of the *Dyslexia Handbook* to parents of children suspected to have dyslexia or a related disorder.

Districts will be subject to monitoring for compliance with federal law and regulations in connection with 19 Administrative Code 74.28.

19 TAC 74.28(a)–(c), (l)–(m)

Compliance Monitoring

Districts will be subject to monitoring for compliance with federal law and regulations in connection with 19 Administrative Code 74.28. Districts will be subject to auditing and monitoring for compliance with state dyslexia laws in accordance with administrative rules adopted by the commissioner of education as required by Education Code 38.003(c-1). *19 TAC 74.28(n)*

Screening, Testing, and Identification

Students enrolling in public schools in Texas shall be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. The program must include screening at the end of the school year of each student in kindergarten and each student in the first grade. *Education Code 38.003(a)*

A process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available, as outlined in the *Dyslexia Handbook*. A district may not use early intervention strategies, including multi-tiered systems of support, to delay or deny the provision of a full and individual evaluation to a child suspected of having a specific learning disability, including dyslexia or a related disorder.

Screening, as described in the *Dyslexia Handbook*, and further evaluation should only be conducted by individuals who are trained in valid, evidence-based assessments and who are trained to appropriately evaluate students for dyslexia and related disorders.

19 TAC 74.28(d), (j)

Parent Notification

At least five school days before any identification or evaluation procedure is used selectively with an individual student, a district must provide written notification of the proposed identification or evaluation to the student's parent or guardian or another person standing in parental relation to the student. The notice must be in English, or to the extent practicable, the individual's native language and must include the following:

1. A reasonable description of the evaluation procedure to be used with the individual student;
2. Information related to any instructional intervention or strategy used to assist the student prior to evaluation;
3. An estimated time frame within which the evaluation will be completed; and
4. Specific contact information for the campus point of contact, relevant parent training and information projects, and any other appropriate parent resources.

IDEA Notice

Before a full individual and initial evaluation is conducted to determine whether a student has a disability under the Individuals with Disabilities Education Act (IDEA), a district must notify the student's parent or guardian or another person standing in parental relation to the student of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503, provide all the information required in the above notice, and provide an opportunity for written consent for the evaluation. The district must also provide a copy of the IDEA procedural safeguards notice required under 34 C.F.R. 300.504 and a copy of Section 504 information required under Education Code 26.0081. [See EHBAE and FB]

Options and Services

Parents or guardians of a student with dyslexia or a related disorder must be informed of all services and options available to the student, including general education interventions under response to intervention and multi-tiered systems of support models as required by Education Code 26.0081(d), and options under federal law, including IDEA, and the Rehabilitation Act, Section 504.

19 TAC 74.28(f)–(h)

Parent Education

A district shall provide a parent education program for parents and guardians of students with dyslexia and related disorders. This program must include:

1. Awareness and characteristics of dyslexia and related disorders;

2. Information on testing and diagnosis of dyslexia and related disorders;

3. Information on effective strategies for teaching students with dyslexia and related disorders;

4. Information on qualifications of those delivering services to students with dyslexia and related disorders;

5. Awareness of information on accommodations and modifications, especially those allowed for standardized testing;

6. Information on eligibility, evaluation requests, and services available under IDEA and Section 504 and information on the response to intervention process; and

7. Contact information for the relevant regional and/or district specialists.

Education Code 38.003; 19 TAC 74.28(l)

Treatment

Each school must provide each identified student access at his or her campus to instructional programs required at Reading Program, below, and to the services of a teacher trained in dyslexia and related disorders. A district may, with the approval of each student's parents or guardians, offer additional services at a centralized location, but centralized services shall not preclude each student from receiving services at his or her campus. *19 TAC 74.28(i)*

Reading Program

A district shall purchase a reading program or develop its own reading program that is aligned with the descriptors in the *Dyslexia Handbook*.

Teachers who screen and treat these students must be trained in instructional strategies that use individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in the *Dyslexia Handbook*. The professional development activities specified by the district- and/or campus-level committees shall include these instructional strategies.

19 TAC 74.28(e)

Reassessment

Unless otherwise provided by law, a student determined to have dyslexia during screening or testing or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous screening or testing of the student. *Education Code 38.003(b-1)*

Audiobook Program Notification

A district shall notify the parent or guardian of each student determined, on the basis of a dyslexia or related disorder screening or

other basis, to have dyslexia or a related disorder, or determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties of the program maintained by the Texas State Library and Archives Commission providing students with reading disabilities the ability to borrow audiobooks free of charge. The notification shall be done in accordance with the program developed by the commissioner. *Education Code 28.006(g-2)*

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[1] TEA Dyslexia webpage: https://tea.texas.gov/academics/dyslexia/

Note: The policies in the EHBA series are statements of principles governing special education programs for Texas school districts. In no way are these policies intended to cover the entire scope and detail involved in administering any special education program.

Nondiscrimination

No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any district service, program, or activity. *42 U.S.C. 12132; 29 U.S.C. 794(a); 34 C.F.R. 104.4(a)* [See also FB]

Free Appropriate Public Education (FAPE)

Eligible students with disabilities shall enjoy the right to a free appropriate public education, which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. Instruction shall be supplemented by the provision of related services when appropriate. *Education Code 29.003(a)*

"Free appropriate public education" (FAPE) means special education and related services that:

1. Have been provided at public expense, under public supervision and direction, and without charge;
2. Meet standards set out by the Texas Education Agency (TEA);
3. Include an appropriate preschool, elementary school, or secondary school education; and
4. Are provided in conformity with the student's individualized education program (IEP).

20 U.S.C. 1401(9); 34 C.F.R. 300.13, .17, .36

Least Restrictive Environment

A district shall ensure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. *20 U.S.C. 1412(a)(5); 34 C.F.R. 300.114(a)(2)*

Discipline

All disciplinary actions regarding students with disabilities shall be in accordance with federal requirements, Education Code Chapter

37, and 19 Administrative Code 89.1053. *19 TAC 89.1050(k)* [See FOF]

Instructional Arrangements and Settings

Instructional arrangements/settings shall be based on the individual needs and IEPs of eligible students receiving special education services and shall include the following:

1. Mainstream: providing services in a regular classroom;
2. Homebound: providing services at home or hospital bedside;
3. Hospital class: providing services in a classroom, hospital facility, or residential care and treatment facility not operated by a district;
4. Speech therapy: providing speech therapy services in a regular education classroom or other setting;
5. Resource room/services: providing services in a setting other than the regular classroom for less than 50 percent of the regular school day;
6. Self-contained (mild, moderate, or severe) regular campus: providing services to a student who is in a self-contained program for 50 percent or more of the regular school day on a regular school campus;
7. Off-home campus: providing services to nondistrict students in a single location, through district personnel at a nondistrict facility, or at a district campus that provides only special education and related services;
8. Nonpublic day school: providing services through a contractual agreement with a nonpublic school for special education;
9. Vocational adjustment class/program: providing services to a student who is placed on a job (paid or unpaid) with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP;
10. Residential care and treatment facility (not district resident): providing services to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of the district; or
11. State supported living center: providing services to a student who resides at a state supported living center when the services are provided at the state supported living center location.

Other Program Options

Other program options that may be considered for the delivery of special education and related services to a student include contracts with other districts and programs approved by TEA.

19 TAC 89.63(c), (f)

Related Services

Definition

"Related services" means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education, including the early identification and assessment of disabling conditions in children.

The term includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive FAPE as described in the child's IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that medical services shall be for diagnostic and evaluation purposes only.

The term does not include a medical device that is surgically implanted, the optimization of the device's functioning, or the replacement of such device.

20 U.S.C. 1401(26); 34 C.F.R. 300.34

Extended School Year Services

Extended school year (ESY) services are defined as individualized instructional programs beyond the regular school year for eligible students with disabilities.

A district shall ensure that ESY services are available as necessary to provide a student with a disability with FAPE.

ESY services must be provided only if the admission, review, and dismissal (ARD) committee determines, on an individual basis, that the services are necessary for FAPE. A district may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services.

34 C.F.R. 300.106; 19 TAC 89.1065

Off-Campus Program

An off-campus program includes special education and related services provided during school hours in a facility other than a school district campus.

Program Provider

An off-campus program provider is an entity that provides the services identified above and includes:

1. A county system operating under application of former law as provided in Education Code 11.301;
2. A regional education service center established under Education Code, Chapter 8;
3. A nonpublic day school; or
4. Any other public or private entity with which a school district enters into a contract under Education Code 11.157, for the provision of special education services in a facility other than a district campus operated by a district.

19 TAC 89.1094(a)(2)–(3)

Program Placement

A district may contract with an off-campus program provider to provide some or all of the special education and related services to a student in accordance with the requirements in 19 Administrative Code 89.1094.

Before the district places a student with a disability in, or refers a student to, an off-campus program, the district shall initiate and conduct:

1. An onsite review to ensure that the off-campus program is appropriate for meeting the student's educational needs; and
2. A meeting of the student's ARD committee to develop an IEP for the student in accordance with 34 C.F.R. 300.320–.325, state statutes, and commissioner of education rules in 19 Administrative Code Chapter 89 (Commissioner's Rules Concerning Special Education Services).

The appropriateness of the off-campus program for each student placed shall be documented in the IEP annually. The student's ARD committee may only recommend an off-campus program placement for a student if the committee determines that the nature and severity of the student's disability and special education needs are such that the student cannot be satisfactorily educated in the district. The district must follow the requirements of 19 Administrative Code 89.1094(b)(3)(A)–(C), regarding the review of the placement of the off-campus program for each student.

The placement of more than one student in the same off-campus program facility may be considered in the same on-site visit to a facility. However, the IEP of each student must be individually reviewed, and a determination of appropriateness of placement and services must be made for each student.

19 TAC 89.1094(b)

Notification and Review	Within 30 calendar days from an ARD committee's decision to place a student in an off-campus program, a district must electronically submit to TEA notice of, and information regarding, the placement in accordance with submission procedures specified by TEA. If the off-campus program is on the commissioner's list of approved off-campus programs, TEA will review the student's IEP and placement as required by 34 C.F.R. 300.120, and, in the case of a placement in or referral to a private school or facility, 34 C.F.R. 300.146. After review, TEA will notify the district whether federal or state funds for the off-campus program placement are approved. If TEA does not approve the use of funds, it will notify the district of the basis for the non-approval. If the off-campus program is not on the commissioner's list of approved off-campus programs, TEA will begin the approval procedures described below. Districts must ensure there is no delay in implementing a child's IEP in accordance with 34 C.F.R. 300.103(c). If an off-campus program placement is ordered by a special education hearing officer or court of competent jurisdiction, the district must notify TEA of the order within 30 calendar days. The off-campus program serving the student is not required to go through the approval procedures described in 19 Administrative Code 89.1094 for the ordered placement. If, however, the district or other districts intend to place other students in the off-campus program, the off-campus program will be required to go through the approval procedures to be included on the commissioner's list of approved off-campus programs. *19 TAC 89.1094(c)*
Approval	Off-campus programs must have their educational programs approved for contracting purposes by the commissioner in accordance with 19 Administrative Code 89.1094(d).
Funding Procedures	The cost of off-campus program placements will be funded according to Education Code 42.151 (Special Education) and 19 Administrative Code 89.63(e) (Instructional Arrangements and Settings).
Contracts	Contracts between districts and approved off-campus programs must not exceed a district's fiscal year and shall not begin prior to July 1 of the contracted fiscal year. Amendments to a contract must be electronically submitted to TEA in accordance with submission procedures specified by TEA no later than 30 calendar days from the change in placement or services within the school district's fiscal year. *19 TAC 89.1094(e)(1)–(2)*

Change of Residence	If a student who is placed in an off-campus program by a district changes his or her residence to another Texas district during the school year, the district must notify TEA within ten calendar days of the date on which the district ceased contracting with the off-campus program for the student's placement. The student's new district must meet the requirements of 34 C.F.R. 300.323(e), by providing comparable services to those described in the student's IEP from the previous district until the new district either adopts the student's IEP from the previous district or develops, adopts, and implements a new IEP. The new district must comply with all procedures described in 19 Administrative Code 89.1094 for continued or new off-campus program placement. *19 TAC 89.1094(e)(3)*

Admission, Review, and Dismissal Committee

A district shall establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation is conducted. The ARD committee shall be the individualized education program (IEP) team defined at 34 C.F.R. 300.321.

Responsibilities of ARD Committee

The responsibilities of the ARD committee and the district include:

1. Evaluation, reevaluation, and determination of eligibility for special education and related services;
2. Placement of students with disabilities including disciplinary changes in placement;
3. Development of the student's IEP;
4. Development and implementation of service plans for students who have been placed by their parents in private schools and who have been designated to receive special education and related services;
5. Compliance with the least restrictive environment standard;
6. Compliance with state requirements for reading diagnosis and state assessments;
7. Development of junior high or middle school personal graduation plans;
8. Development of accelerated instruction under Education Code 28.0211 and intensive programs of instruction under Education Code 28.0213 [see EHBC];
9. Evaluation, placement, and coordination of services for students who are deaf, hard of hearing, blind, or visually impaired; and
10. Determining eligibility for extracurricular activities, under Education Code 33.081.

19 TAC 89.1050(a); 34 C.F.R. 300.116(a), .321(a)

Committee Members

A district shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a student with a disability;
2. At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
3. At least one special education teacher or, if appropriate, at least one special education provider of the student;

4. A representative of the district who:

    a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;

    b. Is knowledgeable about the general education curriculum; and

    c. Is knowledgeable about the availability of resources of the district;

5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;

6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2–5;

7. The student, if appropriate;

8. For a student with an auditory impairment, including deaf-blindness, a teacher who is certified in the education of students with auditory impairments;

9. For a student with a visual impairment, including deaf-blindness, a teacher who is certified in the education of students with visual impairments;

10. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;

11. A representative of any participating agency likely to be responsible for providing transition services for a student, as appropriate, and with the consent of the student's parents or a student who has reached the age of majority; and

12. When considering initial or continued placement of a student in a career and technical education program, a representative from career and technical education, preferably the teacher.

20 U.S.C. 1414(d)(1)(B); 34 C.F.R. 300.321; 19 TAC 75.1023(d)(1), 89.1050(c)

A district member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the district agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A district member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the district consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

20 U.S.C. 1414(d)(1)(C); 34 C.F.R. 300.321(e)

Regular Education Teacher

If an ARD committee is required to include a regular education teacher, the regular education teacher must, to the extent practicable, be a teacher who is responsible for implementing a portion of the child's IEP. *Education Code 29.005(a)*

Parent Involvement

A district shall take steps to ensure that one or both parents of a student with a disability are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include the purpose, time, and location of the meeting, who will be in attendance, that persons with knowledge or special expertise may be invited by either the parent or the district, and that the Part C service coordinator or other representatives of the Part C system may be invited to the initial meeting for a child previously served under a Part C early childhood intervention program); and
2. Scheduling the meeting at a mutually agreed on time and place.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the district will invite the student, and identify any other agency that will be invited to send a representative.

34 C.F.R. 300.322(a)–(b); 19 TAC 89.1050(d)

Alternative Means of Meeting Participation

If neither parent can attend an ARD meeting, the district must allow other methods of participation, such as through telephone calls or video conferencing. *20 U.S.C. 1414(f); 34 C.F.R. 300.322(c); 19 TAC 89.1050(d)*

An ARD meeting may be conducted without a parent in attendance if a district is unable to convince the parents that they should attend, but the district shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 C.F.R. 300.322(d)*

Meetings

A district shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The committee shall review each child's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once a year.

A "meeting" does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A "meeting" also does not include preparatory activities that district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

20 U.S.C. 1414(d)(4); 34 C.F.R. 300.116(b)(1), .324(b), (c)(1), .501(b)(3)

Meeting at Parent's Request

Upon receipt of a written request for an ARD committee meeting from a parent, the school district must schedule and convene a meeting in accordance with the procedures in 19 Administrative Code 89.1050(d) or within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting. *19 TAC 89.1050(e)*

Written Notice

If a parent is unable to speak English, a district must provide the parent with a written notice regarding the ARD committee meeting required under 19 Administrative Code 89.1050(d) (notice for purposes of scheduling) or (e)(2) (notice explaining why the district refuses to convene a meeting) in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the school district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice. *19 TAC 89.1050(f)*

Transfer Students

In-State Transfers

When a student transfers to a new district within the state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 C.F.R. 300.323(e) regarding the provision of special education services. The time line for completing the requirements outlined in 34 C.F.R. 300.323(e)(1) or (2) is 30 school days from the date the student is verified as being a student eligible for special education services.

Transfers from Another State

When a student transfers from a district in another state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new district must meet the requirements of 34 C.F.R. 300.323(f) regarding the provision of special education services. If the new district determines that an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must be completed within the time lines established by 19 Administrative Code 89.1011(c) and (e). The time line for completing the requirements in 34 C.F.R. 300.323(f)(2), if appropriate, is 30 calendar days from the date of the completion of the evaluation report. If the school district determines that an evaluation is not necessary, the time line for completing the requirements outlined in 34 C.F.R. 300.323(f)(2) is 30 school days from the date the student is verified as being a student eligible for special education services.

19 TAC 89.1050(j)

Transfer of Records

The district in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous district.

The previous district shall take reasonable steps to promptly respond to the request from the new district and must furnish the new school district with a copy of the student's records, including the student's special education records, not later than the tenth working day after the date a request for the information is received by the previous school district.

20 U.S.C. 1414(d)(2)(C)(ii); 34 C.F.R. 300.323(g); 19 TAC 89.1050(j)(3)

Students Who Are Homeless or in Substitute Care

When a student who is homeless or in substitute care transfers into a district after being referred by a previous district for a special education evaluation, the receiving district must accept the referral and ensure that any written report of a full individual and initial evaluation must be completed in accordance with the timelines established in 19 Administrative Code 89.1011 (relating to Full Individual and Initial Evaluation).

When a student who is already eligible for special education and is homeless or in substitute care transfers into a district during the

school year, the receiving district must ensure that it meets the student transfer requirements of 19 Administrative Code 89.1050(j) (relating to the Admission, Review, and Dismissal Committee).

19 TAC 89.1615

Military Dependents

A district shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, C* [See FDD]

Individualized Education Program

A district shall develop, review, and revise an IEP for each child with a disability. *20 U.S.C. 1412(a)(4); 34 C.F.R. 300.320(a)*

At the beginning of each school year, a district shall have in effect, for each child with a disability in its jurisdiction, an IEP. *20 U.S.C. 1414(d)(2)(A); 34 C.F.R. 300.323(a)*

The term "individualized education program" means a written statement for each student with a disability that documents the decisions of the ARD committee with respect to issues discussed at each committee meeting and includes:

1. A statement of the student's present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the student's progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;
5. A statement of the program modifications or supports for school personnel that will be provided for the student;
6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate and allowable accommodations that are necessary to measure the academic

achievement and functional performance of the student on state or district-wide assessments;

9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;

10. If the ARD committee determines that a student is in need of extended school year (ESY) services, identification of the goals and objectives that will be addressed during ESY services;

11. Beginning not later than when a student reaches 14 years of age and updated annually thereafter, the ARD committee's consideration and decisions regarding the transition issues under 19 Administrative Code 89.1055(j) [see EHBAD];

12. Beginning not later than the first IEP to be in effect when the student is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate measurable postsecondary goals and transition services needed to assist the student in reaching those goals [see EHBAD];

13. Beginning not later than one year before the student reaches the age of 17, a statement that the student has been informed of the rights that will transfer to the student upon reaching the age of majority;

14. The date of the meeting;

15. The name, position, and signature of each member participating in the meeting; and

16. An indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee.

20 U.S.C. 1414(d); 34 C.F.R. 300.320; Education Code 29.005(b-1), .011; 19 TAC 89.1055

The written statement of a student's IEP may be required to include only information included in the model form developed by TEA under Education Code 29.0051(a) and posted on the TEA website. A district may use the model form to comply with the requirements for an IEP under 20 U.S.C. 1414(d). *Education Code 29.005(f), .0051*

Behavioral Intervention Plan

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan (BIP) is appropriate for a student for whom the committee has developed an IEP. If the committee makes that determination, the BIP shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student. *Education Code 29.005(g); 19 TAC 89.1055(g)*

Translation of IEP into Native Language

If the parent is unable to speak English and Spanish is the parent's native language, a district shall provide a written or audiotaped copy of the student's IEP translated into Spanish. If the parent's native language is other than Spanish or English, a district shall make a good faith effort to provide a written or audiotaped copy of the student's IEP translated into the parent's native language. *Education Code 29.005(d)*

A written copy of the student's IEP translated into Spanish or the parent's native language means that all of the text in the student's IEP in English is accurately translated into the target language in written form. The IEP translated into the target language must be a comparable rendition of the IEP in English and not a partial translation or summary of the IEP in English.

An audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the student's IEP in English is orally translated into the target language and recorded with an audio device. A district is not prohibited from providing the parent with an audio recording of an ARD committee meeting at which the parent was assisted by an interpreter as long as the audio recording provided to the parent contains an oral translation into the target language of all of the content in the student's IEP in English.

If a parent's native language is not a written language, the district must take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her native language or other mode of communication.

Under 34 C.F.R. 300.322(f), a district must give a parent a written copy of the student's IEP at no cost to the parent. A school district meets this requirement by providing a parent with a written copy of the student's IEP in English or by providing a parent with a written translation of the student's IEP in the parent's native language as provided above.

19 TAC 89.1050(i)

Autism/Pervasive Developmental Disorder

For students with autism/pervasive developmental disorders, the following strategies shall be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments;
6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders (ASD);
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;
8. Communication interventions, including language forms and functions that enhance effective communication across settings;
9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;
10. Professional educator/staff support; and
11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

If the ARD committee determines that services are not needed in one or more of the areas in 1–11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

19 TAC 89.1055(e)–(f)

Visual Impairment

If a district provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10) (staff access to resources). *19 TAC 89.1075(b)*

Collaborative Process

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions of the ARD committee concerning the required elements of the IEP shall be made by mutual agreement, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

Ten-Day Recess

When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed ten school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]

These requirements do not prohibit the ARD committee from recessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

Failure to Reach Agreement

If a recess is implemented and the ARD committee still cannot reach mutual agreement, a district shall implement the IEP it has determined to be appropriate for the student. Each member of the ARD committee who disagrees with the IEP developed by the ARD committee is entitled to include a statement of disagreement in the IEP.

If the IEP is not developed by agreement, the written statement of the program must include the basis of the disagreement. Each

member of the ARD committee who disagrees with the IEP developed by the committee is entitled to include a statement of disagreement in the written statement of the program.

Education Code 29.005(c); 19 TAC 89.1050(g)

Modification of Existing IEP

Changes to the IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

After the annual IEP meeting for a school year, the parent and district may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

To the extent possible, a district shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child.

20 U.S.C. 1414(d)(3)(D)–(F); 34 C.F.R. 300.324(a)(4)–(6)

Teacher Access to IEP

Each district must ensure that each teacher who provides instruction to a student with a disability has access to relevant sections of the student's current IEP, is informed of the teacher's specific responsibilities related to implementation of the IEP, and has an opportunity to request assistance regarding implementation of the student's IEP. *19 TAC 89.1075(c)*

Teacher Request to Review IEP

Each district shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting:

1. To request a review of the student's IEP;
2. To provide input in the development of the student's IEP;
3. That provides for a timely district response to the teacher's request; and
4. That provides for notification to the student's parent or legal guardian of that response.

Education Code 29.001(11); 19 TAC 89.1075(d)

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Note: The terms English language learner (ELL) and English learner are used interchangeably and are synonymous with the limited English proficiency (LEP) student as used in Education Code Chapter 29. *19 TAC 89.1203*

Title III Requirements

A district that receives funds under Title III of the Elementary and Secondary Education Act shall comply with the statutory requirements regarding English learners and immigrant students. *20 U.S.C. 6801–7014*

A district that receives funds under Title I or Title III to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform the parents of an English learner identified for participation in such a program of the information required by 20 U.S.C. 6312(e)(3). *20 U.S.C. 6312(e)(3)*

Definitions

“Certified English as a second language teacher” is synonymous with the term “professional transitional language educator” used in Education Code 29.063.

“Dual language immersion” means a state-approved bilingual program model in accordance with Education Code 29.066.

“English learner (EL)” is a student who is in the process of acquiring English and has another language as the primary or home language.

“Exit” refers to the point when a student is no longer classified as LEP/EL (i.e., the student is reclassified), no longer requires bilingual or ESL program services, and is classified as non-LEP/English proficient (EP) in the Texas Student Data System Public Education Information Management System. The term "exit" is synonymous with the description in Education Code, Chapter 29, of "transferring out" of bilingual or special language programming.

“Parent” includes the parent or legal guardian of the student in accordance with Education Code 29.052.

Education Code 29.052; 19 TAC 89.1203(2)–(3), (7)–(8), (13)

District Responsibility

Each district shall:

1. Identify English learners based on criteria established by the state;
2. Provide bilingual education and ESL programs as integral parts of the general program;

3. Seek appropriately certified teaching personnel to ensure that English learners are afforded full opportunity to master the essential knowledge and skills; and

4. Assess achievement for essential knowledge and skills in accordance with Education Code Chapter 29 to ensure accountability for English learners and the schools that serve them.

19 TAC 89.1201(a)

Identification of LEP Students

Within the first four weeks of the first day of school, the language proficiency assessment committee (LPAC) shall determine and report to the board the number of LEP students on each campus and shall classify each student according to the language in which the student possesses primary proficiency. A board shall report that information to TEA before November 1 each year. *Education Code 29.053(b)*

Language Proficiency Assessment Committees (LPAC)

Each district that is required to offer bilingual and special language programs shall, by local board policy, establish an LPAC. A district shall establish and operate a sufficient number of LPACs to enable them to discharge their duties within four weeks of the enrollment of English learners. A district shall have on file policy and procedures for the selection, appointment, and training of members of the LPAC.

Membership of LPAC

The LPAC shall include:

1. An appropriately certified bilingual educator (for students served through a bilingual education program);

2. An appropriately certified English as a second language (ESL) educator (for students served through an ESL program);

3. A parent of an English learner participating in a bilingual or ESL program; and

4. A campus administrator.

A district may add other trained members to the committee.

No parent serving on the LPAC shall be an employee of the school district.

All members of the LPAC, including parents, shall be acting for the district and shall observe all laws and rules governing confidentiality of information concerning individual students. A district shall be responsible for the orientation and training of all members, including the parents, of the LPAC.

Education Code 29.063(a), (b); 19 TAC 89.1220(a)–(f)

Duties

The LPAC shall have the duties set forth at Education Code 29.063(c) and 19 Administrative Code 89.1220(g)–(i), (k), including duties to review information, classify students, notify parents, and monitor student academic progress.

Home Language Survey

A district shall administer only one home language survey to each new student enrolling for the first time in a Texas public school in any grade from prekindergarten through grade 12. The district shall require that the survey be signed by the student's parent for each student in prekindergarten through grade 8, or by the student in grades 9 through 12.

It is the district's responsibility to ensure that the student's parent understands the language used in the survey and its implications. The original copy of the survey shall be kept in the student's permanent record.

The home language survey shall be provided in English, Spanish, and Vietnamese. For students of other language groups, the home language survey shall be translated into the primary language whenever possible.

The home language survey shall elicit one language answer to each of the following questions:

1. "What language is used in the child's home most of the time?"
2. "What language does the child use most of the time?"

If the response on the home language survey indicates that a language other than English is used, the student shall be tested in accordance with 19 Administrative Code 89.1226 (Testing and Classification of Students).

19 TAC 89.1215(a)–(c), .1226

LEP Classification

The LPAC may classify a student as LEP if:

1. The student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;
2. The student's score or relative degree of achievement on the TEA-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;
3. The student's primary language proficiency score as measured by a TEA-approved test is greater than the student's proficiency in English; or
4. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview,

that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

Education Code 29.056(c)

Parental Notice and Consent

Within ten days of the LPAC's classification of a student as LEP, the LPAC shall give written notice to the student's parent. *Education Code 29.056(d)*

The district shall notify the parent in English and in the parent's primary language that their child has been classified as an English learner and recommended for placement in the required bilingual education or ESL program. The district shall comply with the parent notification requirements described by 19 Administrative Code 89.1240(a).

The entry or placement of a student in the bilingual education or ESL program must be approved in writing by the student's parent in order to have the student included in the bilingual education allotment. The parent's approval shall be considered valid for the student's continued participation in the required bilingual education or ESL program until the student meets the reclassification criteria described in 19 Administrative Code 89.1226(i) (Testing and Classification of Students), the student graduates from high school, or a change occurs in program placement.

19 TAC 89.1240(a); Education Code 29.056(a)

Pending parental approval of an English learner's entry into a bilingual program recommended by the LPAC, a district shall place the student in the recommended program. Only English learners with parent approval who are receiving services will be included in the bilingual education allotment.

A district may place or exit a student in a program without written approval of the student's parent if:

1. The student is 18 years of age or has had the disabilities of minority removed;
2. The parent provides approval through a phone conversation or email that is documented in writing and retained; or
3. An adult who the district recognizes as standing in parental relation to the student provides written approval. This may include a foster parent or employee of a state or local governmental agency with temporary possession or control of the student.

19 TAC 89.1220(j), (m)

Participation of Non-LEP Students

With the approval of a district and a student's parents, a student who is not LEP may also participate in a bilingual education program. *Education Code 29.058*

The number of participating English proficient students shall not exceed 40 percent of the number of students enrolled in the program district-wide. *19 TAC 89.1233(c)*

Students with Disabilities

Districts shall implement assessment procedures that differentiate between language proficiency and disabling conditions in accordance with 19 Administrative Code Chapter 89, Subchapter AA. The district shall establish placement procedures that ensure that placement in a bilingual education or ESL program is not refused solely because the student has a disability. LPAC members shall meet in conjunction with admission, review, and dismissal (ARD) committee members to review and provide recommendations about the education needs of each English learner who qualifies for services in the special education program. [See EHBAB] *19 TAC 89.1230*

Bilingual and ESL Programs

Each district with an enrollment of 20 or more students of limited English proficiency in any language classification in the same grade level shall offer a bilingual education or special language program.

Each district that is required to offer bilingual education and special language programs under this section shall offer the following for students of limited English proficiency:

1. Bilingual education in kindergarten through the elementary grades;
2. Bilingual education, instruction in English as a second language, or other transitional language instruction approved by the agency in post-elementary grades through grade 8; and
3. Instruction in English as a second language in grades 9 through 12.

Education Code 29.053(c)–(d); 19 TAC 89.1205

The district shall provide an ESL program to all English learners for whom a district is not required to offer a bilingual education program, regardless of the students' grade levels and primary language, and regardless of the number of such students, except in cases where a district exercises the option to provide a bilingual education program that is not required by law [see below]. *19 TAC 89.1205(c)*

A district is authorized to establish a bilingual education program even if the district has fewer than 20 English learners in any language classification in the same grade level district-wide and are not required to do so under the law. A district is also authorized to establish bilingual education programs at grade levels at which the district is not required under the law to establish bilingual programs. If a district does operate such a program under this authorization, the district shall adhere to all program requirements in 19 Administrative Code 89.1210, .1227, .1228, and .1229. *19 TAC 89.1205(f)–(g)*

Exceptions and Waivers

A district shall comply with the requirements for bilingual education exceptions and ESL waivers under 19 Administrative Code 89.1207. *Education Code 29.054; 19 TAC 89.1207*

A district that is unable to employ a sufficient number of teachers, including part-time teachers, who meet the certification requirements for bilingual education and ESL program shall apply for an exception or waiver to the certification requirement on or before November 1. *19 TAC 89.1245(b)*

Program Design

A district that is required to offer a bilingual education or ESL program shall provide each English learner the opportunity to be enrolled in the required program at his or her grade level.

A district's bilingual education program shall comply with the program content and design requirements of 19 Administrative Code 89.1210. A district shall provide for ongoing coordination between the ESL program and the regular educational program.

19 TAC 89.1210

English learners shall participate with their English-speaking peers in general education classes provided in subjects such as art, music, and physical education. A district shall provide students enrolled in the program a meaningful opportunity to participate fully with other students in all extracurricular activities. Elective courses included in the curriculum may be taught in a language other than English. *Education Code 29.055, .057(b); 19 TAC 89.1210(f)*

Bilingual Education Program Models

The bilingual education program shall be implemented through at least one of the following program models:

1. Transitional bilingual/early exit;
2. Transitional bilingual/late exit;
3. Dual language immersion/one-way; or
4. Dual language immersion/two-way.

19 TAC 89.1210(c)

ESL Program Models

The ESL program shall be implemented through one of the following program models:

1. An ESL/content-based program model is an English acquisition program that serves students identified as English learners through English instruction by a teacher appropriately certified in ESL under Education Code 29.061(c), through English language arts and reading, mathematics, science, and social studies. The goal of content-based ESL is for English learners to attain full proficiency in English in order to participate equitably in school. This model targets English language development through academic content instruction that is linguistically and culturally responsive in English language arts and reading, mathematics, science, and social studies.

2. An ESL/pull-out program model is an English acquisition program that serves students identified as English learners through English instruction provided by an appropriately certified ESL teacher under Education Code 29.061(c), through English language arts and reading. The goal of ESL pull-out is for English learners to attain full proficiency in English in order to participate equitably in school. This model targets English language development through academic content instruction that is linguistically and culturally responsive in English language arts and reading. Instruction shall be provided by the ESL teacher in a pull-out or inclusionary delivery model.

19 TAC 89.1210(d)

Dual Language Immersion Program

A district may adopt a dual language immersion program (DLIP) for students enrolled in elementary school grades. *Education Code 28.005(c), .0051(c)*

Implementation

Program implementation shall:

1. Begin at prekindergarten or kindergarten, as applicable;

2. Continue without interruption incrementally through the elementary grades; and

3. Consider expansion to middle school and high school whenever possible.

19 TAC 89.1227(e)

Minimum Requirements

A DLIP shall:

1. Address all curriculum requirements specified at 19 Administrative Code Chapter 74, Subchapter A (Required Curriculum) to include foundation and enrichment areas, English language

proficiency standards, and college and career readiness standards.

2. Be a full-time program of academic instruction in English and another language.

3. Provide equitable resources in English and the additional program language whenever possible.

4. Provide a minimum of 50 percent of instructional time in the language other than English for the duration of the program.

5. Be developmentally appropriate and based on current best practices identified in research.

19 TAC 89.1227

Two-Way DLIP Enrollment

Student enrollment in a two-way DLIP is optional for English proficient students. The program shall fully disclose candidate selection criteria and ensure that access to the program is not based on race, creed, color, religious affiliation, age, or disability. A district must obtain written parental approval for English proficient students through a district-developed process.

A district implementing a two-way DLIP shall develop a policy on enrollment and continuation for students in the program. The policy must address:

1. Eligibility criteria;

2. Program purpose;

3. The district's commitment to providing equitable access to services for English learners.

4. Grade levels in which the program will be implemented;

5. Support of program goals as stated in 19 Administrative Code 89.1210 (Program Content and Design); and

6. Expectations for students and parents.

19 TAC 89.1228(c)

Two-Way DLIP State Assessment

A district implementing a two-way DLIP shall determine the appropriate assessment option for program participants as follows:

1. For English learners, the LPAC shall convene before the administration of the state criterion-referenced test each year to determine the appropriate assessment option for each English learner in accordance with 19 Administrative Code 89.1220(i) (Language Proficiency Assessment Committee).

2. For English proficient students, the appropriate assessment option for the administration of the state criterion-referenced test each year is determined through a district-developed process.

19 TAC 89.1228(e)

School District Recognition

A district may recognize one or more of its schools that implement an exceptional DLIP if the school meets all of the following criteria:

1. The school must meet the minimum requirements stated in 19 Administrative Code 89.1227.

2. The school must receive an acceptable performance rating in the state accountability system.

The school must not be identified for any stage of intervention for the district's bilingual and/or ESL program under the performance-based monitoring system.

Student Recognition

A student participating in a DLIP or any other state-approved bilingual or ESL program may be recognized by the program and the board by earning a performance acknowledgement in accordance with 19 Administrative Code 74.14. [See EIF]

19 TAC 89.1229

Facilities

Bilingual education and ESL programs shall be located in public schools of the district with equitable access to all educational resources rather than in separate facilities. A district may concentrate the programs at a limited number of facilities within the district. Recent immigrant English learners shall not remain enrolled in a newcomer center for longer than two years. *Education Code 29.057; 19 TAC 89.1235*

Cooperation Among Districts

A district may join with one or more other districts to provide the required bilingual education or special language programs. The availability of the programs shall be publicized throughout the districts involved.

A district may allow a nonresident LEP student to enroll in or attend its bilingual education or special language programs if the student's district of residence does not provide an appropriate program. The tuition for the student shall be paid by the district in which the student resides.

Education Code 29.059; 19 TAC 89.1205(e)

Documentation

A student's permanent record shall contain the documentation items required by 19 Administrative Code 89.1220(l). Documentation in a student's permanent record shall be forwarded in the

same manner as other student records to another school district in which the student enrolls. *19 TAC 89.1220(l)*

For students previously enrolled in a Texas public school, the receiving district shall secure the student records, including the home language survey and LPAC documentation as described in 19 Administrative Code 89.1220(l), as applicable. All attempts to contact the sending district to request records shall be documented. Multiple attempts to obtain the student's home language survey shall be made. *19 TAC 89.1215(d)*

Summer Program

If a district is required to offer a bilingual education or special language program, it shall offer a voluntary summer school program for LEP children who will be eligible for admission to kindergarten or first grade at the beginning of the next school year.

A school that operates on a semester system shall offer the program during the period school is recessed for the summer and for one-half day for eight weeks or on a similar schedule approved by the board. A school that operates on any other system shall offer 120 hours of instruction on a schedule established by the board.

The program must be an intensive bilingual education or special language program that meets the standards set by TEA, and the student/teacher ratio may not exceed 18:1. A district shall comply with the requirements of 19 Administrative Code 89.1250 in providing such a program.

Other Programs

A district may establish on a full- or part-time basis other summer school, extended day, or extended week bilingual or special language programs for LEP students and may join with other districts in establishing such programs.

The programs required or authorized by Education Code 29.060 may not be a substitute for programs required to be provided during the regular school year.

Education Code 29.060

Personnel

Teachers assigned to a bilingual education program using one of the following program models must be appropriately certified in bilingual education:

1. Transitional bilingual/early exit program model; or
2. Transitional bilingual/late exit program model.

Education Code 29.061(b)

Teachers assigned to a bilingual education program using a dual language immersion/one-way or two-way program model must be appropriately certified for:

1. Bilingual education for the component of the program provided in a language other than English; and

2. Bilingual education or English as a second language for the component of the program provided in English.

A district that provides a bilingual education program using a dual language immersion/one-way or two-way program model may assign a teacher certified for the language other than English component of the program and a different teacher certified for the English language component.

Education Code 29.061(b-1)–(b-2)

Teachers assigned to ESL programs must be appropriately certified for ESL. *Education Code 29.061(c)*

A district that is unable to hire a sufficient number of teachers with bilingual teaching or ESL certificates may request the activation of the appropriate permits in accordance with 19 Administrative Code Chapter 230. A district that is unable to provide the required bilingual education program because of an insufficient number of appropriately certified teachers shall request from the commissioner an exception to the bilingual education program and the approval of an alternative language program. English learners with parental approval for program services under a bilingual education exception will be included in the bilingual education allotment designated for an alternative language program. [See Exceptions and Waivers, above] *19 TAC 89.1207(a)–(b), .1245(a); Education Code 29.054*

LEP Students and State Assessments

In kindergarten–grade 12, a LEP student shall participate in the state assessment in accordance with commissioner's rules at 19 Administrative Code Chapter 101, Subchapter AA. [See EKBA]

Program Exit

A district may transfer a LEP student out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:

1. TEA-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;

2. Satisfactory performance on the reading assessment instrument under Education Code 39.023(a) or an English language arts assessment instrument under Education Code 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by TEA; and

3. TEA-approved criterion-referenced tests and the results of a subjective teacher evaluation.

Education Code 29.056(g)

Notice to Parents

A district shall give written notification to the student's parent of a student's reclassification as English proficient and his or her exit from the bilingual or ESL program and acquire written approval. Students meeting reclassification requirements may continue in the bilingual education or ESL program with parental approval. *19 TAC 89.1240(b)*

Post-Exit Monitoring and Reenrollment

The language proficiency assessment committee may reenroll the student in the program if later evidence suggests that a student who has been transferred out of a bilingual education or special language program has inadequate English proficiency and achievement. Classification of students for reenrollment must be based on the criteria required by Education Code 29.056. *Education Code 29.056(h)*

The LPAC shall reevaluate a student who is transferred out of a bilingual education or special language program if the student earns a failing grade in a subject in the foundation curriculum during any grading period in the first two school years after the student is transferred to determine whether the student should be reenrolled in a bilingual education or special language program.

During the first two school years after a student is transferred out of a bilingual education or special language program, the LPAC shall review the student's performance and consider:

1. The total amount of time the student was enrolled in bilingual education or special language programs;

2. The student's grades each grading period in each subject in the foundation curriculum;

3. The student's performance on state assessment instruments;

4. The number of credits the student has earned toward high school graduation, if applicable; and

5. Any disciplinary actions taken against the student under Education Code Chapter 37, Subchapter A.

After the evaluation, the LPAC may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

Education Code 29.0561

Program Evaluation

A district that is required to conduct a bilingual education or ESL program shall conduct an evaluation in accordance with 19 Administrative Code 89.1265. The annual evaluation report shall be presented to the board before November 1 of each year.

A district shall report to parents the progress of their child in acquiring English as a result of participation in the program offered to English learners.

Each school year, the principal of each campus, with assistance from the campus level committee, shall develop, review, and revise the campus improvement plan for the purposes of improving student performance for English learners. [See BQB]

19 TAC 89.1265

Note: Only districts that identify 15 or more eligible students are required to provide prekindergarten programs.

Tuition-Free

A district shall offer prekindergarten classes if it identifies 15 or more eligible students who are at least four years of age. A district may offer prekindergarten if it identifies 15 or more eligible children who are at least three years of age.

A district may not charge tuition for a prekindergarten program offered under these provisions.

Definitions

In this section:

1. "Child" includes a stepchild.
2. "Parent" includes a stepparent.

Eligibility

A child is eligible for enrollment in free prekindergarten if the child is at least three years of age and:

1. Is unable to speak and comprehend the English language;
2. Is educationally disadvantaged;
3. Is homeless [see FD] regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control;
4. Is the child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is ordered to active duty by proper authority;
5. Is the child of a member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty;
6. Is or ever has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing under Family Code 262.201; or
7. Is the child of a person eligible for the Star of Texas Award as:
    a. A peace officer under Government Code 3106.002;
    b. A firefighter under Government Code 3106.003; or
    c. An emergency medical first responder under Government Code 3106.004.

A child who is eligible for enrollment for free prekindergarten at the age of three and enrolls in prekindergarten class at the age of three remains eligible for enrollment in a prekindergarten class for the following school year.

A child who is eligible for enrollment under item 4 or 5 above remains eligible if the child's parent leaves the armed forces, or is no longer on active duty, after the child begins the prekindergarten class.

Education Code 29.153(a)–(b), (f)–(g)

Notice

A district shall develop a system to notify the population in the district with children who are eligible for enrollment in a free prekindergarten program of the availability of the program. The system must include public notices issued in English and Spanish. *Education Code 29.153(e)*

Half-Day or Full-Day

A prekindergarten class may be operated on a half-day basis for children under four years of age and shall be operated on a full-day basis for children who are at least four years of age.

Transportation

A district is not required to provide transportation for a prekindergarten class. If transportation is provided, it is included for funding purposes as part of the regular transportation system.

Education Code 29.153(c)

High-Quality Prekindergarten Required

A prekindergarten class for children who are least four years of age must comply with the program standards required for high-quality prekindergarten programs under Education Code Chapter 29, Subchapter E-1. [See High-Quality Prekindergarten Program, below]

Exemption

The commissioner of education shall exempt a district from the application of all or any part of Education Code 29.153, including all or any part of the required high-quality prekindergarten program requirements, if the commissioner determines that:

1. The district would be required to construct classroom facilities in order to provide prekindergarten classes; or
2. Implementing any part of this section would result in fewer eligible children being enrolled in a prekindergarten class under this section.

An exemption may not be granted for a period longer than three school years and may be renewed only once.

Education Code 29.153(c-1)–(d-2)

Constructing, Repurposing, or Leasing a Facility

Before a district may construct, repurpose, or lease a classroom facility, or issue bonds for the construction or repurposing of a classroom facility, to provide the prekindergarten classes required under Education Code 29.153, the district must solicit and consider proposals for partnerships to provide those classes with community-based child-care providers who:

1. Are a Texas Rising Star Program provider with a three-star certification or higher;
2. Are nationally accredited;
3. Are a Head Start program provider;
4. Are a Texas School Ready! participant; or
5. Meet the requirements under Education Code 29.1532.

Education Code 29.153(g)

Tuition-Supported or District-Financed

A district may offer on a tuition basis or use district funds to provide:

1. An additional half-day of prekindergarten classes to children eligible for free prekindergarten who are under four years of age; and
2. Half-day and full-day prekindergarten classes to children not eligible for free prekindergarten.

A district may not adopt a tuition rate that is higher than necessary to cover the added costs of the program, including any costs associated with collecting, reporting, and analyzing data under Education Code 29.1532(c) (PEIMS data for prekindergarten programs). A district must submit its proposed tuition rate to the commissioner for approval.

Education Code 29.1531

Program Design

A district's prekindergarten program shall be designed to develop skills necessary for success in the regular public school curriculum, including language, mathematics, and social skills. *Education Code 29.1532(a)*

Shared Site

Before establishing a new prekindergarten program, a district shall consider the possibility of sharing use of an existing Head Start or other child-care program site as a prekindergarten site. *Education Code 29.1533*

Prekindergarten Licensing Standards

If a district contracts with a private entity to operate a prekindergarten program, the program shall comply at a minimum with the ap-

plicable child-care licensing standards adopted by the Texas Department of Protective and Regulatory Services (Department of Family and Protective Services) under Human Resources Code 42.042. *Education Code 29.1532(b)*

Daily Physical Activity

A district shall require students in full-day prekindergarten to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year, as part of the district's physical education program or through structured activity during a campus's daily recess.

To the extent practicable, a district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten.

If a district determines, for any particular grade level, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week.

A district must provide an exemption for a student who is unable to participate in the required physical activity because of illness or disability.

Education Code 28.002(l)

High-Quality Prekindergarten Program

"Program" means a high quality prekindergarten program for eligible children who are at least four years of age required to be provided free of tuition or fees.

Curriculum Requirements

A district shall select and implement a curriculum for a prekindergarten program that:

1. Includes the prekindergarten guidelines established by the Texas Education Agency (TEA);
2. Measures the progress of students in meeting the recommended learning outcomes; and
3. Does not use national curriculum standards developed by the Common Core State Standards Initiative.

Education Code 29.164, .167(a)

A school district shall implement a curriculum for a high-quality prekindergarten program that addresses the 2015 Texas Prekindergarten Guidelines in the domains listed in 19 Administrative Code

102.1003(b). The district shall measure student progress and kindergarten preparation in accordance with 19 Administrative Code 102.1003(c). *19 TAC 102.1003*

Teacher Requirements

Each teacher for a prekindergarten program class must be certified under Education Code Chapter 21, Subchapter B and have one of the following additional qualifications:

1. A Child Development Associate (CDA) credential or another early childhood education credential approved by TEA;
2. Certification offered through a training center accredited by Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education;
3. At least eight years' experience of teaching in a nationally accredited child-care program;
4. A graduate or undergraduate degree in early childhood education or early childhood special education or a non-early childhood education degree with a documented minimum of 15 units of coursework in early childhood education;
5. Documented completion of the Texas School Ready Training Program (TSR Comprehensive);
6. Be employed as a prekindergarten teacher in a district that has met the requirements of 19 Administrative Code 102.1003(d)(6); or
7. An equivalent qualification.

A district may allow a teacher employed by the district to receive the training required to be awarded a CDA credential from a regional education service center. Training may not include national curriculum standards developed by the Common Core State Standards Initiative.

A district must attempt to maintain an average ratio in any prekindergarten program class of not less than one certified teacher or teacher's aide for each 11 students.

19 TAC 102.1003(d), (h); Education Code 29.167(b)–(d)

Family Engagement Plan

A district shall develop, implement, and make available on the district or campus website by November 1 of each school year, a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education. An effective family engagement plan creates a foundation for the collaboration of mutual partners, embraces the

individuality and uniqueness of families, and promotes a culture of learning that is child centered, age appropriate, and family driven.

The family engagement plan shall meet the requirements of 19 Administrative Code 102.1003(e)(2).

19 TAC 102.1003(e); Education Code 29.168(a)

Report and Evaluation

In a format prescribed by TEA, a district shall report information in compliance with 19 Administrative Code 102.1003(f).

A district shall:

1. Select and implement appropriate methods for evaluating the district's high-quality prekindergarten program by measuring student progress; and
2. Make data from the results of program evaluations available to parents.

A district may administer diagnostic assessments to students in a program class to evaluate student progress but may not administer a state standardized assessment instrument.

An assessment instrument administered to a prekindergarten program class must be selected from a list of appropriate prekindergarten assessment instruments identified by the commissioner.

19 TAC 102.1003(f)–(g); Education Code 29.169

Eligible Private Providers

A district that offers a high-quality prekindergarten program may enter into a contract with an eligible private provider to provide services or equipment for the program.

To be eligible to contract with a district to provide a program or part of a program, a private provider must be licensed by and in good standing with the Department of Family and Protective Services. A private provider is in good standing with the Department of Family and Protective Services if the department has not taken an action against the provider's license during the 24-month period preceding the date of a contract with a district. The private provider must also:

1. Be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the commissioner;
2. Be a Texas Rising Star Program provider with a three-star certification or higher;
3. Be a Texas School Ready! participant;

4. Have an existing partnership with a district to provide a pre-kindergarten program not provided under Subchapter E-1; or

5. Be accredited by an organization that is recognized by the Texas Private School Accreditation Commission.

A prekindergarten program provided by a private provider under Education Code 29.171 is subject to the requirements of Education Code Chapter 29, Subchapter E-1.

Education Code 29.171

Prekindergarten Expansion Grant

A district may use funds from grants administered by the commissioner to expand an existing half-day prekindergarten program to a full-day basis or to implement a prekindergarten program on a campus that does not have a prekindergarten program.

A district may use funds received under this program to employ teachers and other personnel for a prekindergarten program or to acquire curriculum materials or equipment, including computers, for use in prekindergarten programs.

A district may use funds granted under this program in contracting with another entity, including a private entity.

Education Code 29.155(a), (b), (i)

Ready to Read Grant

A district that operates a prekindergarten program is eligible to apply for a Ready to Read grant if at least 75 percent of the children enrolled in the program are low-income students, as determined by commissioner rule.

Grants shall be used to provide scientific, research-based pre-reading instruction for the purpose of directly improving pre-reading skills and for identifying cost-effective models for pre-reading intervention. Grants funds shall be used for:

1. Professional staff development in pre-reading instruction;

2. Pre-reading curriculum and materials;

3. Pre-reading skills assessment materials; and

4. Employment of pre-reading instructors.

Education Code 29.157(b), (c)

Statewide Information Referral Network

A district shall provide the Texas Information and Referral Network with information regarding eligibility for and availability of child-care and education services for inclusion in the statewide information referral network. A district shall provide the information in a form

determined by the executive commissioner of the Texas Health and Human Services Commission. *Gov't Code 531.0312*

"Child-care and education services" includes child-care and education services provided by a district through a prekindergarten or after-school program. *Gov't Code 531.03131(a)*

Staff of the Texas Information and Referral Network shall send an electronic mail message to each appropriate entity containing the name of and contact information for each applicant and a description of the services for which the applicant is applying.

On receipt of such an electronic mail message, a district shall contact the applicant to verify information regarding the applicant's eligibility for available child-care and education services. On certifying eligibility, a district shall match the applicant with entities providing those services in the applicant's community, including local workforce development boards, local child-care providers, or a Head Start or Early Head Start program provider.

A district shall cooperate with the Texas Information and Referral Network as necessary in the administration of this project.

Gov't Code 531.0312(c)–(e)

Innovative Courses

A district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum. Applications shall not be approved if the proposed course significantly duplicates the content of a Texas Essential Knowledge and Skills (TEKS)-based course or can reasonably be taught within an existing TEKS-based course.

To request approval for an innovative course from the State Board of Education or the commissioner, a district or organization must submit a request for approval at least six months before planned implementation. The request must address the elements listed at 19 Administrative Code 74.27(a)(4).

To request approval from the commissioner for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.

With the approval of the board, a district may offer, without modifications, any state-approved innovative course.

19 TAC 74.27(a)

Magnet Schools or Programs

A district may operate a magnet program, academy, or other innovative program to serve student populations with specialized interests and aptitudes. *19 TAC 74.22(b)*

Notice to Parents

Each school year, a district shall notify the parent of each student enrolled in grade 9 or above of the availability of programs under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs. The notice must include the name and contact information of any public or private entity offering such a program in the district.

A district may provide the notice on the district's internet website.

Education Code 28.010

Note: For information on dual credit courses available through the Texas Virtual School Network[1] (TXVSN), see EHDE.

College Credit Program

A district shall implement a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. If requested by the district, a public institution of higher education in this state shall assist the district in developing and implementing the program. The college credit may be earned through:

1. International baccalaureate, advanced placement, or dual credit courses;
2. Articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit; or
3. Any combination of the courses in items 1 and 2.

Annually, a district shall report to the Texas Education Agency (TEA):

1. The number of students, including career and technical students, who have participated in the program and earned college credit; and
2. The cumulative number of courses in which participating students have enrolled and college credit hours the students have earned.

The program may provide a student the opportunity to earn credit for a course or activity, including an apprenticeship or training hours:

1. That satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree, and is approved by the Texas Higher Education Coordinating Board (THECB); and

2. For which a student may earn credit concurrently toward both the student's high school diploma and postsecondary academic requirements.

A dual credit course must be:

1. In the core curriculum of the public institution of higher education providing college credit;

2. A career and technical education course; or

3. A foreign language course.

The requirements above do not apply to a dual credit course offered as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

A district is not required to pay a student's tuition or other associated costs for taking a course under this section.

Agreements

Any agreement, including a memorandum of understanding or articulation agreement, between a school district and public institution of higher education to provide a dual credit program must:

1. Include specific program goals aligned with statewide goals developed jointly by TEA and the THECB;

2. Establish common advising strategies and terminology related to dual credit and college readiness;

3. Provide for the alignment of endorsements offered by the district [see EIF] and dual credit courses offered under the agreement that apply towards those endorsements, with postsecondary pathways and credentials at the institution and industry certifications;

4. Identify tools, including tools developed by TEA, THECB, or the Texas Workforce Commission, to assist school counselors, students, and families in selecting endorsements offered by the district and dual credit courses offered under the agreement;

5. Establish, or provide a procedure for establishing, the course credits that may be earned under the agreement, including by developing a course equivalency crosswalk or other method for equating high school courses with college courses and identifying the number of credits that may be earned for each course completed through the program;

6. Describe the academic supports and, if applicable, guidance that will be provided to students participating in the program;
7. Establish the district's and the institution's respective roles and responsibilities in providing the program and ensuring the quality and instructional rigor of the program;
8. State the sources of funding for courses offered under the program, including, at a minimum, the sources of funding for tuition, transportation, and any required fees or textbooks for students participating in the program;
9. Require the district and the institution to consider the use of free or low-cost open educational resources in courses offered under the program; and
10. Be posted each year on the district's and the institution's respective websites.

Education Code 28.009; 19 TAC 4.84

College-Level Courses

A board may adopt a policy that allows a student to be awarded credit toward high school graduation for completing a college-level course. The course must be provided only by an institution of higher education that is accredited by any of the following regional accrediting associations:

1. Southern Association of Colleges and Schools;
2. Middle States Association of Colleges and Schools;
3. New England Association of Colleges and Schools;
4. North Central Association of Colleges and Schools;
5. Western Association of Colleges and Schools; or
6. Northwest Association of Colleges and Schools.

To be eligible to enroll and be awarded credit toward state graduation requirements, a student shall have the approval of the high school principal or other school official designated by a district. The course(s) for which credit is awarded shall provide advanced academic instruction beyond or in greater depth than the essential knowledge and skills for the equivalent high school course.

19 TAC 74.25

Dual Credit Programs

Definitions

For purposes of the following provisions, “college” means any public technical institute, public junior college, public senior college or university, medical or dental unit, public state college, or other agency of higher education as defined by Education Code 61.003.

"Dual credit" means the system under which an eligible high school student enrolls in college course(s) and receives credit for the course(s) from both the college and high school.

19 TAC 4.83(4), (7); Education Code 61.003(8)

Partnership Agreements with Public Colleges

A district may enter into an agreement with a public college to form a dual credit partnership in accordance with 19 Administrative Code Chapter 4, Subchapter D. *Education Code 130.008; 19 TAC Ch. 4, Subch. D*

Community College Jurisdiction

A school district that operates a high school may enter into an agreement with a community college district, regardless of whether the high school is located within the service area of the community college district, to offer a course as provided by Education Code 130.008.

A course offered for joint high school and junior college credit must be:

1. In the core curriculum of the public junior college;
2. A career and technical education course; or
3. A foreign language course.

These requirements do not apply to a course offered for joint high school and junior college credit to a student as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

Education Code 130.008(a-1), (a-2), (d)

Student Eligibility

A high school student is eligible to enroll in academic dual credit courses and workforce education dual credit courses as permitted by 19 Administrative Code 4.85(b).

To be eligible for enrollment in a dual credit course offered by a public college, students must meet all the college's regular prerequisite requirements designated for that course (e.g., minimum score on a specified placement test, minimum grade in a specified previous course, etc.).

An institution may impose additional requirements for enrollment in courses for dual credit that do not conflict with this section.

An institution is not required, under the provisions of this section, to offer dual credit courses for high school students.

19 TAC 4.85(b)

Faculty Selection, Supervision, and Evaluation

The college shall select, supervise, and evaluate instructors in accordance with 19 Administrative Code 4.85(e). *19 TAC 4.85(e)*

Transcript

For dual credit courses, high school as well as college credit should be transcripted immediately upon a student's completion of the performance required in the course. *19 TAC 4.85(h)*

Qualified Instructor

A course offered for joint high school and junior college credit must be taught by a qualified instructor approved or selected by the public junior college. An instructor is qualified if the instructor holds:

1. A doctoral or master's degree in the discipline that is the subject of the course;
2. A master's degree in another discipline with a concentration that required completion of a minimum of 18 graduate semester hours in the discipline that is the subject of the course; or
3. For a course that is offered in an associate degree program and that is not designed for transfer to a baccalaureate degree program:
    a. A degree described above;
    b. A baccalaureate degree in the discipline that is the subject of the course; or
    c. An associate degree and demonstrated competencies in the discipline that is the subject of the course, as determined by the THECB.

Not later than the 60th day after receipt, a public junior college shall approve or reject an application for approval to teach a course at a high school that is submitted by an instructor employed by the district with which the junior college entered into an agreement to offer the course.

Education Code 130.008(g), (h)

Attendance Accounting

The time during which a student attends a dual credit course, including a course provided under the college credit program, shall be counted as part of the minimum instructional hours required for a student to be considered a full-time student in average daily attendance. *Education Code 48.005(g)* [See FEB]

The commissioner of education may approve instructional programs provided off campus by an entity other than a district as a program in which participation by a student may be counted for purposes of determining average daily attendance. *Education Code 48.007(a)*

Reporting Off-Campus Programs

A board may adopt a policy that allows a student to participate in an off-campus instructional program. The program must be provided only by an institution of higher education that is accredited by one of the regional accrediting associations specified in 19 Administrative Code 74.25 (High School Credit for College Courses).

To be eligible, a student must:

1. Be in grade 11 or 12;
2. Have demonstrated college readiness as outlined in the requirements for participation in dual credit programs in the *Student Attendance Accounting Handbook*;
3. Meet any eligibility requirements adopted by the institution of higher education; and
4. Have the approval of the high school principal or other school official designated by the district.

The off-campus program must comply with rules adopted by the THECB in the Texas Administrative Code, Title 19, Part 1, with respect to teacher qualifications.

19 TAC 129.1031

Time that a student participates in an off-campus instructional program approved by the commissioner under Education Code 48.007(a) shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student in average daily attendance. *Education Code 48.005(h)*

Dual Credit Agreement

For any dual credit partnership between a secondary school and a public college, an agreement must be approved by the governing boards or designated authorities (e.g., principal and chief academic officer) of both the school district and the public college prior to the offering of such courses.

Any agreement entered into or renewed between a public institution of higher education and school district on or after September 1, 2019, including a memorandum of understanding or articulation agreement, must meet the requirements of 19 Administrative Code 4.84(c).

Any dual credit agreement must also address:

1. Eligible courses;
2. Student eligibility;
3. Location of class;

4. Student composition of class;
5. Faculty selection, supervision, and evaluation;
6. Course curriculum, instruction, and gathering;
7. Academic policies and student support services;
8. Transcripting of credit;
9. Funding; and
10. Defined sequences of courses, where applicable.

19 TAC 4.84

Instructional Partnerships with Community College Districts

Types of instructional partnerships between a district and a community college district include:

1. Award of High School Credit Only (see High School Credit-Only Courses, below).
2. Award of Dual Credit (see Dual Credit Programs, above).
3. Tech-Prep Programs (see Tech-Prep Programs, below).
4. Remedial or Developmental Instruction for High School Graduates (see Remedial Programs, below).
5. College Preparatory Courses for High School Students (see College Preparatory Courses, below)

19 TAC 9.143

Agreement

For any educational partnership between a district and a community college district, an agreement must be approved by the board or designee of both the district and the college district. The partnership agreement must address the following:

1. Student eligibility requirements.
2. Faculty qualifications.
3. Location and student composition of classes.
4. Provision of student learning and support services.
5. Eligible courses.
6. Grading criteria.
7. Transcripting of credit.
8. Funding provisions.

19 TAC 9.144

High School Credit-Only Courses	A district may contract with a community college district for the college district to provide coursework necessary for students to complete high school as described in 19 Administrative Code 9.125. The district and college district shall negotiate an agreed cost for instruction. *19 TAC 9.125, .143(a)*
Tech-Prep Programs	A district may partner with a college district to allow for the articulation of high school technical courses taught by the high school to high school students for immediate high school credit and later college credit, to be awarded upon enrollment of the students in the college district in an associate degree or certificate program. *19 TAC 9.143(c)*
Remedial Programs	A board may contract, as outlined in 19 Administrative Code 9.125, with the board of the community college district in which a district is located for the college district to provide remedial programs for students enrolled in a district's secondary schools in preparation for graduation from secondary school and entrance into college. Community colleges may provide instruction to high school students for either remedial course work to prepare students to pass the required State of Texas Assessments of Academic Readiness End-of-Course (STAAR EOC) assessments or developmental course work to prepare the students to pass an assessment instrument approved by the board under 19 Administrative Code 4.56 (Assessment Instruments). High school students who have passed all of the STAAR EOC assessments with the high school graduation standard may be permitted to enroll in state-funded developmental courses offered by a community college at the college's discretion if a need for such course work is indicated by student performance on an assessment instrument approved by the board under 19 Administrative Code 4.56 (see below). The district and college district shall negotiate an agreed cost for instruction. Remedial and developmental courses may not be offered for dual credit. *Education Code 130.090; 19 TAC 9.125, .143(d), .146* An institution of higher education shall use the Texas Success Initiative (TSI) Assessment offered by the College Board as the only THECB-approved assessment instrument. *19 TAC 4.56*
College Preparatory Courses	College preparatory courses are locally developed through a memorandum of understanding created between school districts and community colleges. *19 TAC 9.147*

Certain Academies

A district shall grant a student a maximum of two years' credit toward the academic course requirements for high school graduation for courses successfully completed at the Texas Academy of Leadership in the Humanities (at Lamar University—Beaumont), the Texas Academy of Mathematics and Science (at the University of Texas—Brownsville or University of North Texas—Denton), or the Texas Academy of International Studies (at Texas A&M University—Laredo). *Education Code 28.024*

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[1] Texas Virtual School Network: http://www.txvsn.org/

Award of Credit

The award of credit for a course affirms that a student has satisfactorily met state and local requirements. *19 TAC 74.26(a)*

Early Award of Credit

A district may offer courses designated for grades 9–12 in earlier grade levels. Credit must be awarded if the student has demonstrated achievement by meeting the standard requirements of the course, including demonstrated proficiency in the subject matter, regardless of the time the student received instruction in the course or the grade level at which proficiency was attained. The academic achievement record (transcript) shall reflect that students have satisfactorily completed courses at earlier grade levels from grades 9–12 and have been awarded state graduation credits. *19 TAC 74.26(b)*

Partial Award

In accordance with a district's local policy, a student who is able to successfully complete only half of a course can be awarded credit proportionately. *19 TAC 74.26(d)*

A district shall award credit proportionately to a student who is homeless or in substitute care who successfully completes only half of a course. *19 TAC 74.26(e)*

Attendance for Credit or Final Grade

Unless credit is awarded by the attendance committee, or regained in accordance with a principal's plan [see FEC], a student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered. *Education Code 25.092*

Homeless or Substitute Care

Each district must adopt a local policy to assist with awarding to a student who is homeless or in substitute care credit for a course that was earned prior to the student enrolling in or transferring to the district, as required by 19 Administrative Code 74.26 (Award of Credit).

Each district must examine how credit is awarded based on satisfactorily meeting all state and local requirements for a course upon enrollment, as required by 19 Administrative Code 74.26. [For information on credit by exam for students who are homeless or in substitute care, see EHDC].

Each district must:

1. Develop a credit recovery plan for students who were denied credits outside the district;
2. Create a course transition plan for students who have been denied credit;

3. Develop and administer a personal graduation plan for each student in junior high or middle school, as required by Education Code 28.0212 [see EIF];

4. Ensure that school staff engage with the student, parent, or guardian, as applicable, to develop a credit recovery plan upon enrollment if the student has a credit deficit that would impede on-time promotion or graduation; and

5. Comply with Education Code 28.025(i), concerning the award of diplomas for students who are homeless or in substitute care who are in grade 11 or 12.

19 TAC 89.1607(a), (d)–(e)

[For information on transition assistance for students who are homeless or in substitute care, including enrollment and placement in education programs and courses, see FFC.]

Graduation Requirements

Credit for courses for high school graduation may be earned only if the student received a grade equivalent to 70 on a scale of 100, based upon the essential knowledge and skills of each course. Credit earned toward state graduation requirements in an accredited school district shall be transferable and must be accepted by any other school district in the state. *19 TAC 74.26(a)(1), (c)*

Academic Achievement Record

Following guidelines developed by the commissioner of education, a district shall use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned.

The academic achievement record (transcript) shall serve as the academic record for each student and shall be maintained permanently by a district.

Any credit earned by a student must be recorded on the academic achievement record (transcript), regardless of when the credit was earned.

A student's performance on a state assessment, including an end-of-course assessment instrument required under Education Code 39.023(c) [see EKB], must be included in the student's academic achievement record (transcript).

Copies of the record shall be made available to students transferring to another district. A district shall respond promptly to all requests for student records from receiving districts. [See also FD, FDA, and FL]

Education Code 28.025(e), 39.023(c-5); 19 TAC 74.5(b)–(d)

Transcript Seals	Students who complete high school graduation requirements shall have attached to the academic achievement record (transcript) a seal approved by the State Board of Education. *19 TAC 74.5(e)*
Endorsement	Students who complete the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record (transcript).
Performance Acknowledgment	Students who earn a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record (transcript).
Distinguished Level of Achievement	Students who earn the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record (transcript).
Speech Requirements	Students who demonstrate proficiency in speech as specified in 19 Administrative Code 74.11 shall have completion of the speech requirement clearly indicated on the academic achievement record (transcript).
CPR	Students who complete the required instruction in cardiopulmonary resuscitation (CPR) as specified in 19 Administrative Code 74.38 in grade 9, 10, 11, or 12 shall have completion of the CPR instruction clearly indicated on the academic achievement record (transcript).
Proper Interaction with Peace Officers	Students who complete the required instruction on proper interaction with peace officers shall have completion of the instruction clearly indicated on the academic achievement record (transcript). A district shall clearly indicate on the academic achievement record the year in which the instruction was provided to the student.
Languages Other Than English	Students who satisfy a language other than English graduation credit requirement by successfully completing a dual language immersion program at an elementary school in accordance with 19 Administrative Code 74.12 shall have the credit clearly indicated on the academic achievement record (transcript). *Education Code 28.025; 19 TAC 74.5(f)–(l), .11(b); 19 TAC 74.39(e)*
Notation on Transcript or Diploma	A district shall ensure that each student's official transcript or diploma indicates whether the student has completed or is on schedule to complete: 1. The recommended or advanced high school curriculum; or 2. For a district that is covered by Education Code 56.304(f)(1) (unavailability of courses), the required portion of the recommended or advanced high school curriculum offered at the district's high school.

The district must include this information on the student's transcript not later than the end of the student's junior year.

Education Code 56.308

Certificate of Coursework Completion

A student who completes all graduation requirements except for required end-of-course assessment instruments may be issued a certificate of coursework completion. The academic achievement record (transcript) shall include a notation of the date a certificate of completion was issued to the student. [See FMH for participation in the graduation ceremony.] *19 TAC 74.5(m)*

Early High School Graduation Scholarship Program

For purposes of the Early High School Graduation Scholarship Program, a student who does not satisfy the curriculum requirements for a recommended or advanced high school program is considered to have satisfied those requirements if the high school from which the student graduated indicates on the student's transcript that the student was unable to complete the appropriate curriculum within the time prescribed solely because of a reason beyond the student's control, such as lack of enrollment capacity or a shortage of qualified teachers. *Education Code 56.203(d)*

Certificate of Coursework Completion

The District shall issue a certificate of coursework completion to a student who has successfully completed state and local credit requirements for graduation but has failed to meet all applicable state testing requirements. [See EIF, FMH]

Partial Credit

When a student earns a passing grade in only half of a course and the combined grade for both halves is lower than 70, the District shall award the student credit for the half with the passing grade.

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High School Diploma

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

1. Successfully completes the curriculum requirements identified by the State Board of Education (SBOE) [see State Graduation Requirements, below], has performed satisfactorily on applicable state assessments [see EKB], and complies with the financial aid application requirements in Education Code 28.0256 [see below]; or

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

Education Code 28.025(c)

Note: Education Code 28.0256 applies beginning with students enrolled at the 12th grade level during the 2021–22 school year.

FAFSA Required

Before graduating from high school, each student must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA).

A student is not required to comply with the above provision if:

1. The student's parent or other person standing in parental relation submits a signed form indicating that the parent or other person authorizes the student to decline to complete and submit the financial aid application;

2. The student signs and submits the form described above on the student's own behalf if the student is 18 years of age or older or the student's disabilities of minority have been removed for general purposes under Family Code Chapter 31; or

3. A school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.

A district shall adopt a form to be used for purposes of this provision. The form must be approved by the Texas Education Agency (TEA) and made available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program under Education Code Subchapter B, Chapter 29, in the district.

If a school counselor notifies a district whether a student has complied with this section for purposes of determining whether the student meets high school graduation requirements under Education Code 28.025, the school counselor may only indicate whether the

student has complied with this section and may not indicate the manner in which the student complied.

Education Code 28.0256

Note: Education Code 28.0258 and 19 Administrative Code 74.1025 related to individual graduation committees expire September 1, 2023.

Individual Graduation Committee

Without complying with the requirements above, a student may receive a diploma if the person is eligible for a diploma as determined by an individual graduation committee (IGC) established under Education Code 28.0258. *Education Code 28.025(c-6)*

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258 or 19 Administrative Code 74.1025. A student's admission, review, and dismissal (ARD) committee determines whether a student is required to achieve satisfactory performance on an end-of-course (EOC) assessment to graduate. *19 TAC 74.1025(n)* [See EHBAB]

For each 11th or 12th grade student who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses, the district shall establish an IGC at the end of or after the student's 11th grade year to determine whether the student may qualify to graduate. A student may not qualify to graduate as a result of an IGC decision before the student's 12th grade year.

The IGC shall be composed of:

1. The principal or principal's designee;
2. For each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
3. The department chair or lead teacher supervising the teacher(s) above; and
4. As applicable:
    a. The student's parent or person standing in parental relation to the student;
    b. A designated advocate if the parent is unable to serve; or
    c. The student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.

The superintendent shall establish procedures for convening the committee.

The district shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

Education Code 28.0258(a)–(c), (c-2); 19 TAC 74.1025(b)

A district may not establish an initial IGC for eligible students after June 10 or before the start of the next school year. Once the IGC has been established, it is the original IGC for that student.

If a student leaves a district after an original IGC has been established and before that original IGC awards a high school diploma to the student, any other district that later enrolls the student shall request information from the student's original IGC of record and shall implement the original IGC recommendations to the extent possible.

Alternate Members

In the event that the teacher identified in item 2 above is unavailable, the principal shall designate as an alternate member of the committee a teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

In the event that the individual identified above in item 3 above is unavailable, the principal shall designate as an alternate member of the committee an experienced teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is familiar with the content of and instructional practices for the applicable course.

In the event that the student's parent or person standing in parental relation to the student is unavailable to participate in the IGC, the principal shall designate an advocate with knowledge of the student to serve as an alternate member of the committee.

19 TAC 74.1025(c), (e), (g)–(i)

Notice

A district shall ensure a good faith effort is made to timely notify the appropriate person described under item 4 above of the time and place for convening the IGC and the purpose of the committee. The notice must be provided in person or by regular mail or email; clear and easy to understand; and written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person. *Education Code 28.0258(d)*

Curriculum Requirements

To be eligible to graduate and receive a high school diploma from the IGC, a student must successfully complete the curriculum requirements required for high school graduation. [See State Graduation Requirements, below] *Education Code 28.0258(e)*

Additional Requirements to Graduate

A student's IGC shall recommend additional requirements by which the student may qualify to graduate, including additional remediation; and for each EOC assessment instrument on which the student failed to perform satisfactorily:

1. The completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or
2. The preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area.

A student may submit to the IGC coursework previously completed to satisfy a recommended additional requirement.

Education Code 28.0258(f), (g)

In determining whether a student is qualified to graduate, the committee shall consider the criteria at Education Code 28.0258(h) and any other academic information designated for consideration by the board. After considering the criteria, the committee may determine that the student is qualified to graduate. A student may graduate and receive a high school diploma on the basis of the committee's decision only if the student successfully completes all additional requirements recommended by the committee, the student meets applicable curriculum requirements, and the committee's vote is unanimous. The decision of a committee is final and may not be appealed. *Education Code 28.0258(i)*

English Language Learners

For provisions related to an IGC and English language learners (ELL), see EKB(LEGAL).

Students Who Entered Grade 9 Before the 2011–12 School Year

In accordance with Education Code 28.02541, a district may award a high school diploma to an individual who:

1. Entered grade 9 before the 2011–12 school year;
2. Successfully completed the curriculum requirements for high school graduation applicable when the individual entered grade 9;
3. Has not performed satisfactorily on the exit-level assessment instrument or part of an assessment instrument required for high school graduation, including an alternative assessment instrument offered under Education Code 39.025(c-2);
4. Has been administered at least three times the required subject-area test(s) for which the individual has not performed satisfactorily on the exit-level assessment instrument applicable to the individual when the individual entered grade 9; and

5. Meets the alternative requirements for graduation in accordance with 19 Administrative Code 74.1027(c) or the local alternative requirements approved by the board in accordance with 19 Administrative Code 74.1027(d).

19 TAC 74.1027(a); Education Code 28.02541

District Determination — The district in which the individual is enrolled or was last enrolled shall determine whether the individual may qualify to graduate and receive a high school diploma on the basis of the alternative requirements for graduation. *19 TAC 74.1027(b)*

Alternative Requirements — The alternative requirements for graduation are listed at 19 Administrative Code 74.1027(c).

Local Alternative Requirements — With approval by the board, a district may develop recommendations for local alternative requirements if the requirements would allow an individual to demonstrate proficiency in the content related to an examination for which the individual has not performed satisfactorily. *19 TAC 74.1027(d)*

Appeals — A decision regarding whether the individual qualifies to graduate and receive a high school diploma is final and may not be appealed. *19 TAC 74.1027(e); Education Code 28.02541*

Documentation — The district shall maintain documentation to support the decision to award or not award an individual a high school diploma. *19 TAC 74.1027(f)*

Special Education — A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. *19 TAC 101.3023(a)* [See Graduation of Students Receiving Special Education Services, below, and EKB]

Posthumous Diploma — Beginning with students who would have graduated at the end of the 2019–20 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to each student who died while enrolled in the district at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The high school diploma may not be issued before the graduation date of the class in which the student was enrolled at the time of death.

Exception — A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under Title 5 or 6, Penal

Code, or adjudicated as having engaged in conduct constituting a felony offense under Title 5 or 6, Penal Code.

Education Code 28.0254

Diplomas for Veterans

Notwithstanding any other provision of this policy, a district may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in:

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or
2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

Education Code 28.0251

Personal Graduation Plan

Junior High or Middle School PGP

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

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level 9, as determined by a district.

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];
4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and

5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

Education Code 28.0212

Students Receiving Special Education Services

For a student receiving special education services, the student's ARD committee and the district are responsible for developing the student's PGP.

A student's IEP developed under Education Code 29.005 may be used as the student's PGP.

Education Code 28.0212(c); 19 TAC 89.1050(a) [See EHBAB]

High School PGP

A principal of a high school shall designate a school counselor or school administrator to review PGP options with each student entering grade 9 together with that student's parent or guardian. The PGP options reviewed must include the distinguished level of achievement and endorsements.

Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a PGP for the student that identifies a course of study that:

1. Promotes college and workforce readiness and career placement and advancement; and

2. Facilitates the student's transition from secondary to postsecondary education.

A district may not prevent a student and the student's parent or guardian from confirming a PGP that includes pursuit of a distinguished level of achievement or an endorsement.

A student may amend the student's PGP after the initial confirmation of the plan. If a student amends the student's PGP, the school must send written notice to the student's parents regarding the change.

TEA must make available to a district information that explains the advantages of the distinguished level of achievement described by Education Code 28.025(b-15) and each endorsement described by Education Code 28.025(c-1). A district, in turn, shall publish the information from TEA on the internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students in the

language in which the parents or legal guardians are most proficient.

A district is required to provide this information in the language in which the parents or legal guardians are most proficient only if at least 20 students in a grade level primarily speak that language.

Education Code 28.02121

Early Graduation

A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. The decision of a board concerning the request is final and may not be appealed. *Education Code 26.003(a)(3)(C), (b)* [See FMH, FNG]

State Graduation Requirements

Note: For current state graduation requirements, including those for students who entered grade 9 before the 2007–08 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and 19 Administrative Code Chapter 74.

Students Entering Grade 9

To receive a high school diploma, a student entering grade 9 in the 2014–15 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see Foundation High School Program, below];
2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and
3. Demonstrated proficiency, as determined by the district, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement.

Education Code 28.025(c); 19 TAC 74.11(a), (c)

Foundation High School Program

A student must earn at least 22 credits to complete the foundation high school program and must demonstrate proficiency in the following core courses:

1. English language arts—4 credits;
2. Mathematics—3 credits;
3. Science—3 credits;
4. Social Studies—3 credits;
5. Languages other than English—2 credits;
6. Physical Education—1 credit;
7. Fine Arts—1 credit; and
8. Elective courses—5 credits.

19 TAC 74.12

Endorsements

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.

A district must make at least one endorsement available to students. A district that offers only one endorsement curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;
2. An additional credit in science; and
3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under

the foundation high school program, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

A district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110–118, 126, 127, and 130 are followed.

Education Code 28.025; 19 TAC 74.13

Exception

A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
2. The student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate under the foundation high school program without earning an endorsement.

19 TAC 74.11(d)

Distinguished Level of Achievement

A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. *19 TAC 74.11(e)*

Algebra II Notification

Not later than September 1 of each school year, a district shall notify by regular mail or email the parent of or other person standing in parental relation to each student enrolled in grade 9 or above that the student is not required to complete an Algebra II course to graduate under the foundation high school program. The notification must include information regarding the potential consequences

to a student of not completing an Algebra II course, including the impact on eligibility for:

1. Automatic college admission under Education Code 51.803; and
2. Certain financial aid authorized under Title 3 of the Education Code.

Education Code 28.02123

Prerequisites

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by the district; or
3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

A district may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

19 TAC 74.11(i)–(j)

Dual Credit Courses

Courses offered for dual credit at or in conjunction with an institution of higher education (IHE) that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements. *19 TAC 74.11(h)*

Core Curriculum College Courses

A district shall permit a student to comply with the curriculum requirements under the foundation high school program by successfully completing appropriate courses in the core curriculum of an IHE. A student who has completed the core curriculum of an IHE in accordance with Education Code 61.822, as certified by the IHE in accordance with Education Code 4.28:

1. Is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;
2. Is considered to have earned a distinguished level of achievement under the foundation high school program; and

3. Is entitled to receive a high school diploma.

19 TAC 74.11(n)

Languages Other Than English

Students may earn credit for languages other than English in accordance with 19 Administrative Code 74.12(b)(5).

A student who successfully completes a dual language immersion program may satisfy one credit of the two credits required in a language other English in accordance with 19 Administrative Code 74.12(b)(5)(F).

19 TAC 74.12(b)(5)

The SBOE shall adopt criteria to allow a student to comply with the curriculum requirement for one credit for a language other than English by successfully completing at an elementary school a course in American Sign Language. *Education Code 28.025(b-21)*

Physical Education Substitutions

Other Physical Activity

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that is not being used to satisfy another specific graduation requirement. [See Restrictions, below]

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
    a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
    b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high

quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities permitted by local district policy must include at least 100 minutes of moderate to vigorous physical activity per five-day school week.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with Disability or Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, social studies or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.12(b)(6)

Community-Based Fine Arts Programs

In accordance with local district policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled.

In accordance with local policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. The district must apply to the commissioner for approval of the community-based fine arts program;
2. The board must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code, Chapter 117, Subchapter C;
3. The district must document student completion of the approved activity;
4. The program must be organized and monitored by appropriately trained instructors;
5. The fine arts program may be provided on or off a school campus and outside the regular school day; and
6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

The district shall require that instructors of the community-based fine arts program provide the district, at its request, the information necessary to obtain the criminal history record information required for school personnel in accordance with 19 Administrative Code, Chapter 153, Subchapter DD, if the community-based program is offered on campus.

Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030

Performance Acknowledgments

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn a performance acknowledgment on the student's transcript for:

1. Outstanding performance:
    a. In a dual credit course;
    b. In bilingualism and biliteracy;
    c. On a College Board advanced placement test or international baccalaureate examination;

d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or

e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or

2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

Education Code 28.025(c-5); 19 TAC 74.14

Students Who Entered Grade 9 Before the 2014–15 School Year

All credit for graduation must be earned no later than grade 12. *19 TAC 74.61(b), .71(b)*

Minimum High School Program

A student entering grade 9 prior to the 2014–15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;

2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or

3. Has failed to be promoted to the tenth grade one or more times as determined by the school district.

Students with Disabilities

If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

Applicability

A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program.

19 TAC 74.61(c), (d), .71(c), (d)

Requirements

A student must earn at least 22 credits to complete the Minimum High School Program.

A student who entered grade 9 in the 2012–13 or 2013–14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72.

A student who enters grade 9 before the 2012–13 school year must meet the applicable program requirements in 19 Administrative Code Chapter 74, Subchapters D–F.

Education Code 28.025; 19 TAC 74.62, .72

Recommended High School Program

A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73. *Education Code 28.025; 19 TAC 74.63, .73*

Advanced / Distinguished Achievement High School Program

A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74. *Education Code 28.025; 19 TAC 74.64, .74*

Substitutions

No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. *19 TAC 74.63(d), .64(e), .73(d), .74(e)*

AP or IB Courses

College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. *19 TAC 74.61(k), .71(i)*

Reading

A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district:

1. Adopts policies to identify students in need of additional reading instruction;
2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and
3. Monitors instructional activities to ensure that student needs are addressed.

Reading credits may be selected from Reading I, II, or III.

19 TAC 74.61(h), .71(f)

College Courses

A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an IHE. *19 TAC 74.61(l), .71(j)*

Physical Education Substitutions

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

Other Physical Activity

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
    a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
    b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with Disability or Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

Student with Physical Limitations

If a student entering grade 9 during the 2007–08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)

Transfers from Out-of-State or Nonpublic Schools

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enroll-

ment may be satisfied through credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. *19 TAC 74.11(f)* [See EHDB, EHDC, EHDE, and EI]

Graduation of Students Receiving Special Education Services

Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110–118, 126–128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content. *19 TAC 89.1070(l)*

Modified Curriculum and Content

Employability and Self-Help Skills

Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment. *19 TAC 89.1070(j)*

Summary of Academic Achievement and Evaluation

All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070 (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated. *19 TAC 89.1070(h)–(i)*

Students Entering Grade 9 in or After the 2014–15 School Year

A student entering grade 9 in the 2014–15 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110-118, 126-128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education as well as satisfactory performance on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation.
2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily

completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:

a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.

b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.

c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.

d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 TAC 89.1070(b), (k)

Endorsements

A student who is enrolled in a special education program may earn an endorsement on the student's transcript by:

1. Successfully completing, with or without modification of the curriculum:

   a. The curriculum requirements identified by the SBOE for the foundation high school program; and

   b. The additional endorsement curriculum requirements prescribed by the SBOE; and

2. Successfully completing all curriculum requirements for that endorsement adopted by the SBOE:

a. Without modification of the curriculum; or

b. With modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's ARD committee.

The ARD committee of a student in a special education program shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.

Education Code 28.025(c-7)–(c-8)

Students Entering Grade 9 Before the 2014–15 School Year

A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a high school diploma under the foundation high school program if the student's ARD committee determines that the student should take courses under that program and the student satisfies the requirements of that program. A student transitioning to the Foundation High School Program may earn an endorsement as set out above [see Endorsements, above].

A student receiving special education services in 11th or 12th grade who has taken each of the required state assessments but failed to achieve satisfactory performance on no more than two of the assessments may graduate if the student has satisfied all other applicable graduation requirements. [See Special Education, above, and EKB]

19 TAC 89.1070(f)

A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the Recommended or Advanced/Distinguished Achievement Programs, including satisfactory performance on the required state assessments.

2. The student is in grade 11 or 12 and has taken each of the state assessments required by 19 Administrative Code Chapter 101, Subchapter CC (Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD (Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve

satisfactory performance on no more than two of the assessments and has met all other applicable graduation requirements in item 1 above.

3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements under the Minimum High School Program, including participation in state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation.

4. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 through courses, one or more of which contain modified content that is aligned to the standards required under the Minimum High School Program as well as the satisfactorily completed credit requirements under the Minimum High School Program, including participation in required state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:

    a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district;

    b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district;

    c. The student has access to services that are not within the legal responsibility of public education, or employment or educational options for which the student has been prepared by the academic program; or

    d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 3(a), (b), or (c), above, the ARD committee must determine needed educational

services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 TAC 89.1070(g), (k)

Graduation of Military Dependents

Course Waiver

District officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the district shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

Transfers During Senior Year

Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from the district after all alternatives have been considered, the sending and receiving districts shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

Substitute Passing Standard

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for completing a specific course otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the tenth grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, A, C [See FDD]

Graduation of Student Who Is Homeless or in Conservatorship of DFPS

If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. *Education Code 28.025(i)*

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State Assessment of Academic Skills

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code Chapter 39, Subchapter B [see Testing in Grades 3–8, below]. *Education Code 39.023(a), (c), (f); 19 TAC 101.5*

A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course (EOC) assessment instruments [see End-of-Course Assessments, below]. *Education Code 39.025(a); 19 TAC 101.4001*

Limited English Proficient Students

In grades 3–12, a limited English proficient (LEP) student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the state assessment in accordance with commissioner rules at 19 Administrative Code Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)* [See EKBA]

Special Education

The Texas Education Agency (TEA) shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal (ARD) committee, including assessment instruments approved by the commissioner of education that measure growth. The assessment instruments developed or adopted, including the assessment instruments approved by the commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

TEA may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

Education Code 39.023(b)–(c), .025(a-4)

Military Dependents

If the student is a military dependent, the district shall incorporate procedures to accept:

1. Exit or EOC exams required for graduation from the sending state;

2. National norm-referenced achievement tests; or

3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a military dependent transferring in his or her senior year, then Education Code 162.002 article VII, section C, shall apply.

Substitute Passing Standard

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for achieving a score on an assessment instrument otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the grade 10 level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII [See EIF]

Administration

A district shall follow the test administration procedures established by TEA in the applicable test administration materials. A superintendent shall be responsible for administering tests. *19 TAC 101.25, .27*

Schedule

The commissioner shall specify the schedule for testing that is in compliance with Education Code 39.023(c-3) and supports reliable and valid assessments. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs.

The commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state.

19 TAC 101.25

Alternate Test Dates

The commissioner shall consider requests from districts or campuses for alternate test dates on a case-by-case basis. Alternate

test dates will only be allowed if the campus or district is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect a district's or campus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause a district or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the commissioner may prohibit a district or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the district, campus, and students.

19 TAC 101.5003

Notice to Parents and Students

A superintendent shall be responsible for providing written notice to each student and the student's parent or guardian of:

1. The testing requirements for grade advancement [see EIE] and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's kindergarten year, for students attending kindergarten in the district, and no later than the beginning of the student's first-grade year for all other students. The superintendent shall also provide such notice for students in grades 1–8 who are new to the district.
2. The testing requirements for graduation and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's seventh-grade year. The superintendent shall also provide such notice for students in grades 7–12 who are new to the district. Notice of the dates, times, and locations of testing shall be

provided to each student who will take the tests and to out-of-school individuals.

19 TAC 101.3012

Testing in Grades 3–8

Except as provided below, all students, other than students who are assessed under Education Code 39.023(b) (alternative assessment instrument) or 39.023(l) (LEP students) or exempted under Education Code 39.027, shall be assessed in:

1. Mathematics, annually in grades 3–8;
2. Reading, annually in grades 3–8;
3. Writing, including spelling and grammar, in grades 4 and 7;
4. Social studies in grade 8;
5. Science in grades 5 and 8; and
6. Any other subject and grade required by federal law.

Education Code 39.023(a)

Exception

Except as required for purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or
2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an EOC assessment instrument that aligns with the curriculum for that course or subject within the same content area.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is receiving instruction in the entire curriculum for that subject.

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument above the student's grade level.

Education Code 28.0211(p), 39.023(a-2); 19 TAC 101.3011

Kindergarten Assessment

An assessment instrument under Education Code 39.023 may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the

Foundation School Program [see FD]. *Education Code 39.023(a-16)*

Prekindergarten Assessment

Performance on an assessment instrument administered to students in prekindergarten may not be considered for any purpose related to Education Code Chapters 39 and 39A. *Education Code 39.0237*

Accommodations

Testing accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction. Permissible testing accommodations shall be described in the appropriate test administration materials.

The committee established by a board to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student.

A student's ARD committee shall determine the allowable accommodations and shall document them in the student's individualized education program (IEP). [See Special Education, above]

19 TAC 101.3013; Education Code 39.023(a)–(c), (n); 34 C.F.R. 300.320(a)(6)

End-of-Course Assessments

Beginning with students first enrolled in grade 9 in the 2011–12 school year, a student enrolled in a course for which an EOC assessment exists as required by Education 39.023(c) shall take the appropriate assessment. *19 TAC 101.3021(a)*

TEA shall adopt EOC assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history. The Algebra I EOC assessment instrument must be administered with the aid of technology, but may include one or more parts that prohibit the use of technology. The English I and English II EOC assessment instruments must each assess essential knowledge and skills in both reading and writing and must provide a single score. A district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this provision.

If a student is in a special education program, the student's ARD committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this provision.

Education Code 39.023(c)

Students Enrolled Below High School Level

Beginning in the 2011–12 school year, a student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in 19 Administrative Code 101.3022. *19 TAC 101.3021(d)*

Assessment Requirements for Graduation

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.

Exceptions

English I or English II

A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

Exceptions related to English I also apply to English language learners who meet the criteria in 19 Administrative Code 101.1007. [See EKBA]

Credits Earned Prior to Enrollment

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school district and the credit has been accepted by a Texas public school district, or a student completed a course for Texas high school credit in a course with an EOC assessment prior to the 2011–12 spring administration, the student is not required to take the corresponding EOC assessment.

19 TAC 101.3021(e), .3022

Substitute Assessments

The commissioner adopts certain assessments as substitute assessments that a student may use in place of a corresponding EOC assessment to meet the student's assessment graduation requirements. A satisfactory score on an approved assessment may be used in place of only one specific EOC assessment, except as provided by 19 Administrative Code 101.4002(d)(1) (student who

qualifies for use of the Texas Success Initiative (TSI) as a substitute assessment and is enrolled in certain college preparatory courses).

A student at any grade level is eligible to use a substitute assessment as provided in the commissioner's chart at 19 Administrative Code 101.4002(b) if the student:

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
2. Received a satisfactory score on the substitute assessment as determined by the commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and
3. Using a TSI assessment also meets the additional criteria of 19 Administrative Code 101.4002(d).

TSI Additional Criteria

A student must meet the criteria established in 19 Administrative Code 101.4002(d) in order to qualify to use TSI as a substitute assessment.

Accountability Testing

A student electing to substitute an assessment for graduation purposes must still take the corresponding EOC assessment required under Education Code 39.023(c) at least once for accountability purposes. If a student sits for an EOC assessment, a district may not mark the substitute assessment bubble for that administration.

A student who fails to perform satisfactorily on a PSAT, PLAN, or Aspire test (or any versions of these tests) as indicated in the chart in 19 Administrative Code 101.4003(b) must take the appropriate EOC assessment required under Education Code 39.023(c). However, a student who does not receive a passing score on the EOC assessment and retakes a PSAT, PLAN, or Aspire test (or any versions of these tests) is eligible to meet the requirements specified in 19 Administrative Code 101.4002(c).

19 TAC 101.4002

Verification of Results

An eligible student is responsible for providing a district an official copy of the student's scores from the substitute assessment.

Upon receipt of official results of an approved substitute assessment, a district must:

1. Verify the student's score on the substitute assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the commissioner.

19 TAC 101.4005

Satisfactory Performance	A student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner on each EOC assessment instrument administered to the student. *Education Code 39.025(a)*
Individual Graduation Committee	A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). [See EIF] *Education Code 28.0258, 39.025(a-5)*
Special Education	A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 Administrative Code 89.1070 (Graduation Requirements) and 19 Administrative Code 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate. A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to retake and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above. [See Individual Graduation Committee, above] *19 TAC 101.3022(f)* A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

Beginning with the 2011–12 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 Administrative Code 101.3011(b)(2).

19 TAC 101.3023(a), (b)

Credit by Examination

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 Administrative Code 74.24. [See EHDB, EHDC] *19 TAC 101.3021(c)*

Additional State Assessments

TEA may adopt EOC assessment instruments for courses not listed in statute, as described above. A student's performance on these EOC assessment instruments is not subject to the performance requirements established for the statutory assessments. *Education Code 39.023(c-2)*

Retakes

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. [See Satisfactory Performance, above]

A student is not required to retake a course as a condition of retaking an EOC assessment instrument.

If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.

Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)

Reporting Results

To the Public

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of a board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

To the Board

A superintendent shall accurately report all test results with appropriate interpretations to a board according to the schedule in the applicable test administration materials.

To Parents, Students, and Teachers

A district shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated at Confidentiality of Results, below. All test results shall be included in each student's academic achievement record and shall be furnished for each student

transferring to another district or school. Upon receipt of the assessment results from the test contractor, a district shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. [See BQ series, FD, and FL]

19 TAC 101.3014

TEA shall adopt a series of questions to be included in an EOC assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. A district shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. A district may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course. *Education Code 39.0233(b)*

Parents Right-to-Know Under ESEA

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), a district shall provide to each individual parent of a child who is a student in such school, with respect to such student information on the level of achievement and academic growth of the student, if applicable and available, on each of the state academic assessments required under Part A. *20 U.S.C. 6312(e)(1)(B)(i)*

Parental Access

A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access does not apply, however, to those instruments or particular questions that are being field-tested by TEA. *Education Code 26.005, .006(a)(2)*

Out-of-State Transfers

A district shall accurately report to TEA whether that student transferred into the district from out of state during the current school year.

Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. A district shall follow procedures specified in those test administration materials.

The assessment results of the out-of-state transfer students shall be reported separately to districts from the results of the district's other students in addition to the current reporting of assessment results for all students and other student subsets.

19 TAC 101.3014

Accelerated Instruction

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. *Education Code 28.0211(a-1)*

A district shall provide each student who fails to perform satisfactorily on an EOC assessment instrument with accelerated instruction in the subject assessed by the assessment instrument. *Education Code 39.025(b-1)* [See EHBC]

College Readiness

Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

1. For students at the grade 12 level whose performance on:
    a. An EOC assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or
    b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334(a) indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through the institution of higher education with which the district partners.

Faculty

Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

Notice

Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.

Credit Earned

A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation

high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).

Dual Credit

A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.

Instructional Materials

Each district, in consultation with the institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

Education Code 28.014

Security and Confidentiality

All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential.

Districts and campuses and the superintendent and campus principals in each district and campus shall:

1. Implement and ensure compliance with state test administration procedures and training activities;
2. Notify TEA as soon as the district becomes aware of any alleged or suspected violation of the security or confidential integrity of a test [see Violations, below];
3. Report all confirmed testing violations to TEA within ten working days of the district becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;
4. Ensure that the only individuals with access to secure test materials are district employees who have:
    a. Met the requirements to participate in the student assessment program;
    b. Received annual training in test security and test administration procedures; and
    c. Signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality

of all state assessments and student information, acknowledge their responsibility to report any suspected testing violation, and are aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and

5. Ensure the security of the test materials as required by 19 Administrative Code 101.3031(a)(2)(E).

19 TAC 101.3031(a)(1)–(a)(2)

Violations

Violations of the security and confidential integrity of a test include:

1. Directly or indirectly assisting students with responses to test questions;
2. Tampering with student responses;
3. Falsifying holistic ratings or student responses;
4. Viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
5. Discussing or disclosing secure test content or student responses;
6. Scoring students' tests, either formally or informally;
7. Duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
8. Responding to secure test questions;
9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;
10. Receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);
11. Encouraging or assisting an individual to engage in the conduct described above or in any other serious violation of security and confidentiality;
12. Failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in the above conduct or in any other serious violation of security and confidentiality under this provision;

13. Failing to implement sufficient procedures to prevent student cheating; and

14. Failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.

Consequences

If a district determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, the district shall invalidate the student's test results.

Any violation of test security or confidential integrity may result in TEA:

1. Invalidating student test results;

2. Referring certified educators to the State Board for Educator Certification (SBEC) for sanctions in accordance with 19 Administrative Code Chapter 247 (Educators' Code of Ethics) and Chapter 249 (Disciplinary Proceedings, Sanctions, and Contested Cases); and

3. Lowering the district's accreditation status or a district's or campus's accountability rating in accordance with Education Code 39.057(d), or appointment of a monitor, conservator, or management team to the district in accordance with Education Code Chapter 39A.

Test Administration Procedures

Test administration procedures shall be delineated in the test administration materials provided to districts annually. Districts must comply with all of the applicable requirements specified in the test administration materials.

Districts shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.

Records Retention

As part of test administration procedures, the commissioner shall require districts to maintain records related to the security of assessment instruments for five years.

19 TAC 101.3031(a-3)–(d)

Disciplinary Action and Penalties

SBEC may take disciplinary action against a person who has violated the security or integrity of any assessment required by Education Code Chapter 39, Subchapter B or has committed an act that is a departure from the test administration procedures established by the commissioner under 19 Administrative Code Chapter 101.

The superintendent and campus principal must develop procedures to ensure the security and confidentiality of the tests and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of a test. Failure to report can subject the person responsible to the applicable penalties.

19 TAC 249.15(a)–(b), (g)

Minimize Disruptions

In implementing the commissioner's procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, a district shall minimize disruptions to school operations and the classroom environment. *Education Code 39.0301(a-1)*

Confidentiality of Results

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. *Education Code 39.030(b)* [See FL and GBA]

Reading Instruments

The commissioner of education shall adopt a list of reading instruments that a school district may use to diagnose student reading development and comprehension.

For use in diagnosing the reading development and comprehension of kindergarten students, the commissioner shall adopt a multidimensional assessment tool that includes a reading instrument and tests at least three developmental skills. A multidimensional assessment tool is considered to be a reading instrument.

The district-level committee may adopt a list of reading instruments in addition to the reading instruments on the commissioner's list for a grade level other than kindergarten. Each reading instrument adopted by the district-level committee shall be based on scientific research concerning reading skills development and reading comprehension. A list of adopted reading instruments shall provide for diagnosing the reading development and comprehension of students participating in a bilingual or special language program.

Education Code 28.006(a)–(b)

Kindergarten

Each district shall administer at the kindergarten level a reading instrument adopted by the commissioner or an alternative reading instrument approved by the commissioner. The district shall administer the reading instrument in accordance with the commissioner's recommendations.

The commissioner may approve an alternative reading instrument for use in diagnosing the reading development and comprehension of kindergarten students that complies with the requirements above.

The commissioner by rule shall determine the performance on the reading instrument that indicates kindergarten readiness.

Education Code 28.006(b-1), (c-2)–(c-3)

First and Second Grades

A district shall administer, at first- and second-grade levels, a reading instrument on the list adopted by the commissioner or by the district-level committee. A district shall administer the reading instrument in accordance with the commissioner's recommendations.

Seventh Grade

A district shall administer a diagnostic reading instrument during the first six weeks of the school year to each student in grade 7 whose performance on the grade 6 state reading assessment did not meet the passing standard. If a student was administered the modified state assessment in reading, the admission, review, and dismissal (ARD) committee may determine if the diagnostic assessment is appropriate for use with that student.

A student in grade 7 who does not have a score for the state reading assessment in grade 6 may be given an equivalent comprehension assessment. If that student does not meet the passing standard, the student must be administered the diagnostic reading assessment.

A district must use the Texas Middle School Fluency Assessment and/or an alternate diagnostic reading instrument. A district must submit an alternate diagnostic reading instrument to the Texas Education Agency (TEA) for approval. An alternate diagnostic instrument must:

1. Be based on published scientific research in reading;
2. Be age and grade-level appropriate, valid, and reliable;
3. Identify specific skill difficulties in word analysis, fluency, and comprehension; and
4. Assist the teacher in making individualized instructional decisions based on the assessment results.

Reports

A superintendent shall:

1. Report to the commissioner and the board the results of the reading instruments;
2. Not later than the 60th calendar day after the date on which a reading instrument was administered, report, in writing, to a student's parent or guardian the student's results on the reading instrument; and
3. Using the school readiness certification system, report each student's raw score on the reading instrument to TEA using the school readiness certification system.

Cost

TEA shall ensure at least one reading instrument for each grade level for which a reading instrument is required to be administered is available to districts at no cost.

Notice to Parents

A district shall notify the parent or guardian of each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties. A district shall make a good-faith effort to ensure that this notice is provided in person or by regular mail, is clear and easy to understand, and is written in English and in the parent or guardian's native language.

Accelerated Reading Instruction Program

A district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to those students and shall determine the form,

content, and timing of that program. [See Accelerated Reading Instruction Program at EHBC(LEGAL)]

Education Code 28.006; 19 TAC 101.6001

Note: The following provisions address requirements for a charter partnership to receive the benefits of Education Code 11.174 and 48.252. For the general campus charter requirements applicable to partnership charters, see EL(LEGAL).

Contract Regarding Operation of District Campus

The board may contract with a partner to operate a campus. The partner may be an open-enrollment charter school or, on approval by the commissioner of education, an entity granted a charter by the district under Chapter 12, Subchapter C that is eligible to be awarded a charter under Education Code 12.101(a). The campus must be granted a charter under Chapter 12, Subchapter C. *Education Code 11.174(a), (d)*

A campus operated under a contract qualifies for an exemption from intervention as provided below and qualifies for funding as provided by Education Code 48.252 [see Funding for Certain Students, below].

The board may enter into a contract only if:

1. The charter of the open-enrollment charter school has not been previously revoked;
2. For the three school years preceding the school year of the proposed operation of the campus, the open-enrollment charter school has received:
    a. An overall performance rating of acceptable or higher; and
    b. A financial accountability rating indicating financial performance of satisfactory or higher; or
3. The entity considered for a district-authorized charter has not previously operated an open-enrollment charter school in which the charter expired or was revoked or surrendered.

Education Code 11.174(a)–(b)

Intervention Pause

For a campus under a contract that received an overall performance rating of unacceptable under Education Code Chapter 39, Subchapter C for the school year before operation under the contract began, the commissioner may not impose a sanction or take action against the campus under Education Code 39A for failure to satisfy academic performance standards during the first two school years of operation of a campus under the contract. [See AIA, AIC]

A campus is eligible for an exemption from applicable sanctions or actions if the campus and the partnership to operate the campus

meet all applicable requirements and the campus was operated under the partnership from the first to the last day of the school year of the campus. A school year must include, at a minimum, all minutes of operation and instructional time conducted on the campus, and all the days for which the instructional workforce of the campus that provides education services for students are employed.

The overall performance rating received by the campus during those first two school years is not included in calculating consecutive school years and is not considered a break in consecutive school years.

Education Code 11.174(f); 19 TAC 97.1077

Applicability

A campus shall not qualify for an intervention pause unless during the school year prior to the operation of a partnership charter the campus received an unacceptable performance rating, except as provided by 19 Administrative Code 97.1077(e) (campus that operates a partnership charter for less than a year)*. 19 TAC 97.1062(b)*

The Texas Education Agency (TEA) will not withdraw or postpone issuing any orders or determinations required or authorized that arise due to the performance rating from the school year prior to the school year in which the campus qualifies for the intervention pause, and any order or determination will resume upon expiration of the intervention pause.

Any intervention or sanction not covered by the intervention pause shall continue.

If a campus ceases to qualify for the intervention pause at any point during a school year, TEA will resume previously ordered interventions and sanctions, order interventions and sanctions based on the rating from that school year, and count that rating for purposes of consecutive years of performance.

TEA will not pursue interventions under Education Code 39A.101–39A.109 and 39A.111 for a campus eligible for an intervention pause if one of the school years eligible for an intervention pause results in an acceptable or higher overall rating.

If after the expiration of the intervention pause a campus receives an unacceptable rating, TEA will apply the requisite interventions that apply to the consecutive year that corresponds to the campus's actual number of consecutive years of unacceptable performance minus the number of intervention pause years and, if applicable, accounting for the modification under 19 Administrative Code 97.1062(c).

If a campus qualifies for an intervention pause for a school year after the conclusion of the school year in which an order is authorized under Education Code 39A.111, the intervention under Education Code 39A.111 will not pause.

A campus that receives an intervention pause will still receive an accountability rating for that school year.

Performance of students at a campus that receives an intervention pause shall be considered in the accountability rating of the district and the application of an intervention pause to a campus shall not pause or alter any intervention applicable to the district or other campuses.

Appeal

A determination under this section that arises from the application of Education Code 28.020 is final and may not be appealed.

Partial Year

A partial school year that results in an intervention pause under 19 Administrative Code 97.1077(b) or (c) constitutes one full year of a pause. This provision expires on September 1, 2023.

19 TAC 97.1062(d), (f)-(n)

Additional Exemption

A campus that receives an exemption from a sanction or other action may receive another exemption while operating under a subsequent contract only if the campus receives approval for the exemption from the commissioner. *Education Code 11.174(g)*

Funding for Certain Students

A district that enters into a contract is entitled to receive for each student in average daily attendance at the campus an amount equivalent to the difference, if the difference results in increased funding, between the amount described by Education Code 12.106 and the amount to which the district would be entitled under this Education Code Chapter 48. This section applies only to a district that does not appoint a majority of the governing body of the charter holder. *Education Code 48.252*

Consultation with Campus Personnel

Before entering into a contract, the district must consult with campus personnel regarding the provisions to be included in the contract between the district and the open-enrollment charter school. All rights and protections afforded by current employment contracts or agreements may not be affected by the contract entered into between a district and an open-enrollment charter school. *Education Code 11.174(c)*

Notice to Commissioner

A district proposing to enter into a contract with a campus or program charter shall notify the commissioner of the district's intent to enter into the contract according to commissioner rules. The commissioner shall notify the district whether the proposed contract is

approved not later than the 60th day after the date the commissioner receives notice of the proposed contract and all information required by the commissioner to be submitted. If the commissioner fails to notify the district that the proposed contract has been approved or denied within the period prescribed by this subsection, the proposed contract is considered approved. *Education Code 11.174(k)*

Enrollment Eligibility

The contract must include a provision addressing student eligibility for enrollment.

The contract must provide that any student residing in the attendance zone of the campus as the attendance zone existed before operation of the campus under the contract shall be admitted for enrollment at the campus. The contract must establish enrollment preference for students who do not reside in the attendance zone as follows:

1. Other students residing in the school district in which the campus is located; and
2. Students who reside outside the school district.

Education Code 11.174(h), (i)

Operating Partner

An operating partner means a state authorized open-enrollment charter school or an eligible entity as defined by Education Code 12.101(a). *19 TAC 97.1075(b)(1)*

Conferred Authority

The district must confer, at a minimum, the following enhanced authorities to the operating partner:

Staffing Authorities

1. The operating partner must have authority to employ and manage the campus chief operating officer, including the initial and final non-delegable authority to hire, supervise, manage, assign, evaluate, develop, advance, compensate, continue employment, and establish any other terms of employment.
2. The operating partner must have authority over the employees of the operating partner, including initial and final non-delegable authority for the operating partner to employ and/or manage all of the operating partner's own administrators, educators, contractors, or other staff. Such authority includes the authority to hire, supervise, manage, assign, evaluate, develop, advance, compensate, continue employment and establish any other terms of employment.

3. The operating partner must have sole authority over the assignment of all district employees to the campus, including initial and final authority to approve the assignment of all district employees or contractors to the campus.

4. The operating partner must have initial, final, and sole authority to supervise, manage, evaluate, and rescind the assignment of any district employee or district contractor from the campus. If the operating partner rescinds the assignment of any district employee or district contractor, the district must grant the request within 20 working days.

5. The operating partner must directly manage the campus principal or chief operating officer, including having the sole responsibility for evaluating the performance of the campus principal or chief operating officer.

19 TAC 97.1075(c)(1)

Other Authorities

The operating partner must have:

1. Initial, final, and sole authority to approve all curriculum decisions beyond the minimum requirements outlined in 19 Administrative Code 74.2 and 74.3 (required elementary and secondary curriculum), lesson plans, instructional strategies, and instructional materials as defined by law, to be used at that campus;

2. Initial, final, and sole authority over educational programs for specific, identified student groups, such as gifted and talented students, students of limited English proficiency, students at risk of dropping out of school, special education students, and other statutorily defined populations;

3. Initial, final, and sole authority to set the school calendar and daily schedule, which may differ from those in other district campuses;

4. Initial, final, and sole authority to select and determine the use of any and all assessments to be used on the campus that are not required by the state of Texas;

5. Initial, final, and sole authority to determine how the entire campus budget, including any and all federal and state grant funds due the campus, is allocated. The governing body of the operating partner shall approve the campus budget in a meeting held under the Texas Open Meetings Act [see BE]. Notwithstanding such budget authority, the operating partner's expenditures must comply with the applicable restrictions on the use of state and federal funds; and

6. Initial, final, and sole authority to implement and adjust the campus budget.

19 TAC 97.1075(c)(2)

Performance Contract

To contract to partner to operate under Education Code 11.174, the district's board must grant the operating partner a campus charter under Education Code Chapter 12, Subchapter C. The charter must include performance expectations memorialized in a performance contract as required by law. The performance contract must include, at a minimum, the following:

1. A clear and unambiguous description of enhanced authorities as outlined above;

2. Academic performance expectations and goals, which shall include, but are not limited to;

   a. For campuses that are paired for accountability purposes, specific annual targets for improved student academic performance;

   b. For campuses issued an accountability rating under Education Code 39.054, a specific annual target for the overall campus academic rating; and

   c. Specific consequences in the event that the operating party does not meet the academic performance expectations and goals described in the performance contract;

3. Annual financial performance expectations and goals, which shall include, but are not limited to:

   a. The completion of an annual independent financial report, including an audit, of the operating partner organization, limited to matters directly related to the management or operation of the campus or campuses;

   b. Receipt of an unqualified audit opinion, in connection with the annual financial report required above; and

   c. Specific consequences in the event that the operating partner does not meet the annual financial performance expectations and goals described in the performance contract;

4. A description of the campus enrollment and expulsion policies that must comply with Education Code 11.174(i);

5. A contract term of up to ten years as required by Education Code 12.0531, with a provision(s) specifying a requirement for a public hearing at least 30 days prior to any district action

to terminate or extend if required by 19 Administrative Code 97.1075(d)(5);

6. A contract term stating that the campus is exempt from laws and rules to the fullest extent allowed by the Education Code, Chapter 12, Subchapter C, and is exempt from all district policies except for laws, rules, and policies that are specifically identified as applicable to the campus in the performance contract;

7. A section that describes the funding structure of the partnership as required by 19 Administrative Code 97.1075(d)(7);

8. Service-level agreements that list the resources and services the operating partner intends to purchase from the district and the specific costs of such services by pupil, square foot, campus, or the percentage of the total district budget for the specific resource or service. The resources and services may include:

    a. Facility use and related matters;

    b. Transportation;

    c. Specific education program services, such as providing special education services; and

    d. Access to other resources and services as agreed between the parties;

9. A section that describes the educational plan or academic model that the operating partner will implement on the campus or campuses;

10. An assurance that the district has consulted with campus personnel regarding the provisions included in the performance contract and that the rights and protections afforded by current employment contracts or agreements shall not be affected by this contract as required by Education Code 11.174(c), unless the district is partnering with an entity described in Education Code 11.174(a)(2); and

11. A description of the specific and material consequence(s) in the instance that either the district or the operating partner breaches the contract.

19 TAC 97.1075(d); Education Code 12.0531

Eligible partnerships must notify TEA of amendments to performance contracts within 30 calendar days of the amendment of the contract. *19 TAC 97.1075(g)*

TEA Monitoring

The commissioner shall continue to evaluate and assign overall and domain performance ratings under Education Code 39.054 to the campus. In order to qualify for ongoing benefits subsequent to initial eligibility validation or approval, the eligible partnership campus must comply with all information requests or monitoring visits deemed necessary by the TEA staff to monitor the ongoing eligibility of the partnership. *19 TAC 97.1075(h)–(i)*

Entity Granted a Charter by the District

Title 19 Administrative Code 97.1079 applies only to districts that intend to contract to partner to operate a campus and receive benefits under Education Code 11.174(a)(2).

Definitions

Eligible Entity

"Eligible entity" means an institution of higher education, a nonprofit organization, or a governmental entity. For applicants seeking approval of an institution of higher education, which has been granted a charter in accordance with Education Code Chapter 12, Subchapter E, the commissioner will treat the institution of higher education as an open-enrollment charter.

Campus

"Campus" means an organizational unit operated by a district that is eligible to receive a campus performance rating in the state accountability system, including a rating of Not Rated or Not Rated: Data Integrity Issues. This definition includes a charter school campus.

Applicant

"Applicant" means a district seeking approval to receive benefits for an eligible entity to contract to partner to operate a campus.

Proposed Operating Partner

"Proposed operating partner" means an eligible entity seeking approval in coordination with a district to contract to partner to operate a campus.

19 TAC 97.1079(b)–(c), .1051(3); Education Code 12.101(a)

Eligibility Approval Process

TEA shall review application packages submitted under this provision. If TEA determines that an application package is not complete and/or the applicant does not meet the eligibility criteria, TEA shall notify the applicant and allow ten business days for the applicant to submit any missing or explanatory documents.

Upon written notice to TEA, an applicant may withdraw an application package.

19 TAC 97.1079(e)(2)–(3)

Public Information

All parts of the district's eligibility approval request are releasable under the Texas Public Information Act [see GBA] and will be posted to the TEA website. Information described in 19 Administrative Code 97.1079(e)(4) must be excluded or redacted from an eligibility approval request. *19 TAC 97.1079(e)(4)*

Criteria for Approval

The commissioner shall consider the criteria described in 19 Administrative Code 97.1079(e)(9) when determining approval to contract to partner to operate a campus and receive benefits under Education Code 11.174(a)(2). *19 TAC 97.1079(e)*

Appeals

A decision made by TEA to deny, remove, or return an eligibility approval request is a final administrative decision of TEA and may not be appealed under Education Code 7.057. *19 TAC 97.1079(f)*

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

SECTION F: STUDENTS

FA	STUDENT GOALS AND OBJECTIVES
FB	EQUAL EDUCATIONAL OPPORTUNITY
FBA	Service Animals
FC	SCHOOL ATTENDANCE AREAS
FD	ADMISSIONS
FDA	Interdistrict Transfers
FDAA	Public Education Grants
FDB	Intradistrict Transfers and Classroom Assignments
FDC	Homeless Students
FDD	Military Dependents
FDE	School Safety Transfers
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FFF	Student Safety
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FFFB	Safety Patrols
FFFD	Bicycle/Automobile Use
FFFF	School Buses
FFG	Child Abuse and Neglect

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SECTION F: STUDENTS

FFH	Freedom from Discrimination, Harassment, and Retaliation
FFI	Freedom from Bullying
FG	STUDENT AWARDS AND SCHOLARSHIPS
FH	STUDENT VOLUNTEERS
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FMB	Student Government
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FMF	Contests and Competition
FMG	Travel
FMH	Commencement
FN	STUDENT RIGHTS AND RESPONSIBILITIES
FNA	Student Expression
FNAA	Distribution of Nonschool Literature
FNAB	Use of School Facilities for Nonschool Purposes
FNB	Involvement in Decision Making
FNC	Student Conduct
FNCA	Dress Code
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FNCC	Prohibited Organizations and Hazing
FNCD	Tobacco Use and Possession
FNCE	Personal Telecommunications/Electronic Devices
FNCF	Alcohol and Drug Use
FNCG	Weapons
FNCH	Assaults
FNCI	Disruptions
FND	Married Students
FNE	Pregnant Students
FNF	Investigations and Searches
FNG	Student and Parent Complaints/Grievances
FO	STUDENT DISCIPLINE
FOA	Removal by Teacher or Bus Driver
FOB	Out-of-School Suspension
FOC	Placement in a Disciplinary Alternative Education Setting

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SECTION F: STUDENTS

FOCA Disciplinary Alternative Education Program Operations
FOD Expulsion
FODA Juvenile Justice Alternative Education Program
FOE Emergency and Alternative Placement
FOF Students with Disabilities

FP STUDENT FEES, FINES, AND CHARGES

Nondiscrimination

A district shall provide equal opportunities to all individuals within its jurisdiction or geographic boundaries. *Education Code 1.002(a)*

No officer or employee of a district shall, when acting or purporting to act in an official capacity, refuse to permit any student to participate in any school program because of the student's race, religion, color, sex, or national origin. *Civ. Prac. & Rem. Code 106.001*

A district may not deny services to any individual eligible to participate in its special education program, but it shall provide individuals with disabilities special educational services as authorized by law. *Education Code 1.002(b)*

Federal Funding Recipients

No person shall be excluded from participation in, denied the benefits of, or subjected to discrimination by any district that receives federal financial assistance, on the basis of any of the following protected characteristics:

1. Sex.
2. Race, color, or national origin.
3. Disability, or relationship or association with an individual with a disability. [See EHB, EHBA series, and GA]
4. Age.

20 U.S.C. 1681 (Title IX); 42 U.S.C. 2000d (Title VI); 20 U.S.C. 1400 et seq. (Individuals with Disabilities Education Act); 29 U.S.C. 794 (Section 504); 42 U.S.C. 12132 (Americans with Disabilities Act [ADA]); 42 U.S.C. 6101 et. seq. (Age Discrimination Act of 1975)

Sexual Harassment

Sexual harassment of students is discrimination on the basis of sex under Title IX. *Franklin v. Gwinnett County Schools, 503 U.S. 60 (1992)* [See also DIA and FFH]

Grievance Procedures

A district must adopt and publish grievance procedures for prompt and equitable resolution of student complaints alleging any action that would be prohibited by these provisions. *34 C.F.R. 106.8 (Title IX), 104.7(b) (Section 504)* [See FFH]

Retaliation

A district shall not coerce, intimidate, threaten, retaliate or discriminate against, or interfere with any person who attempts to assert a right protected by the above laws or cooperates with investigation and enforcement proceedings under these laws. *34 C.F.R. 100.7(e) (Title VI), 104.61 (Section 504), 106.71 (Title IX)* [See FFH]

Students with Learning Difficulties

The Texas Education Agency shall produce and provide to school districts a written explanation of the options and requirements for providing assistance to students who have learning difficulties or

who need or may need special education. The explanation must state that a parent is entitled at any time to request an evaluation of the parent's child for special education services under Education Code 29.004 or for aids, accommodations, or services under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794). Each school year, a district shall provide the written explanation to a parent of each district student by including the explanation in the student handbook or by another means. *Education Code 26.0081(c)*

Disability Discrimination

ADA

Under the Americans with Disabilities Act (ADA), no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a district, or be subjected to discrimination by the district. *42 U.S.C. 12132; 28 C.F.R. 35.130*

Section 504

Under Section 504 of the Rehabilitation Act, no otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. *29 U.S.C. 794(a)*

Designation of Responsible Employee

A district shall designate at least one employee to coordinate its efforts to comply with Section 504 and the ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated. *34 C.F.R. 104.7(a), 28 C.F.R. 35.107*

Definitions

Student with a Disability

A "student with a disability" is one who has a physical or mental impairment that substantially limits one or more of the student's major life activities, has a record of having such an impairment, or is being regarded as having such an impairment.

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, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

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.

A student meets the requirement of being "regarded as" having an impairment if the student establishes that he or she has been subjected to a prohibited action 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. This provision does not apply to impairments that are transitory or minor. A transitory impairment is one with an actual or expected duration of 6 months or less.

29 U.S.C. 705(20)(B), 42 U.S.C. 12102(1), (3)–(4)

Qualified Individual with a Disability

The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a district. *42 U.S.C. 12131(2)*

Major Life Activities

"Major life activities" include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. "Major life activity" also includes the operation of major bodily functions, including functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. *42 U.S.C. 12102(2)*

Reasonable Modification

A district shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the district can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. *28 C.F.R. 35.130(b)(7)*

Direct Threat

"Direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services as provided below. *28 C.F.R. 35.104*

The ADA does not require a district to permit an individual to participate in or benefit from the services, programs, or activities of that district when that individual poses a direct threat to the health or safety of others.

In determining whether an individual poses a direct threat to the health or safety of others, a district must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

1. The nature, duration, and severity of the risk;
2. The probability that the potential injury will actually occur; and

3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

28 C.F.R. 35.139

Free Appropriate Public Education (FAPE)

A district shall provide a free appropriate public education to each qualified student with a disability within the district's jurisdiction, regardless of the nature or severity of the student's disability.

A student with a disability is "qualified" if he or she is between the ages of three and 21, inclusive. *20 U.S.C. 1412(a)(1); 34 C.F.R. 104.3(l)(2)*

An appropriate education is the provision of regular or special education and related services that are:

1. Designed to meet the student's individual educational needs as adequately as the needs of students who do not have disabilities are met; and

2. Based on adherence to procedures that satisfy federal requirements for educational setting, evaluation and placement, and procedural safeguards, as set forth below.

34 C.F.R. 104.33(b)

Implementation of an individualized education program (IEP) under IDEA is one means for providing FAPE. *34 C.F.R. 104.33(b)(2)*

Note: See EHBA series for policies regarding the provision of special education to students with disabilities under IDEA who require special education in order to benefit from a free appropriate public education.

Educational Setting

A district shall place a student with a disability in the regular educational environment, unless the district demonstrates that education in the regular environment with the use of supplemental aids and services cannot be achieved satisfactorily. *34 C.F.R. 104.34(a)*

In providing or arranging for nonacademic and extracurricular services and activities, a district shall ensure that a student with a disability participates with students who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability. *34 C.F.R. 104.34(b), 104.37*

Evaluation and Placement

A district shall conduct an evaluation of any person who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the initial

placement of the person in regular or special education and any subsequent significant change in placement.

Evaluation Procedures

A district shall establish standards and procedures for the evaluation and placement which ensure that:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
3. Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Placement Procedures

In interpreting evaluation data and in making placement decisions, a district shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior;
2. Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;
3. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
4. Ensure that the placement decision is made in conformity with 34 C.F.R. 104.34.

Reevaluation

A district shall establish procedures for periodic reevaluation of students who have been provided special education and related services. A reevaluation procedure consistent with the Education for the Handicapped Act [now IDEA] is one means of meeting this requirement.

34 C.F.R. 104.35

Military Dependents

In compliance with the requirements of Section 504, and with Title II of the Americans with Disabilities Act (42 U.S.C. Sections 12131–12165), the district shall make reasonable accommodations and modifications to address the needs of incoming military dependents with disabilities, subject to an existing Section 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, § C* [See FDD]

Procedural Safeguards

A district shall establish a system of procedural safeguards with respect to the identification, evaluation, and educational placement of persons who need or are believed to need special instruction or related services.

The system shall include notice, an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the student's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of IDEA is one means of meeting this requirement. *34 C.F.R. 104.36*

Children Who Are Homeless

A district shall adopt policies and practices to ensure that homeless children are not stigmatized or segregated on the basis of their homeless status. [See FDC]

Liaison

A district shall designate an appropriate staff person, able to carry out the required duties, as the district liaison for homeless children. A district shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children, and homeless children of the duties of the liaison. [See FFC]

42 U.S.C. 11432(g)(1)(J)(i), (ii), (g)(6)(B)

Religious Freedom

A district may not substantially burden a student's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civ. Prac. & Rem. Code 110.003* [See also DAA and GA]

Adverse Action Prohibited

Notwithstanding any other law, a district may not take any adverse action against any person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization. *Gov't Code 2400.002* [See GA]

Discrimination on the Basis of Sex

Title IX

No person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination by any district receiving federal financial assistance. *20 U.S.C. 1681(a)* [See FFH for information regarding Title IX coordinator designation, policy notification, and complaint procedures.]

A district shall not provide any course or otherwise carry out any of its educational programs or activities separately on the basis of sex, or require or refuse participation therein on the basis of sex, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses. *34 C.F.R. 106.34* [See FFH for information on sexual harassment that may constitute discrimination on the basis of sex under Title IX.]

Separate Facilities

A district may provide separate toilet, locker room, and shower facilities on the basis of sex, but the facilities provided for one sex shall be comparable to the facilities provided for the other sex. *34 C.F.R. 106.33*

Human Sexuality Classes

Portions of classes in elementary and secondary school that deal primarily with human sexuality may be conducted in separate sessions for boys and girls.

Vocal Music Activities

A district may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex.

34 C.F.R. 106.34

Single-Sex Programs

A district shall not, on the basis of sex, exclude any student from admission to an institution of vocational education or any other school or educational unit operated by the district. *34 C.F.R. 106.35*

Pregnancy and Marital Status

A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. *34 C.F.R. 106.40* [See FND]

Physical Education Classes

A district may group students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

Skills Assessment

Where use of a single standard of measuring skill or progress in physical education classes has an adverse effect on members of one sex, a district shall use appropriate standards that do not have such effect.

Contact Sports

A district may separate students by sex within physical education classes or activities during participation in wrestling, boxing, rugby,

ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

34 C.F.R. 106.34, .43

Athletic Programs

A district shall not discriminate, on the basis of sex, in interscholastic or intramural athletics or provide any such athletics separately on such basis.

Single-Sex Teams

A district may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but not for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport.

Equal Athletic Opportunities

A district that operates or sponsors interscholastic or intramural athletics shall provide equal athletic opportunity for members of both sexes. The following factors shall be considered in determining whether a district provides equal athletic opportunities:

1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
2. Provision of equipment and supplies;
3. Scheduling of games and practice time;
4. Travel and per diem allowance;
5. Opportunity to receive coaching and academic tutoring;
6. Assignment and compensation of coaches and tutors;
7. Provision of locker rooms and practice and competitive facilities;
8. Provision of medical and training facilities and services;
9. Provision of housing and dining facilities and services; and
10. Publicity.

34 C.F.R. 106.41

Note: The following provisions address equal educational opportunity for all students in accordance with law. For provisions addressing discrimination, harassment, and retaliation involving District students, see FFH.

Title IX Coordinator

The District designates and authorizes the Title IX coordinator for students to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended. [See FB(EXHIBIT)]

ADA / Section 504 Coordinator

The District designates and authorizes the ADA/Section 504 coordinator for students to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), as amended. [See FB(EXHIBIT)]

Superintendent

The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws.

Equal Educational Opportunity

General Education

The District shall provide necessary services and supports to provide students equal access to educational opportunities. [See EHBC] Certain instructional or other accommodations, including on state-mandated assessments, may be made when necessary, when allowable, and when these accommodations do not modify the rigor or content expectations of a subject, course, or assessment. [See EKB]

Additional Services and Supports

If the District has reason to believe that a student has a disability that may require additional services and supports in order for the student to receive an appropriate education as this term is defined by law, Section 504 and/or the Individuals with Disabilities Education Act (IDEA) shall govern the evaluation, services, and supports provided by the District. [See also EHBA series]

[For information regarding dyslexia and related disorders, see EHB.]

Note: The following provisions address the District's compliance efforts and system of procedural safeguards as required by federal regulations for a student with a disability as defined by Section 504. A report of discrimination or harassment based on a student's disability shall be made in accordance with FFH.

Section 504

Committees

The District shall form Section 504 committees as necessary. The Section 504 coordinator and members of each Section 504 committee shall receive training in the procedures and requirements for

	identifying and providing educational and related services and supports to a student who has a disability that results in a substantial limitation of a major life activity. Each Section 504 committee shall be composed of a group of persons knowledgeable about the student, the meaning of the evaluation data, placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.
Referrals	If a teacher, school counselor, administrator, or other District employee has reason to believe that a student may have a disability as defined by Section 504, the District shall evaluate the student. A student may also be referred for evaluation by the student's parent.
Notice and Consent	The District shall seek written parental consent prior to conducting a formal evaluation. Ordinary observations in the classroom or other school setting shall not require prior parental consent.
Evaluation and Placement	The results of an evaluation shall be considered before any action is taken to place a student with a disability or make a significant change in placement in an instructional program. The Superintendent shall ensure that the District's procedures for tests and other evaluation materials comply with the minimum requirements of law. In interpreting evaluation data and when making decisions related to necessary services and supports, each Section 504 committee shall carefully consider and document information from a variety of sources in accordance with law.
Review and Reevaluation Procedure	To address the periodic reevaluation requirement of law, the District shall adhere to the reevaluation timelines in the IDEA regulations. A parent, teacher, or other District employee may request a review of a student's services and supports at any time, but a formal reevaluation shall generally occur no more frequently than once a year.
Examining Records	A parent shall make any request to review his or her child's education records to the campus principal or other identified custodian of records. [See FL]
Right to Impartial Hearing	A parent shall be given written notice of the due process right to an impartial hearing if the parent has a concern or complaint about the District's actions regarding the identification, evaluation, or educational placement of a student with a disability. The impartial hearing shall be conducted by a person who is knowledgeable about Section 504 issues and who is not employed by the District or related to a member of the Board in a degree that would be prohibited under the nepotism statute [see DBE]. The impartial hearing officer is

	not required to be an attorney. The District and the parent shall be entitled to legal representation at the impartial hearing.
Records Retention	Records specific to identification, evaluation, and placement as these pertain to Section 504 shall be retained by the District in accordance with law and the District's local records control schedules. [See CPC]

Persons Age 21 and Over

The District shall not admit into its public schools any person age 21 or over unless otherwise required by law.

Registration Forms

The student's parent, legal guardian, or other person having lawful control shall annually complete registration forms. A student who has reached age 18 shall be permitted to complete these forms.

Proof of Residency

At the time of initial registration and on an annual basis thereafter, the parent, guardian, or other person having lawful control of the student under order of a court shall present proof of residency in accordance with administrative regulations developed by the Superintendent. The District may investigate stated residency as necessary.

Minor Living Apart

Person Standing in Parental Relation

A minor student residing in the District but whose parent, guardian, or other person having lawful control under a court order does not reside in the District shall present a power of attorney or an authorization agreement as provided in Chapter 34 of the Family Code assigning responsibility for the student in all school-related matters to an adult resident of the District.

Misconduct

A minor student living apart who has engaged in misconduct that results in any of the consequences found in Education Code 25.001(d) shall not be permitted to attend a District school.

Exceptions

Based on an individual student's circumstance, the Superintendent shall have authority to grant exceptions to the requirement for a power of attorney or authorization agreement and to the exclusion for misconduct.

Extracurricular Activities

The Superintendent shall determine whether a minor student living apart is present in the District for the primary purpose of participating in extracurricular activities.

Nonresident Student in Grandparent's After-School Care

The parent and grandparent of a nonresident student requesting admission under Education Code 25.001(b)(9) shall provide to the Superintendent the required information on the grandparent's residency and complete a form provided by the District describing the extent of after-school care to be provided by the grandparent.

The Superintendent shall have authority to approve or deny such admissions requests in accordance with criteria approved by the Board.

"Accredited" Defined

For the purposes of this policy, "accredited" shall be defined as accreditation by TEA, an equivalent agency from another state, or an accrediting association recognized by the commissioner of education.

Grade-Level Placement

Accredited Schools

The parent, guardian, or other person having lawful control of a student enrolling in a District school from an accredited public, private, or parochial school shall provide evidence of the prior schooling outside the District. The student shall be placed initially at the grade level reached elsewhere, pending observation by the classroom teacher, guidance personnel, and the principal. On the basis of these observations and results of tests that may be administered by appropriate District personnel, the principal shall determine the final grade placement.

Nonaccredited Schools

A student enrolling in a District school from a nonaccredited public, private, or parochial school, including a homeschool, shall be placed initially at the discretion of the principal, pending observation by classroom teachers, guidance personnel, and the principal. Criteria for placement may include:

1. Scores on achievement tests, which may be administered by appropriate District personnel.
2. Recommendation of the sending school.
3. Prior academic record.
4. Chronological age and social and emotional development of the student.
5. Other criteria deemed appropriate by the principal.

Transfer of Credit

Accredited Texas Public Schools

Credit toward state graduation requirements earned in an accredited public school district in Texas shall be transferable and recognized by the District.

Other Accredited or Nonaccredited Schools

Before recognizing credit in a course earned in an accredited nonpublic school, an accredited school outside of Texas, or a nonaccredited school, appropriate personnel shall evaluate a student's records and transcript. The District may require the student to demonstrate mastery of the content or use alternative methods to verify course content for the award of credit.

Transition Assistance

In accordance with law, when a student who is identified as homeless or in substitute care enrolls in the District, the District shall assess the student's available records and other relevant information to determine transfer of credit for subjects and courses taken prior to enrollment.

[See EI]

Withdrawal

A parent or guardian wishing to withdraw a minor student shall present a signed statement that includes the reason for the withdrawal. A student who is 18 or older may submit a withdrawal statement without a parent's or guardian's signature.

[For District withdrawal of students no longer in attendance, see FEA(LOCAL).]

Assignments

A board or its designee may assign and transfer any student from one school facility or classroom to another facility or classroom within its jurisdiction. *Education Code 25.031*

A board or its designee must make the decision concerning the assignment or transfer of a student on an individual basis and may not consider as a factor in its decision any matter relating to the national origin of the student or the student's ancestral language. *Education Code 25.032*

Multiple Birth Siblings

"Multiple birth sibling" means a twin, triplet, quadruplet, or other sibling resulting from a multiple birth.

"Parent" includes a person standing in parental relation.

Placement

The parent of multiple birth siblings who are assigned to the same grade level and school may request in writing, not later than the 14th day after the first day of enrollment, that the school place the siblings in the same classroom or in separate classrooms.

A school shall provide the placement requested, except that a district is not required to place multiple birth siblings in separate classrooms if the request would require the district to add an additional class to the grade level of the siblings.

The school may recommend to a parent the appropriate classroom placement and may provide professional educational advice to assist the parent with the decision.

These provisions do not affect:

1. A right or obligation regarding the individual placement decisions of the admission, review, and dismissal (ARD) committee with respect to students receiving special education services [see EHBAB]; or
2. The right of a district or teacher to remove a student from a classroom under Chapter 37 [see FOA].

Reassignment by Principal

At the end of the first grading period following the multiple birth siblings' enrollment in the school, if the principal of the school, in consultation with the teacher of each classroom in which the siblings are placed, determines that the requested classroom placement is disruptive to the school, the principal may determine the appropriate classroom placement for the siblings.

Appeal

A parent may appeal the principal's classroom placement in the manner provided by district policy. During an appeal, the siblings shall remain in the classroom chosen by the parent. [See FNG]

Education Code 25.043

Placement of Older Students

A person who is 21 years of age or older who is admitted by a district to complete the requirements for a high school diploma and who has not attended school in the three preceding school years may not be placed with a student who is 18 years of age or younger in a classroom setting, a cafeteria, or another district-sanctioned school activity. This restriction does not prevent the student from attending a school-sponsored event that is open to the public as a member of the public. *Education Code 25.001(b-2)*

Petitions and Objections

The parent or person standing in parental relation to any student may by written petition either:

1. Request the assignment or transfer of the student to a designated school or to a school to be designated by the board; or
2. File objections to the assignment of the student to the school to which the student has been assigned.

Education Code 25.033, 26.003(a)(1)

Procedure

Upon receiving a written petition, a board shall proceed as follows:

1. If no hearing is requested, act on the petition not later than the 30th day after the petition is submitted and notify the petitioner of its conclusion; or
2. If a hearing is requested, designate a time and place for holding a hearing not later than the 30th day after the petition is submitted.

If a hearing is requested, it shall be conducted by a board in compliance with the following:

1. The petitioner may present evidence relevant to the student.
2. The board may conduct investigations as to the objection or request, examine any student involved, and employ agents, professional or otherwise, for the purpose of examinations and investigations.

Board's Decision

The board must grant the request made in the petition unless the board determines that there is a reasonable basis for denying the request. The decision of a board, with or without a hearing, is final, unless the student, or the parent, guardian, or custodian of the student as next friend, files an exception to the decision as constituting a denial of any right of the student guaranteed under the U.S. Constitution.

If such an exception is filed, a board may reconsider its decision. If a board has not ruled on the exception before the 16th day after the date of the filing, the objection is considered overruled. If the

exception is overruled, an appeal of a board's decision may be filed in the district court of the county in which the board is located.

Education Code 25.034

Students Who Are Victims of Bullying

On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, a board or its designee shall transfer the victim to:

1. Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. A campus in the district other than the campus to which the victim was assigned at the time the bullying occurred.

Students Who Engage in Bullying

The board may transfer the student who engaged in bullying to:

1. Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. A campus in the district other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged in bullying.

Education Code 37.004 (Placement of Students with Disabilities) applies to a transfer under this provision of a student with a disability who receives special education services.

Definition

"Bullying" has the meaning assigned by Education Code 37.0832. [See FFI]

Verification

A board or designee shall verify that a student has been a victim of bullying before transferring the student. A board may consider past student behavior when identifying a bully.

The determination by a board or designee is final and may not be appealed. The procedures set forth at Education Code 25.034 [see Petitions and Objections—Procedure, above] do not apply to a transfer under this provision.

A district is not required to provide transportation to a student who transfers to another campus under this provision.

Education Code 25.0342

Note: For bullying rising to the level of prohibited harassment, see FFH. For all other bullying, see FFI. For transfers related to sexual assault or school safety, see FDE.

Others in Special Education Student's Household

If a district assigns a student to a district campus other than the campus the student would attend based on the student's residence, for purposes of receiving special education services, the district shall permit the student's parent, guardian, or other person standing in parental relation to the student to obtain a transfer to the assigned campus for any other student residing in the household of the student receiving special education services, provided that:

1. The other student is entitled to attend school in the district [see FD]; and
2. The appropriate grade level for the other student is offered at the campus.

This provision does not apply if the student receiving special education services resides in a residential facility.

Education Code 25.034 [see Petitions and Objections—Procedure, above] does not apply to a transfer under this provision.

Transportation

A district is not required to provide transportation to a student who transfers to another campus under this provision. This provision does not affect any transportation services provided by a district in accordance with other law for the student receiving special education services.

Education Code 25.0343

Students in Unacceptable Schools

A student is eligible to attend another public school in the district in which the student resides if the student is assigned to attend a public school campus assigned an unacceptable rating that is made publicly available under Education Code 39.054 for:

1. The student achievement domain under Education Code 39.053(c)(1); and
2. The school progress domain under Education Code 39.053(c)(2). [See AIA]

Education Code 29.202(a) [See FDAA]

Students in Schools Identified for Support and Improvement

A district may provide all students enrolled in a school identified by TEA for comprehensive support and improvement under 20 U.S.C. 6311(c)(4)(D)(i) with the option to transfer to another public school served by the district, unless such an option is prohibited by state law.

A district shall give priority to the lowest achieving children from low-income families. A student who uses the option to transfer shall be enrolled in classes and other activities in the public school to

which the student transfers in the same manner as all other students at the public school.

A district shall permit a student who transfers to another school to remain in that school until the child has completed the highest grade in that school. A district may spend an amount equal to not more than five percent of its allocation under 20 U.S.C. Chapter 70, Part A, Subpart 2 (Title I basic program allocations) to pay for the provision of transportation for students who transfer under these provisions to the schools to which they transfer.

20 U.S.C. 6311(d)(1)(D)

Note: See FDE for the school safety transfer option in Title I programs.

Class Changes

A parent or person standing in parental relation is entitled to reasonable access to the school principal, or to a designated administrator with authority to reassign a student, to request a change in the class or teacher to which the parent's child has been assigned, if the reassignment or change would not affect the assignment or reassignment of another student. The decision of a board regarding such a request is final and may not be appealed. *Education Code 26.002, .003(a)(2), (b)* [See FNG]

Compulsory Attendance

Students who are at least six years of age, or who have been previously enrolled in first grade, and who have not yet reached their 19th birthday shall attend school for the entire period the program is offered, unless exempted as indicated below. On enrollment in prekindergarten or kindergarten, a student shall attend school. *Education Code 25.085(a)–(c)*

Voluntary Enrollment of Students 19 and Over

A person who voluntarily enrolls in school or voluntarily attends school after the person's 19th birthday shall attend school each school day for the entire period the program of instruction is offered. A board may adopt a policy requiring the student who is under 21 years of age to attend school until the end of the school year.

After the third unexcused absence of a person who voluntarily enrolls, a district shall issue a warning letter to the person that states the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester.

A district may revoke for the remainder of the school year the enrollment of a person who has more than five unexcused absences in a semester, except a school district may not revoke the enrollment of a person under this provision on a day on which the person is physically present at school.

A person whose enrollment is revoked for exceeding this limit may be considered an unauthorized person on school grounds for the purposes of Education Code 37.107 regarding trespassing.

As an alternative to revoking a person's enrollment, a school district may impose a behavior improvement plan described by Education Code 25.0915(a-1)(1).

Education Code 25.085(e)–(h)

Accelerated / Compensatory Programs

Unless specifically exempted, a student must also attend:

1. An extended-year program for which the student is eligible that is provided by a district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Education Code 29.084 [see EHBC];
2. An accelerated reading instruction program to which the student has been assigned under Education Code 28.006(g) [see EKC];
3. An accelerated instruction program to which the student is assigned under Education Code 28.0211 [see EIE];

4. A basic skills program to which the student is assigned under Education Code 29.086 [see EHBC]; or

5. A summer program provided:

   a. To a student placed in in-school suspension or other alternative setting, other than a disciplinary alternative education program (DAEP), who has been offered the opportunity to complete before the beginning of the next school year each course in which the student was enrolled at the time of removal. *Education Code 37.021* [See FO]

   b. To a student removed to a DAEP who has been offered an opportunity to complete coursework, before the beginning of the next school year. *Education Code 37.008(l)* [See FOCA]

Education Code 25.085(d)

Additional Instructional Days

Notwithstanding any other provision in Education Code 25.085, a student enrolled in a district is not required to attend school for any additional instructional days described by Education Code 48.0051 [See Incentive for Additional Instructional Days at FEB]. *Education Code 25.085(i)*

Exemptions

A student is exempt from compulsory attendance requirements under the following statutory provisions.

Equivalency Diploma

A student is exempt from compulsory attendance requirements if the student is at least 17 years of age and has been issued a high school equivalency certificate or diploma.

Private or Home School

A student is exempt from compulsory attendance requirements if the student attends a private or parochial school that includes in its course a study of good citizenship.

A student in a home school shall be exempt from compulsory attendance if he or she is pursuing in good faith a curriculum consisting of books, workbooks, other written materials (including those that appear on an electronic screen of either a computer or video tape monitor), or any combination of these. The curriculum shall be designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship. *TEA v. Leeper, 893 S.W.2d 432 (Tex. 1994)*

Special Education—Nondistrict Placement

A student is exempt from compulsory attendance requirements if the student is eligible to participate in a district's special education program under Education Code 29.003 and cannot be appropriately served by the resident district.

Medical Condition	A student is exempt from compulsory attendance requirements if the student has a temporary and remediable physical or mental condition that makes attendance infeasible and the student has a certificate from a qualified physician specifying the temporary condition, indicating the prescribed treatment, and covering the anticipated period of absence for the purpose of receiving and recuperating from remedial treatment.
Expulsion—No JJAEP	A student is exempt from compulsory attendance requirements if the student is expelled in accordance with legal requirements in a district that does not participate in a mandatory juvenile justice alternative education program. [See FOD]
17-Year-Old in GED Course	A student is exempt from compulsory attendance requirements if the student is at least 17 years old, is attending a course of instruction to prepare for the high school equivalency examinations, and: 1. Has the permission of the student's parent or guardian to attend the course; 2. Is required by court order to attend the course; 3. Has established a residence separate and apart from the student's parent, guardian, or other person having lawful control of the student; or 4. Is homeless.
High School Replacement Programs	A student is exempt from compulsory attendance requirements if the student is enrolled in the Texas Academy of Leadership in the Humanities, Texas Academy of Mathematics and Science, or Texas Academy of International Studies.
16-Year-Old in GED Program or Job Corps	A student is exempt from compulsory attendance requirements if the student is at least 16 years old and is attending a course of instruction to prepare for the high school equivalency examinations, if: 1. The student is recommended to take the course by a public agency that has supervision or custody of the student under a court order; or 2. The student is enrolled in a Job Corps training program under the Workforce Investment Act of 1998, 29 U.S.C. 2801.
Other Exemption	A student is exempt from compulsory attendance requirements if the student is specifically exempted under another law. *Education Code 25.086*

Excused Absences for Compulsory Attendance Determinations

A district shall excuse a student from attending school as required by the following statutory provisions.

Religious Holy Days

A district shall excuse a student from attending school for the purpose of observing religious holy days. A student who is observing holy days is allowed up to one day of excused travel for traveling to the site where the student will observe the holy days and up to one day of excused travel for traveling from that site.

Court Appearances

A district shall excuse a student from attending school for the purpose of attending a required court appearance. A student who is attending a required court appearance is allowed up to one day of excused travel for traveling to the site where the student will attend the required court appearance and up to one day of excused travel for traveling from that site.

Citizenship Proceedings

A district shall excuse a student from attending school for the purpose of appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship. A student who is appearing at a governmental office to complete such paperwork is allowed up to one day of excused travel for traveling to the site where the student will complete the paperwork and up to one day of excused travel for traveling from that site.

A district shall excuse a student from attending school for the purpose of taking part in a United States naturalization oath ceremony. A student who is taking part in such a ceremony is allowed up to one day of excused travel for traveling to the site where the student will take part in the ceremony and up to one day of excused travel for traveling from that site.

Election Clerks

A district shall excuse a student from attending school for the purpose of serving as an election clerk. A student who is serving as an election clerk is allowed up to one day of excused travel for traveling to the site where the student will serve as an election clerk and up to one day of excused travel for traveling from that site. [See Early Voting Clerks, below]

Children in Conservatorship of DFPS

If a student is in the conservatorship of the Department of Family and Protective Services (DFPS), a district shall excuse the student from attending school for the purpose of participating, as determined and documented by DFPS, in an activity:

1. Ordered by a court under Family Code Chapter 262 or 263, provided that it is not practicable to schedule the participation outside of school hours, or

2. Required under a service plan under Family Code Chapter 263, Subchapter B.

Education Code 25.087(b)(1); 19 TAC 129.21(j)(3)

Health-Care Appointments

A district shall excuse a student from attending school for a temporary absence resulting from an appointment with a health-care professional for the student or the student's child if the student commences classes or returns to school on the same day of the appointment. The appointment must be supported by a document such as a note from the health-care professional. "Temporary absence" includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health-care practitioner to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy. *Education Code 25.087(b)(2), (b-3); 19 TAC 129.21(j)(3)* [See FEB]

Higher Education Visits

A district may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for the purpose of determining the student's interest in attending the institution of higher education, provided that:

1. The district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and

2. The district adopts:

   a. A policy to determine when an absence will be excused for this purpose; and

   b. A procedure to verify the student's visit at the institution of higher education.

Education Code 25.087(b-2); 19 TAC 129.21(j)(3)

Early Voting Clerks

A district may adopt a policy excusing a student from attending school for service as a student early voting clerk in an election. A district may excuse a student for serving as an election clerk [see Election Clerks, above] or early voting clerk for a maximum of two days in a school year. *Education Code 25.087(b-1), (e)*

Military Dependents

A district shall excuse a student whose parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside

the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. A district may not excuse a student under this provision more than five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment. *Education Code 25.087(b-4)* [See FDD]

Enlistment in Armed Services

A district shall excuse a student who is 17 years of age or older from attending school to pursue enlistment in a branch of the armed services of the United States or the Texas National Guard, provided that:

1. The district may not excuse for this purpose more than four days of school during the period the student is enrolled in high school; and
2. The district verifies the student's activities related to pursuing enlistment in a branch of the armed services or the Texas National Guard.

A district shall adopt procedures to verify a student's activities as described in these provisions.

Education Code 25.087(b-5), (b-6); 19 TAC 129.21(j)(3)

Taps at Military Funeral

In addition, a district may excuse a student in grades 6 through 12 for the purpose of sounding "Taps" at a military honors funeral held in this state for a deceased veteran. *Education Code 25.087(c)*

No Penalty

A student whose absence is excused for a reason described beginning at Excused Absences for Compulsory Attendance Determinations, above, may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the district.

Make-Up Work

The student shall be allowed a reasonable time to make up school work missed on the days described above. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance.

Education Code 25.087(d)

Other Excused Absences

A person required to attend school may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the person is enrolled. *Education Code 25.087(a)*

Notices to Parents

Warning Notice

A district shall notify a student's parent in writing at the beginning of the school year that, if the student is absent from school on ten or more days or parts of days within a six-month period in the same

school year, the student's parent is subject to prosecution under Education Code 25.093, and the student is subject to referral to a truancy court for truant conduct under Family Code 65.003(a).

Notice of Absences

A district shall notify a student's parent if the student has been absent from school, without excuse under Education Code 25.087, on three days or parts of days within a four-week period. The notice must:

1. Inform the parent that:
    a. It is the parent's duty to monitor the student's school attendance and require the student to attend school;
    b. The student is subject to truancy prevention measures under Education Code 25.0915; and
2. Request a conference between school officials and the parent to discuss the absences.

The fact that a parent did not receive the notices described above is not a defense for the parent's failure to require a child to attend school nor for the student's failure to attend school.

Education Code 25.095

Non-Attendance

Parent Liability

A parent or person standing in parental relation commits an offense if:

1. A warning notice is issued;
2. The parent with criminal negligence fails to require the child to attend school as required by law; and
3. The child has absences for the amount of time specified under Family Code 65.003(a).

The attendance officer [see FED] or other appropriate school official shall file a complaint against the parent in an appropriate court, as permitted under Education Code 25.093.

Affirmative Defense—Parent

It is an affirmative defense to prosecution that one or more of the absences required to be proven was excused by a school official or should be excused by the court. A decision by the court to excuse an absence for this purpose does not affect the ability of a district to determine whether to excuse the absence for another purpose.

Education Code 25.093

Student Liability

A child engages in truant conduct if the child is required to attend school under the compulsory attendance laws, and fails to attend

school on ten or more days or parts of days within a six-month period in the same school year. Truant conduct may be prosecuted only as a civil case in a truancy court. *Family Code 65.003(a), (b)*

"Child" means a person who is 12 years of age or older and younger than 19 years of age. *Family Code 65.002(1)*

Truancy Courts

The following are designated as truancy courts:

1. The constitutional county court in a county with a population of 1.75 million or more;
2. Justice courts; and
3. Municipal courts.

A truancy court has exclusive original jurisdiction over cases involving allegations of truant conduct.

Family Code 65.004(a), (b)

Affirmative Defense—Student

It is an affirmative defense to an allegation of truant conduct that one or more of the absences required to be proven have been excused by a school official or by the court or that one or more of the absences were involuntary, but only if there is an insufficient number of unexcused or voluntary absences remaining to constitute truant conduct. The burden is on the child to show by a preponderance of the evidence that the absence has been or should be excused or that the absence was involuntary. A decision by the court to excuse an absence does not affect the ability of the district to determine whether to excuse the absence for another purpose. *Family Code 65.003(c)*

Truancy Prevention Measures

If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described below, the district shall initiate truancy prevention measures on the student. [See FED] *Education Code 25.0915(a-4)*

District Complaint or Referral

If a student fails to attend school without excuse on ten or more days or parts of days within a six-month period in the same school year, a district shall within ten school days of the student's tenth absence refer the student to a truancy court for truant conduct under Family Code 65.003(a). [See FED] *Education Code 25.0951*

Records

A district must maintain records to reflect the average daily attendance for the allocation of Foundation School Program (FSP) funds and other funds allocated by the Texas Education Agency (TEA). The district must maintain records and make reports concerning student attendance and participation in special programs as required by the commissioner of education. The superintendent, principals, and teachers are responsible to the board and the state to maintain accurate, current attendance records. *19 TAC 129.21(a), (e)*

Districts shall use the student attendance accounting standards established by the commissioner to maintain records and make reports on student attendance and student participation in special programs. The official standards are described in TEA's *Student Attendance Accounting Handbook* (*SAAH*). *19 TAC 129.1025*

The superintendent is responsible for the safekeeping of all attendance records and reports. The superintendent may determine whether the properly certified attendance records or reports for the school year are to be stored in the central office, on the respective school campuses of a district, or at another secure location. Regardless of where such records are filed or stored, they must be readily available for audit by TEA. *19 TAC 129.21(d)*

Minimum Enrollment

A student must be enrolled for at least two hours of instruction to be considered in membership for one half day, and for at least four hours of instruction to be considered in membership for one full day.

Full-Day Students

Students enrolled on a full-day basis may earn one full day of attendance each school day.

Half-Day Students

Students enrolled on a half-day basis may earn only one half day attendance each school day. Attendance is determined for these pupils by recording absences in a period during the half day they are scheduled to be present.

Alternative Attendance Accounting Program

Students who are enrolled in and participating in an alternative attendance accounting program approved by the commissioner will earn attendance according to the statutory and rule provisions applicable to that program.

Attendance for State Funding Purposes

Attendance for all grades shall be determined by the absences recorded at the official attendance-taking time during the campus's instructional day, unless the board adopts a policy, or delegates to the superintendent the authority to establish procedures for recording absences in an alternative hour, or unless the students for which attendance is being taken are enrolled in and participating in a commissioner-approved alternative attendance accounting program.

The established period in which absences are recorded may not be changed during the school year.

Students absent at the time the attendance roll is taken, during the daily period selected, are counted absent for the entire day, unless the students are enrolled in and participating in a commissioner-approved alternative attendance accounting program. Students present at the time the attendance roll is taken, during the daily period selected, are counted present for the entire day, unless the students are enrolled in and participating in a commissioner-approved alternative attendance accounting program.

19 TAC 129.21(g)–(h)

A student removed to a disciplinary alternative education program is counted in computing the average daily attendance of students in a district for the student's time in actual attendance in the program. *Education Code 37.008(f)*

Incentive for Additional Instructional Days

The commissioner shall adjust the average daily attendance of a district under Education Code 48.005 in the manner provided by Education Code 48.0051(b) if the district:

1. Provides the minimum number of minutes of operational and instructional time required under Education Code 25.081 and commissioner rules adopted under that section over at least 180 days of instruction; and
2. Offers an additional 30 days of half-day instruction for students enrolled in prekindergarten through fifth grade.

Education Code 48.0051(a)

Funding for Off-Campus Programs

Funding eligibility for a student participating in an off-campus program will include time instructed in the off-campus program. A campus may choose an alternate attendance-taking time for a group of students that is scheduled to be off-campus during the regular attendance-taking time. The alternate attendance-taking time will be in effect for the period of days or weeks for which the group is scheduled to be off-campus during the regular attendance-taking time (for example, for the semester or for the duration of employment). This alternate attendance-taking time may not be changed once it is selected for a particular group of students. If attendance is taken at an off-campus location, the district must ensure that attendance is taken in accordance with the *SAAH*.

For a district to receive FSP funding for a student participating in an off-campus program, the district must have documentation of an agreement between the district and the college.

19 TAC 129.1031(c), (d) [See EHDD]

Exceptions

A student not actually on campus when attendance is taken may be considered in attendance for FSP purposes if:

1. The student is participating in a board-approved activity under the direction of a member of a district's professional or paraprofessional staff, or an adjunct staff member who has a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas (TRS). [See FM]
2. The student is participating in a mentorship approved by district personnel to serve as one or more of the advanced measures needed to complete the Distinguished Achievement Program outlined in 19 Administrative Code Chapter 74. [See EIF]
3. The student is absent for one of the purposes listed at Excused Absences for Compulsory Attendance Determinations in FEA(LEGAL).
4. The student is in attendance at a dropout recovery education program under Education Code 29.081. [See GNC]
5. The student's absence is permitted by other conditions related to off-campus instruction described in the *SAAH*.

Education Code 25.087, 29.081(e), (f); 19 TAC 129.21(i)–(k)

Disasters

The commissioner may adjust the average daily attendance of a district all or part of which is located in an area declared a disaster area by the governor under Government Code Chapter 418 if the district experiences a decline in average daily attendance that is reasonably attributable to the impact of the disaster.

The commissioner may make the adjustment under this section for the two-year period following the date of the governor's initial proclamation or executive order declaring the state of disaster.

Education Code 48.006(a), (c)

Parental Consent to Leave Campus

Before a district may count a student in attendance under these provisions or in attendance when the student was allowed to leave campus during any part of the school day, the board must adopt a policy, or delegate to the superintendent the authority to establish procedures, addressing parental consent for a student to leave campus and the district must distribute the policy or procedures to staff and to all parents of students in the district. *19 TAC 129.21(l)*

Attendance Accounting System

The Superintendent shall be responsible for designating the official attendance-taking time during the campus's instructional day and maintaining a student attendance accounting system in accordance with statutory and TEA requirements. [See also FD for admissions and residency requirements.]

Alternative Attendance-Taking Time

The Superintendent is authorized to establish written procedures permitting a campus to record absences in an alternative hour from the District's official attendance-taking time or for a designated group of students at a campus. The alternative attendance-taking time shall be determined in accordance with TEA's *Student Attendance Accounting Handbook* and administrative regulations.

Parental Consent to Leave Campus

The Superintendent shall establish procedures regarding parental consent for a student to leave campus, including procedures for documenting a student's absence. The procedures shall be communicated in the employee and student handbooks.

Consent to Medical Treatment

The school in which a minor student is enrolled may consent to medical, dental, psychological, and surgical treatment of that student, provided all of the following conditions are met:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.
3. Written authorization to consent has been received from that person.

Family Code 32.001(a)(4)

Form of Consent

Consent to medical treatment under this policy shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment. The consent must contain:

1. The name of the student.
2. The name of one or both parents, if known, and the name of the managing conservator or guardian of the student, if either has been appointed.
3. The name of the person giving consent and the person's relation to the student.
4. A statement of the nature of the medical treatment to be given.
5. The date on which the treatment is to begin.

Family Code 32.002

Minor's Consent to Treatment

A minor may consent to medical, dental, psychological, and surgical treatment furnished by a licensed physician or dentist if the minor:

1. Is 16 years of age and residing separate and apart from the minor's parents, managing conservator, or guardian, with or without the consent of the parents, conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;
2. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of State Health Services (DSHS), including all reportable diseases under Health and Safety Code 81.041;

3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or

4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

Family Code 32.003; Planned Parenthood of Cent. Mo. v. Danforth, 428 U.S. 52 (1976); Bellotti v. Baird, 443 U.S. 622 (1979)

Administering Medication

Upon adoption of policies concerning the administration of medication to students by district employees, the district, its board, and its employees are immune as described below, provided:

1. The district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.

2. When administering prescription medication, the medication is administered either:

   a. From a container that appears to be the original container and to be properly labeled; or

   b. From a properly labeled unit dosage container filled by a registered nurse or another qualified district employee, as determined by district policy, from a container that appears to be the original container and to be properly labeled.

By Volunteer Professionals

If a district provides liability insurance for a licensed physician or registered nurse who provides volunteer services to the district, a board may allow the physician or nurse to administer to any student nonprescription medication or medication currently prescribed for the student by the student's personal physician.

Immunity from Civil Liability

A district, a board, and its employees shall be immune from civil liability for damages or injuries resulting from the administration of medication to a student in accordance with this policy.

Education Code 22.052(a), (b)

[See DG regarding protection of nurses for refusal to perform acts.]

Self-Administration of Asthma or Anaphylaxis Medicine

A student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if:

1. The medicine has been prescribed for that student as indicated by the prescription label on the medicine;

2. The student has demonstrated to the student's physician or other licensed health-care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including the use of any device required to administer the medication;

3. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health-care provider; and

4. A parent of the student provides to the school:

   a. Written authorization, signed by the parent, for the student to self-administer the prescription medicine while on school property or at a school-related event or activity; and

   b. A written statement, signed by the student's physician or other licensed health-care provider, that states:

      (1) That the student has asthma or anaphylaxis and is capable of self-administering the medicine;

      (2) The name and purpose of the medicine;

      (3) The prescribed dosage for the medicine;

      (4) The times at which or circumstances under which the medicine may be administered; and

      (5) The period for which the medicine is prescribed.

The physician's statement must be kept on file in the school nurse's office, or, if there is no school nurse, in the office of the principal of the school the student attends.

[See FFAF for care of students with diagnosed food allergies at risk for anaphylaxis.]

No Waiver of Immunity

The provisions above neither waive any liability or immunity nor create any liability for or a cause of action against a district, a board, or its employees.

Education Code 38.015

Sunscreen Products

A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use. This provision does not waive any immunity from liability of a district, its board, or its

employees; or create any liability for or a cause of action against a district, its board, or its employees. *Education Code 38.021*

Dietary Supplements

A district employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's school district duties; or

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

Education Code 38.011(a), (c)

Prescription Medication and Special Education Students

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

[See FFEB for information regarding psychotropic drugs and psychiatric evaluations]

Opioid Antagonist Medication

A person or organization acting under a standing order issued by a prescriber may store an opioid antagonist and may distribute an opioid antagonist, provided the person or organization does not request or receive compensation for storage or distribution. *Health and Safety Code 483.104*

A prescriber may, directly or by standing order, prescribe an opioid antagonist to a person in a position to assist a person experiencing an opioid-related drug overdose. *Health and Safety Code 483.102; 22 TAC 170.6*

Immunity

A person who, acting in good faith and with reasonable care, administers or does not administer an opioid antagonist to another person whom the person believes is suffering an opioid-related

drug overdose is not subject to criminal prosecution, sanction under any professional licensing statute, or civil liability, for an act or omission resulting from the administration of or failure to administer the opioid antagonist. *Health and Safety Code 483.106*

Low-THC Cannabis

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of low-THC cannabis, as authorized by the Texas Compassionate-Use Act. *Health and Safety Code 487.201*

Dextromethorphan (Certain Cold Medication)

A district may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan. *Health and Safety Code 488.005*

Note: The following provisions apply only to a district that will adopt an unassigned epinephrine auto-injector policy or an unassigned asthma medication policy.

Maintenance and Administration of Epinephrine Auto-Injectors

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of epinephrine auto-injectors at each campus in the district.

If a policy is adopted, the policy:

1. Must provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on a school campus; and

2. May provide that school personnel and school 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 school event or while in transit to or from a school event.

A district that adopts a policy must require that each campus have one or more school personnel members or school volunteers authorized and trained to administer an epinephrine auto-injector present during all hours the campus is open.

The supply of epinephrine auto-injectors at each campus must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an epinephrine auto-injector.

Education Code 38.208

Definitions

All Hours the Campus Is Open — "All hours the campus is open" is defined as, at a minimum, during regular on-campus school hours, and when school personnel are physically on site for school-sponsored activities.

Campus — A "campus" is defined as a unit of a school district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.

Unassigned Epinephrine Auto-Injector — An "unassigned epinephrine auto-injector" is an epinephrine auto-injector prescribed by an authorized health-care provider in the name of the school issued with a non-patient-specific standing delegation order for the administration of an epinephrine auto-injector, issued by a physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157.

25 TAC 37.603

Prompt Notification — Local emergency medical services must be promptly notified by the school when an individual is suspected of experiencing anaphylaxis and when an epinephrine auto-injector is administered. If the trained school personnel or school volunteer is the only individual available to notify emergency medical services, the trained individual should administer the unassigned epinephrine auto-injector before notifying emergency medical services.

The parent, legal guardian, or emergency contact must be promptly notified by the school when an unassigned epinephrine auto-injector is utilized on their child as soon as is feasible during the emergency response to suspected anaphylaxis.

25 TAC 37.605(e)–(f)

Records — School records of the administration of the unassigned epinephrine auto-injector and suspected anaphylaxis must be provided to the parent or guardian of the recipient upon request. *25 TAC 37.605(f)*

Reports — Not later than the tenth business day after the date a school personnel member or school volunteer administers an epinephrine auto-injector in accordance with district policy, the school shall send a report to the school district; 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 school personnel member or school volunteer, 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 education.

Education Code 38.209

Notifications to the commissioner of DSHS shall be submitted on the designated electronic form available on the DSHS School Health Program website. *25 TAC 37.608*

Personnel or Volunteers

At each campus in which a school adopts an unassigned epinephrine auto-injector policy, the principal may assign school personnel or school volunteers to be trained to administer unassigned epinephrine auto-injectors or seek school personnel or school volunteers who volunteer to be trained to administer unassigned epinephrine auto-injectors.

In order to increase the number of trained individuals in the administration of unassigned epinephrine auto-injectors, schools may distribute to school personnel or school volunteers in the district, at least once per school year, a notice that includes a description of the request seeking volunteers to be trained to administer an epinephrine auto-injector to a person believed to be experiencing anaphylaxis and a description of the training that the school personnel or school volunteers will receive in the administration of epinephrine with an auto-injector.

25 TAC 37.606(a)–(b)

Signed Statement

Trained school personnel or school volunteers who administer the unassigned epinephrine auto-injector must submit a signed statement indicating that they agree to perform the service of administering an unassigned epinephrine auto-injector to a student or individual that may be experiencing anaphylaxis. *25 TAC 37.606(c)*

Training

A district that adopts an unassigned epinephrine auto-injector written policy is responsible for training school personnel and school volunteers in the recognizing of anaphylaxis signs and symptoms and administration of an unassigned epinephrine auto-injector.

Each assigned school personnel or school volunteer shall receive initial training and an annual refresher training. Training shall be consistent with the most recent Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs[1] published by the federal Centers for Disease Control and Prevention.

25 TAC 37.607

Training may be provided in a formal training session or through an online education course. Training must include information on properly inspecting unassigned epinephrine auto-injectors for usage and expiration. *25 TAC 37.607(1)–(2)*

Training must include information on implementing emergency procedures, if necessary, after administering an epinephrine auto-injector, and properly disposing of used or expired epinephrine auto-injectors. A district shall maintain records on the required training. *Education Code 38.210*

The initial training must include hands-on training with an epinephrine auto-injector trainer. The annual refresher training must include a hands-on demonstration of administration skills. The training must also include information about promptly notifying local emergency medical services.

Each school campus shall maintain training records and make available upon request a list of those school personnel or school volunteers trained and authorized to administer the unassigned epinephrine auto-injector on the campus.

25 TAC 37.607(3)–(6)

Standing Orders

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe epinephrine auto-injectors in the name of a district in accordance with law. *Education Code 38.211*

A district 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 school campus.

A school may choose to stock unassigned pediatric epinephrine auto-injector packs, based on the need of the school's population.

25 TAC 37.605(a)

Epinephrine Coordinator

The superintendent will designate appropriate school personnel to coordinate and manage policy implementation, including training of

	school personnel, and the acquisition or purchase, usage, expiration, and disposal of unassigned epinephrine auto-injectors. Throughout the school calendar year, the designated school personnel shall coordinate with each campus to ensure that the unassigned epinephrine auto-injectors are checked monthly for expiration and usage and the findings are documented. *19 TAC 37.605(b)*
Notice to Parents	If a district implements a policy for the maintenance, administration, and disposal of epinephrine auto-injectors, the district shall provide written notice to a parent or guardian of each student enrolled in the district or school. Notice must be provided before the policy is implemented by the district or school and before the start of each school year. *Education Code 38.212* A district shall provide electronic or written notice to the parent or guardian of each student. If a district changes or discontinues the policy under this subchapter, written or electronic notice detailing the change or discontinuation must be provided to the parent or guardian of each student within 15 calendar days. *25 TAC 37.609*
Storage	Unassigned epinephrine auto-injectors shall be stored in a secure, easily accessible area for an emergency, in accordance with manufacturer's guidelines. It is recommended that the school administrator develop a map to be placed in high traffic areas that indicates the location of the unassigned epinephrine auto-injectors on each school campus. It is recommended that the map also indicates the locations of the automated external defibrillator (AED). *25 TAC 37.605(h)*
Replacement	The district shall develop a plan to replace, as soon as reasonably possible, any unassigned epinephrine auto-injector that is used or close to expiration. *25 TAC 37.605(i)*
Disposal	Used unassigned epinephrine auto-injectors shall be considered infectious waste and shall be disposed of according to the school's bloodborne pathogen control policy. Expired unassigned epinephrine auto-injectors shall be disposed of according to the school's medication disposal policy. *25 TAC 37.605(j)–(k)* [See DBB]
Gifts, Grants, and Donations	A district may accept gifts, grants, donations, and federal and local funds to implement its policy. *Education Code 38.213*

Maintenance and Administration of Asthma Medicine

A district may adopt and implement a policy authorizing a school nurse to maintain and administer asthma medicine at each campus in the district.

The policy must provide that the school nurse may administer prescription asthma medicine to a student only if the school nurse has written notification from a parent or guardian of the student stating that the student has been diagnosed as having asthma and stating that the school nurse may administer prescription asthma medicine to the student. A school nurse may administer the prescription asthma medicine only at a school campus.

Education Code 38.208(a-1), (b-1)

Storage

The supply of asthma medicine at each campus must be stored in a secure location and be easily accessible to the school nurse.

No Negative Fiscal Impact

The policy may not require a district to purchase prescription asthma medicine or require any other expenditure related to the maintenance or administration of asthma medicine that would result in a negative fiscal impact on the district or school.

Education Code 38.208(e)–(f)

Asthma Medicine Standing Order

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157, may prescribe asthma medicine in the name of a school district. *Education Code 38.211(a)*

Notice to Parents

The district shall provide written notice to a parent or guardian of each student enrolled in the district or school. Notice required under Education Code 38.212 must be provided before a policy is implemented by the district and before the start of each school year. *Education Code 38.212*

Immunity from Liability

A person who in good faith takes, or fails to take, any action related to Education Code Chapter 38, Subchapter E, related to the maintenance and administration of epinephrine auto-injectors and asthma medicine, is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act, including:

1. Issuing an order for epinephrine auto-injectors or asthma medicine;
2. Supervising or delegating the administration of an epinephrine auto-injector or asthma medicine;
3. Possessing, maintaining, storing, or disposing of an epinephrine auto-injector or asthma medicine;
4. Prescribing an epinephrine auto-injector or asthma medicine;

5. Dispensing an epinephrine auto-injector or asthma medicine, provided that permission has been granted as provided by Education Code 38.208(b-1) [see Maintenance and Administration of Asthma Medicine, above];

6. Administering, or assisting in administering, an epinephrine auto-injector, provided that permission has been granted as provided by Education Code 38.208(b-1) [see Maintenance and Administration of Epinephrine Auto-Injectors, above];

7. Providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans; or

8. Undertaking any other act permitted or required under Education Code Chapter 38, Subchapter E.

A district and school personnel and school volunteers are immune from suit resulting from an act, or failure to act, under Education Code Chapter 38, Subchapter E, including an act or failure to act under related policies and procedures.

An act or failure to act by school personnel or a school volunteer, including an act or failure to act under related policies and procedures, is the exercise of judgment or discretion on the part of the school personnel or school volunteer and is not considered to be a ministerial act for purposes of liability of the school district.

Education Code 38.215

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[1] CDC Voluntary Guidelines for Managing Food Allergies: https://www.cdc.gov/healthyschools/foodallergies/index.htm

School-Based Health Centers

A district may, if it identifies the need, design a model for the delivery of cooperative health-care programs for students and their families and may compete for grants to provide such programs. The model program may provide for delivery of conventional health services and disease prevention of emerging health threats that are specific to a district.

On the recommendation of an advisory council [see Advisory Council, below] or on the initiative of the board, a district may establish a school-based health center at one or more campuses to meet the health-care needs of students and their families. A district may contract with a person to provide services at a school-based health center.

Education Code 38.051

Programs Goals

All health-care programs should be designed to meet the following goals:

1. Reducing student absenteeism;
2. Increasing a student's ability to meet the student's academic potential; and
3. Stabilizing the physical well-being of a student.

Education Code 38.063(c)

Consent Required

A school-based health center may provide services to a student only if a district or the provider with whom a district contracts obtains the written consent of the student's parent or guardian or another person having legal control of the student. The student's parent or guardian or another person having legal control of the student may give consent to receive ongoing services or may limit consent to one or more services provided on a single occasion. The consent form must list every service the center delivers in a format that complies with all applicable state and federal laws and allows a person to consent to one or more categories of services. *Education Code 38.053*

Permissible Services

The permissible categories of services are:

1. Family and home support;
2. Physical health care, including immunizations;
3. Dental health care;
4. Health education;
5. Preventive health strategies;

6. Treatment for mental health conditions [see FFEB]; and

7. Treatment for substance abuse.

Education Code 38.054

Services Not Permitted

Reproductive services, counseling, or referrals may not be provided through a school-based health center using grant funds awarded under Education Code Chapter 38, Subchapter B. Any service provided using grant funds must be provided by an appropriate professional who is properly licensed, certified, or otherwise authorized under state law to provide the service. *Education Code 38.055–.056*

The staff of a school-based health center and the person who consents to treatment shall jointly identify any health-related concerns of a student that may be interfering with the student's well-being or ability to succeed in school.

If it is determined that a student is in need of a referral for physical health services or mental health services, the staff of the center shall notify the person whose consent is required under Education Code 38.053 verbally and in writing of the basis for the referral. The referral may not be provided unless the person provides written consent for the type of service to be provided and provides specific written consent for each treatment occasion or for a course of treatment that includes multiple treatment occasions of the same type of service.

Education Code 38.057

Advisory Council

A board may establish and appoint members to a local health education and health-care advisory council to make recommendations on the establishment of school-based health centers and to assist a district in ensuring that local community values are reflected in the operation of each center and in the provision of health education.

A majority of the members must be parents of students enrolled in the district. In addition to the appointees who are parents, a board shall also appoint at least one classroom teacher, one administrator, one school counselor, one licensed health-care professional licensed or certified to practice in this state, one member of the clergy, one person from law enforcement, one member of the business community, one senior citizen, and one student. *Education Code 38.058*

A district may seek assistance in establishing and operating a school-based health center from any public agency in the community. *Education Code 38.059*

If a district is located in a county with a population not greater than 50,000 or that has been designated under state or federal law as a health professional shortage area, a medically underserved area, or a medically underserved community, the district and advisory council shall make a good-faith effort to identify and coordinate with existing providers.

The district shall keep a record of efforts made to coordinate with existing providers.

Education Code 38.060

Primary Care Physician

If a person receiving a medical service from a school-based health center has a primary care physician, the staff of the center shall provide notice of the service to that physician. Before delivering service to a person with a primary care physician under the state Medicaid program, a state children's health plan program, or a private health insurance or health benefit plan, the staff of the center shall notify that physician to share medical information and obtain authorization for delivering the medical service. *Education Code 38.061*

Funding

A district shall comply with the funding requirements and limitations set out in Education Code 38.062–.063 and with rules adopted by the commissioner of state health services. *Education Code 38.062–.063*

Standards for State-Funded Centers

If a district receives a grant from the Texas Department of State Health Services (TDSHS) to assist with the costs of operating school-based health centers, it must comply with TDSHS standards for funded centers. *25 TAC 37.531, .538*

Threat Assessment

Definitions

"Harmful, threatening, or violent behavior" includes behaviors, such as verbal threats, threats of self harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student that could result in:

1. Specific interventions, including mental health or behavioral supports;
2. In-school suspension;
3. Out-of-school suspension; or
4. The student's expulsion or removal to a disciplinary alternative education program (DAEP) or a juvenile justice alternative education program (JJAEP).

"Team" means a threat assessment and safe and supportive school team established by the board under Education Code 37.115.

Education Code 37.115(a)

Threat Assessment Team

The board shall establish a threat assessment and safe and supportive school team to serve at each campus of the district and shall adopt policies and procedures for the teams.

The team is responsible for developing and implementing the safe and supportive school program in compliance with Texas Education Agency (TEA) rules at the district campus served by the team.

The policies and procedures adopted under Education Code 37.115 must:

1. Be consistent with the model policies and procedures developed by the Texas School Safety Center (TxSSC) [see Education Code 37.220];
2. Require each team to complete training provided by the TxSSC or a regional education service center (ESC) regarding evidence-based threat assessment programs; and
3. Require each team established under this section to report the required information regarding the team's activities to TEA [see Reporting to TEA, below].

Membership

The superintendent shall ensure that the members appointed to each team have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law enforcement. A team may serve more

than one campus of a district, provided that each district campus is assigned a team.

Oversight Committee

The superintendent may establish a committee, or assign to an existing committee established by the district, the duty to oversee the operations of teams established for the district. A committee with oversight responsibility must include members with expertise in human resources, education, special education, counseling, behavior management, school administration, mental health and substance use, school safety and security, emergency management, and law enforcement.

Team Duties

Each team shall:

1. Conduct a threat assessment that includes assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior in accordance with district policies and procedures; and gathering and analyzing data to determine the level of risk and appropriate intervention, including:
    a. Referring a student for mental health assessment; and
    b. Implementing an escalation procedure, if appropriate, based on the team's assessment, in accordance with district policy;
2. Provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual; and
3. Support the district in implementing the district's multihazard emergency operations plan [see CKC].

Consent for Mental Health-Care Service

A team may not provide a mental health-care service to a student who is under 18 years of age unless the team obtains written consent from the parent of or the person standing in parental relation to the student before providing the mental health-care service. The consent must be submitted on a form developed by the district that complies with all applicable state and federal law. The student's parent or person standing in parental relation to the student may give consent for a student to receive ongoing services or may limit consent to one or more services provided on a single occasion.

Education Code 37.115(c)–(g)

Determination of Risk

On determination that a student or other individual poses a serious risk of violence to self or others, a team shall immediately report the team's determination to the superintendent. If the individual is a student, the superintendent shall immediately attempt to inform the

parent or person standing in parental relation to the student. These requirements do not prevent an employee of the school from acting immediately to prevent an imminent threat or respond to an emergency.

A team identifying a student at risk of suicide shall act in accordance with the district's suicide prevention program. If the student at risk of suicide also makes a threat of violence to others, the team shall conduct a threat assessment in addition to actions taken in accordance with the district's suicide prevention program.

A team identifying a student using or possessing tobacco, drugs, or alcohol shall act in accordance with district policies and procedures related to substance use prevention and intervention.

Education Code 37.115(h)–(j)

Reporting to TEA

A team must report to TEA in accordance with TEA-developed guidelines the following information regarding the team's activities and other information for each campus the team serves:

1. The occupation of each person appointed to the team;
2. The number of threats and description of the type of threats reported to the team;
3. The outcome of each assessment made by the team, including:
    a. Any disciplinary action taken, including a change in school placement;
    b. Any action taken by law enforcement; or
    c. A referral to or change in counseling, mental health, special education, or other services;
4. The total number, disaggregated by student gender, race, and status as receiving special education services, being at risk of dropping out of school, being in foster care, experiencing homelessness, being a dependent of military personnel, being pregnant or a parent, having limited English proficiency, or being a migratory child, of, in connection with an assessment or reported threat by the team:
    a. Citations issued for Class C misdemeanor offenses;
    b. Arrests;
    c. Incidents of uses of restraint;

d. Changes in school placement, including placement in a JJAEP or DAEP;

e. Referrals to or changes in counseling, mental health, special education, or other services;

f. Placements in in-school suspension or out-of-school suspension and incidents of expulsion;

g. Unexcused absences of 15 or more days during the school year; and

h. Referrals to juvenile court for truancy; and

5. The number and percentage of school personnel trained in:

a. A best-practices program or research-based practice under Health and Safety Code 161.325 [redesignated to Education Code 38.351, see FFEB], including the number and percentage of school personnel trained in suicide prevention or grief and trauma-informed practices;

b. Mental health or psychological first aid for schools;

c. Training relating to the safe and supportive school program; or

d. Any other program relating to safety identified by the commissioner.

Education Code 37.115(k)

Liaison for Court-Related Students

A district shall appoint at least one educator, as defined by Education Code 5.001(5), to act as a liaison officer for court-related students. The liaison officer shall provide counseling and other services for court-related students and their parents to establish or reestablish normal attendance and progress in school. *Education Code 37.014*

Liaison for Students Who Are Homeless

As a condition of receiving funds under the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), a district shall designate an appropriate staff person, able to carry out the required duties, as the district liaison for homeless children. A district will adopt policies and practices to ensure participation by the liaison in professional development and other technical assistance activities provided and approved by the statewide coordinator for education of homeless children and youths. *42 U.S.C. 11432(g)(1)(J)*

Notice

A district shall inform school personnel, service providers, and advocates working with homeless families, parents and guardians of homeless children, and homeless children of the duties of the liaison. [See FD for definition of "homeless children."]

Duties

The liaison shall ensure that:

1. Homeless children are identified by school personnel and through outreach and coordination activities with other entities and agencies;
2. Homeless children are enrolled in, and have a full and equal opportunity to succeed in, district schools;
3. Homeless families and homeless children have access to and receive educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act, early intervention services under Part C of the Individuals with Disabilities Education Act, and other district preschool programs;
4. Homeless families and homeless children receive referrals to health care, dental, mental health and substance abuse, housing, and other appropriate services;
5. The parents or guardians of homeless children are informed of the available educational and related opportunities and are provided meaningful opportunities to participate in the education of their children;
6. Public notice of the educational rights of homeless children is disseminated in locations frequented by parents or guardians of such children, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a

manner and form understandable to the parents and guardians of homeless children, and unaccompanied youths;

7. Enrollment disputes are mediated;

8. The parent or guardian of a homeless child, and any unaccompanied youth, are fully informed of all transportation services, including transportation to the school of origin, and are assisted in accessing transportation to the school of enrollment;

9. School personnel providing services under the McKinney-Vento Act receive professional development and other support; and

10. Unaccompanied youths:

    a. Are enrolled in school;

    b. Have opportunities to meet the same challenging state academic standards as the state establishes for other children; and

    c. Are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid.

42 U.S.C. 11432(g)(6)(A), (B)

Determination of Homeless Status

A liaison who receives training under 42 U.S.C. 11432(f)(6) may affirm, without further action by the Department of Housing and Urban Development, that a child who is eligible for and participating in a district program, or the immediate family of such a child, who meets the eligibility requirements of the McKinney-Vento Act for an authorized program or service under Title IV of the Act, is eligible for such program or service. *42 U.S.C. 11432(g)(6)(D)*

Liaison for Children in State Conservatorship

Each district shall appoint at least one employee to act as a liaison officer to facilitate the enrollment in or transfer to a public school of a child in the district who is in the conservatorship of the state and submit the liaison's name and contact information to the Texas Education Agency (TEA) in a format and under the schedule determined by the commissioner of education.

TEA shall provide information to the liaisons on practices for facilitating the enrollment in or transfer to a public school of children who are in the conservatorship of the state.

Education Code 33.904

Transition to Higher Education

A district, in coordination with the Department of Family and Protective Services (DFPS), shall facilitate the transition of each child enrolled in the district who is eligible for a tuition and fee waiver under Education Code 54.366, and who is likely to be in the conservatorship of DFPS on the day preceding the child's 18th birthday to an institution of higher education by:

1. Assisting the child with the completion of any applications for admission or financial aid;
2. Arranging and accompanying the child on campus visits;
3. Assisting the child in researching and applying for private or institution-sponsored scholarships;
4. Identifying whether the child is a candidate for appointment to a military academy;
5. Assisting the child in registering and preparing for college entrance examinations, including, subject to the availability of funds, arranging for the payment of any examination fees by DFPS; and
6. Coordinating contact between the child and a liaison designated by the Higher Education Coordinating Board for students who were formerly in the conservatorship of DFPS.

Family Code 264.1212 [See FFEA]

Transition Assistance for Highly Mobile Students

Definitions

Enrollment Conference

"Enrollment conference" means a student-centered meeting for a newly enrolled student to identify academic and extracurricular interests; introduce school processes and opportunities for engagement; develop course and instructional strategies; review credits and assessment information; determine social-emotional support; and communicate confidential information that may impact a student's success, if needed.

Records

"Records" means documents in printed or electronic form that include, but are not limited to, student transcripts; individual course grades; academic achievement records; course credits, whether full or partial; individualized education program referrals; intervention data; immunizations; state assessment scores; student attendance data; disciplinary reports; graduation endorsements; special education/Section 504 committee records; performance acknowledgements; and personal graduation plans.

19 TAC 89.1601(7)–(8)

Transfer of Student Records

Each district must ensure that copies of student records are made available to schools to which students who are homeless or in substitute care transfer.

Each district is required to transfer student records within ten working days of receipt of a request from a district to which a student who is homeless or in substitute care enrolls, as required by Education Code 25.002(a-1) [see FD(LEGAL)]. The discretionary authority under Education Code 31.104(d) [see CMD(LEGAL)] to withhold records of a student if the student has not returned or paid for instructional materials or technological equipment does not exempt a district from the mandatory provision to send records to another public school in which the student enrolls.

Proof of enrollment in a different district permits retroactive withdrawal to the date a student enrolled in the new school. The date of enrollment in the new district is considered the date of withdrawal from the previous district.

Student records must be requested, sent, and received using the Texas Records Exchange (TREx) system.

If a district fails to receive the required information within ten working days, the requesting district may report the noncompliant district to the division responsible for TREx Support at TEA.

19 TAC 89.1603

Systems and Procedures

Each district shall develop systems to ease transition of a student who is homeless or in substitute care during the first two weeks of enrollment at a new school. These systems shall include the following:

1. Welcome packets containing applicable information regarding enrollment in extracurricular activities, club activities, information on fee waivers, tutoring opportunities, the student code of conduct, and contact information for pertinent school staff such as counselors, nurses, social workers, the foster care liaison, the homeless liaison, the principal and any assistant principals, and related contacts;

2. Introductions for new students that maintain student privacy and confidentiality to the school environment and school processes by district faculty, campus-based student leaders, or ambassadors; and

3. Mechanisms to ensure that a process is in place for all students who qualify to receive nutrition benefits upon enrollment, as all students who are homeless or in substitute care are eligible for United States Department of Agriculture Child

Nutrition Programs. The process must expedite communication with the district nutrition coordinator to ensure that eligible students are not charged in error or experience delays in receiving these benefits.

19 TAC 89.1605(a)

Pertinent staff members (such as principals, registrars, counselors, designated liaisons, nutrition coordinators, transportation specialists, etc.) should be knowledgeable concerning communication, processes, and procedures for facilitating successful school transitions for students who are homeless or in substitute care.

For each district, the TREx, the Personal Identification Database (PID), or the Person Enrollment Tracking (PET) application must be used to expedite coordination and communication between the sending and receiving schools.

19 TAC 89.1605(c)–(d)

Enrollment Conference

A district shall convene an enrollment conference with the student within the first two weeks of enrollment or within the first two weeks after the student is identified as homeless or in substitute care. The convening of the enrollment conference shall not delay or impede the enrollment of the student.

The enrollment conference shall address the student's credit recovery, credit completion, attendance plans and trauma-informed interventions, interests and strengths, discipline or behavior concerns, previous successes, college readiness, and social and emotional supports as well as district policies relating to transfers and withdrawals and communication preferences with parents or guardians.

The enrollment conference may be comprised of:

1. School administrators;
2. Homeless or foster care liaisons;
3. A social worker;
4. Teachers;
5. Counselors;
6. Dropout prevention specialists;
7. Attendance/truancy officers;
8. The relative caregiver, foster placement caregiver, or case manager;
9. The DFPS designated educational decision-maker;

10. The DFPS caseworker, Court Appointed Special Advocates (CASA) volunteer, or other volunteer, as applicable; and

11. A parent and/or guardian, unless the caseworker indicates the parent's and/or guardian's rights to participate have been restricted by the court.

19 TAC 89.1605(b)

Educational Placement

When a student who is homeless or in substitute care transfers before or during the school year, the receiving district shall initially place the student in educational programs and courses based on the student's prior enrollment in and current educational assessments from the sending school.

Educational programs include, but are not limited to, gifted and talented program services, bilingual or special language services for English learners, career and technical education, and early college high school.

Course placement includes, but is not limited to, honors, International Baccalaureate, Advanced Placement, vocational, technical, and career pathway courses.

Each district must ensure that a student who is homeless or in substitute care has the ability to earn the same endorsement categories, if applicable. If only one endorsement is offered, it must be multidisciplinary studies.

To the extent possible, each district shall ensure the continuation of a student's educational and course programs from the previous district and promote placement in academically challenging and career preparation courses.

19 TAC 89.1609

[For award of credit for students who are homeless or in substitute care, see EI. For special education services for students who are homeless or in substitute care, see EHBAA.]

Extracurricular Programs

Appropriate district staff must facilitate the process to complete and submit a University Interscholastic League (UIL) waiver of residence application form for a student who is homeless or in substitute care and plans to participate in varsity athletics or other UIL-sponsored activities.

Districts must comply with Education Code 25.001(f) [see FD] and a durational residence requirement may not prohibit a student in substitute care from fully participating in any activity sponsored by the district.

Students in foster care remaining in their school of origin but residing outside of the district of attendance shall be afforded a waiver, as allowed under UIL Constitution and Contest Rules Section 442: Residence in School District and Attendance Zone.

19 TAC 89.1611

Promotion of Postsecondary Information

District counselors or other designated staff shall work with district homeless and foster care liaisons to ensure that all students who are identified as homeless or in substitute care graduate with endorsements, if applicable, and have postsecondary plans identified in their personal graduation plans, to the extent required [see EIF].

District counselors or other designated staff must inform unaccompanied homeless youths of their rights and status as independent students for the purpose of applying for financial aid for higher education and provide verification of such status for the Free Application for Federal Student Aid (FASFA), pursuant to 42 United States Code 11432(g)(6)(A)(x).

Each district shall ensure that a student in substitute care who is enrolled in grade 11 or 12 in that district is provided information regarding tuition and fee exemptions under Education Code 54.366, for dual-credit or other courses provided by a public institution of higher education for which a high school student may earn joint high school and college credit.

19 TAC 89.1613

Notice of Events

Each district must provide notice in writing to the educational decision-maker and caseworker of a student who is homeless or in substitute care regarding events that may significantly impact the education of the student.

Events that may significantly impact the education of a child include:

1. Requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Education Code 29.003 [see EHBAA];
2. Admission, review, and dismissal committee meetings [see EHBAB];
3. Manifestation determination reviews required by Education Code 37.004(b) [see FOF];
4. Any disciplinary actions under Education Code Chapter 37 for which parental notice is required [see FO series];

5. Citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;

6. Reports of restraint and seclusion required by Education Code 37.0021 [see FO and FOF];

7. Use of corporal punishment as provided by Section 37.0011 [see FO]; and

8. Appointment of a surrogate parent for the child under Education Code 29.0151 [see EHBAE];

19 TAC 89.1617; Education Code 25.007(b)(10)

Child Welfare Contact

A district receiving Title 1, Part A funds must collaborate with the state or local child welfare agency to designate a point of contact if the child welfare agency notifies the district, in writing, that the agency has designated an employee to serve as a point of contact for the district. *20 U.S.C. 6312(c)(5)(A)*

School-Community Guidance Center

A district may establish a school-community guidance center designed to locate and assist children with problems that interfere with their education, including juvenile offenders and children with severe behavioral problems or character disorders.

Each center shall coordinate efforts of district personnel, local police departments, school attendance officers, and probation officers in working with students, dropouts, and parents in identifying and correcting factors that adversely affect the education of the children.

Education Code 37.051

Upon request from a superintendent, a governmental agency concerned with children that has jurisdiction in a district shall cooperate with the school-community guidance center and shall designate a liaison to work with the center in identifying and correcting problems affecting school-age children in the district. The governmental agency may establish or finance a school-community guidance center jointly with a district according to terms approved by the governing body of each participating entity. *Education Code 37.053*

Cooperative Programs

A board may develop cooperative programs with state youth agencies for children found to have engaged in delinquent conduct. *Education Code 37.052*

Parental Notice and Access to Information

Before a student is admitted to a school-community guidance center, the administrator of the center shall notify the student's parent or guardian that the student has been assigned to attend the center.

The notice must include:

1. The reason the student has been assigned to the center;
2. A statement that on request the parent or guardian is entitled to be fully informed in writing of any treatment method or testing program involving the student; and
3. A statement that the parent or guardian may request to be advised and to give written, signed consent for any psychological testing or treatment involving the student.

If after notification, the parent refuses to consent to testing or treatment of the student, the center may not provide any further psychological treatment or testing.

A parent or guardian of a student attending a center is entitled to inspect:

1. Any instructional or guidance material to be used by the student, including teachers' manuals, tapes, and films; and
2. The results of any treatment, testing, or guidance method involving the student.

The administrator of the center may set a schedule for inspection of materials that allows reasonable access but does not interfere with the conduct of classes or business activities of the school.

Education Code 37.054

Parental Involvement

On admitting a student to a school-community guidance center, a representative of a district, the student, and the student's parent or legal guardian shall develop an agreement that specifies the responsibilities of the parent and the student. The agreement must include:

1. A statement of the student's behavioral and learning objectives;
2. A requirement that the parent attend specified meetings and conferences for teacher review of the student's progress; and
3. The parent's acknowledgement that the parent understands and accepts the responsibilities imposed by the agreement regarding attendance at meetings and conferences and assistance in meeting objectives, defined by the district, to aid student remediation.

A superintendent may obtain a court order from a district court in the district requiring a parent to comply with such an agreement. A

parent who violates such a court order may be punished for contempt of court.

Court Supervision

If a district, the student, and the parent or guardian for any reason fail to reach an agreement, any party may request the juvenile court or its designee to conduct a hearing and enter an order establishing the responsibilities and duties of each of the parties as the court deems appropriate.

Education Code 37.055–.056

Parental Consent and Review

A board shall adopt guidelines to ensure that written consent is obtained from the parent, legal guardian, or other person entitled to enroll the student under Education Code 25.001(j) for the student to participate in those activities for which parental consent is required. *Education Code 33.003*

Each school shall obtain, and keep as part of the student's permanent record, this written consent by the parent or legal guardian. The consent form shall include specific information on the content of the program and the types of activities in which the student will be involved.

Each school, before implementing a comprehensive school counseling program, shall annually conduct a preview of the program for parents and guardians. All materials, including curriculum to be used during the year, must be available for a parent or guardian to preview during school hours. Materials or curriculum not included in the materials available on the campus for preview may not be used.

Education Code 33.004

Child Consent to Counseling

A child may consent to counseling for:

1. Suicide prevention,
2. Chemical addiction or dependency; or
3. Sexual, physical, or emotional abuse.

Family Code 32.004(a)

[For more information about consent for mental health treatment, see FFEB.]

Comprehensive School Counseling Program

A school counselor shall work with the school faculty and staff, students, parents, and the community to plan, implement, and evaluate a comprehensive school counseling program that conforms to the most recent edition of the Texas Model for Comprehensive School Counseling Programs developed by the Texas Counseling Association.

The school counselor shall design the developmental guidance and counseling program to include:

1. A guidance curriculum to help students develop their full educational potential, including the student's interests and career objectives.
2. A responsive services component to intervene on behalf of any student whose immediate personal concerns or problems

put the student's continued educational, career, personal, or social development at risk.

3. An individual planning system to guide a student as the student plans, monitors, and manages the student's own educational, career, personal, and social development.

4. System support to support the efforts of teachers, staff, parents, and other members of the community in promoting the educational, career, personal, and social development of students.

Education Code 33.005

Higher Education Counseling

Each school counselor at an elementary, middle, or junior high school shall advise students and their parents or guardians regarding the importance of postsecondary education, coursework designed to prepare students for postsecondary education, and financial aid availability and requirements.

During the first school year a student is enrolled in high school, and again during each year of a student's enrollment in high school, a school counselor shall provide information about higher education to the student and the student's parent or guardian. The information must cover:

1. The importance of postsecondary education;

2. The advantages of earning an endorsement and a performance acknowledgment and completing the distinguished level of achievement under the foundation high school program;

3. The disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;

4. Financial aid eligibility;

5. Instruction on how to apply for federal financial aid;

6. The center for financial aid information established under Education Code 61.0776;

7. The automatic admission of certain students to general academic teaching institutions as provided by Education Code 51.803;

8. The eligibility and academic performance requirements for the TEXAS Grant;

9. The availability of programs in a district under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs;

10. The availability of education and training vouchers and tuition and fee waivers to attend an institution of higher education as provided by Education Code 54.366 for a student who is or was previously in the conservatorship of the Department of Family and Protective Services; and

11. The availability of college credit awarded by institutions of higher education to veterans and military servicemembers for military experience, education, and training obtained during military service as described by the information materials developed by the commissioner in cooperation with the Texas Higher Education Coordinating Board under Labor Code 302.0031(h).

When providing information under item 10, above, the school counselor must report to the student and the student's parent or guardian the number of times the counselor has provided the information to the student.

When providing information under item 11, the school counselor must explain to any student who is enlisted or intends to enlist in the armed forces of the United States the informational materials developed under Labor Code 302.0031.

Automatic Admission

At the beginning of grades 10 and 11, a certified school counselor shall explain the requirements of automatic admission to a general academic teaching institution to each student who has a grade point average in the top 25 percent of the student's high school class. [See EIC]

Education Code 33.007; 19 TAC 61.1071

Notice of Grant Programs

In a manner that assists the district in implementing the district improvement plan, a district shall notify students in middle school, junior high school, and high school and those students' teachers, school counselors, and parents of:

1. The TEXAS Grant and the Teach for Texas Grant programs;

2. The eligibility requirements of each program;

3. The need for students to make informed curriculum choices to be prepared for success beyond high school; and

4. Sources of information on higher education admissions and financial aid.

Education Code 56.308(b)(1)

Note: For information about mental health curriculum and SHAC responsibilities, see EHAA. For information about threat assessments, see FFB.

Mental Health Condition

"Mental health condition" means a persistent or recurrent pattern of thoughts, feelings, or behaviors that:

1. Constitutes a mental illness, disease, or disorder, other than or in addition to epilepsy, substance abuse, or an intellectual disability; or
2. Impairs a person's social, emotional, or educational functioning and increases the risk of developing such a condition.

Education Code 5.001(5-a)

Student Programs

The Texas Education Agency (TEA), in coordination with the Health and Human Services Commission and regional education service centers (ESCs), shall provide and annually update a list of recommended best practice-based programs and research-based practices in the areas specified below for implementation in public elementary, junior high, middle, and high schools within the general education setting. Each district may select from the list a program or programs appropriate for implementation in the district.

Subject Areas

The list must include programs and practices in the following areas:

1. Early mental health prevention and intervention;
2. Building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse prevention and intervention;
4. Suicide prevention, intervention, and postvention;
5. Grief-informed and trauma-informed practices;
6. Positive school climates;
7. Positive behavior interventions and supports;
8. Positive youth development; and
9. Safe, supportive, and positive school climate.

"School climate" means the quality and character of school life, including interpersonal relationships, teaching and learning practices, and organizational structures, as experienced by students

enrolled in the district, parents of those students, and personnel employed by the district.

[For information on employee training, see DMA.]

Practices and Procedures

A district shall develop practices and procedures concerning each area listed above, including mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, that:

1. Include a procedure for providing educational material to all parents and families in the district that contains information on identifying risk factors, accessing resources for treatment or support provided on and off campus, and accessing available student accommodations provided on campus;

2. Include a procedure for providing notice of a recommendation for early mental health or substance abuse intervention regarding a student to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs, which may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;

3. Include a procedure for providing notice of a student identified as at risk of attempting suicide to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs;

4. Establish that the district may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the district for the purposes of identifying students in need of early mental health or substance abuse intervention or suicide prevention;

5. Set out available counseling alternatives for a parent or guardian to consider when his or her child is identified as possibly being in need of early mental health or substance abuse intervention or suicide prevention; and

6. Include procedures:

    a. To support the return of a student to school following hospitalization or residential treatment for a mental health condition or substance abuse; and

    b. For suicide prevention, intervention, and postvention.

The practices and procedures may address multiple subject areas [see Subject Areas, above]. The practices and procedures must

prohibit the use without the prior consent of a student's parent or guardian of a medical screening of the student as part of the process of identifying whether the student is possibly in need of early mental health or substance abuse intervention or suicide prevention.

The practices and procedures developed must be included in the annual student handbook and the district improvement plan under Education Code 11.252. [See BQ]

Nothing in these provisions is intended to interfere with the rights of parents or guardians and the decision-making regarding the best interest of the child. Practices and procedures developed in accordance with these provisions are intended to notify a parent or guardian of a need for mental health or substance abuse intervention so that a parent or guardian may take appropriate action. These provisions do not give districts the authority to prescribe medications. Any and all medical decisions are to be made by a parent or guardian of a student.

"Postvention" includes activities that promote healing necessary to reduce the risk of suicide by a person affected by the suicide of another.

Education Code 38.351(a)–(f), (i)–(o)

Immunity

The above requirements do not waive any immunity from liability of a district or of district officers or employees, create any liability for a cause of action against a district or against district officers or employees, or waive any immunity from liability under Civil Practice and Remedies Code 74.151. *Education Code 38.352*

Consent to Examinations, Tests, or Treatment

A district employee must obtain the written consent of a child's parent before the employee may conduct a psychological examination, test, or treatment, unless the examination, test, or treatment is required by:

1. TEA's policy concerning child abuse investigations and reports under Education Code 38.004; or
2. State or federal law regarding requirements for special education.

Education Code 26.009(a)(1) [See FNG]

[For more information about consent to medical treatment, including psychological treatment, see FFAC. For information about consent to counseling, see FFEA.]

Professional's Authority

A licensed or certified physician, psychologist, counselor, or social worker having reasonable grounds to believe that a child has been sexually, physically, or emotionally abused; is contemplating suicide; or is involved in chemical or drug addiction or dependency may:

1. Counsel the child without the consent of the child's parents, managing conservator, or guardian;
2. With or without the consent of a child who is a client, advise the parents, managing conservator, or guardian of the treatment given to or needed by the child;
3. Rely on the written statement of the child containing the grounds on which the child has capacity to consent to his or her own treatment as provided above.

Exception: Court Order

The physician, psychologist, counselor, or social worker may not counsel a child if consent is prohibited by a court order, unless consent is obtained as otherwise allowed by law.

Family Code 32.004(b), (c)

[See DP for more information about LSSP and school counselor responsibilities.]

Consent to LSSP

Informed consent for a licensed specialist in school psychology (LSSP) must be obtained in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA) and the U.S. Department of Education's rules governing parental consent when delivering school psychological services in the public schools, and is considered to meet the requirements for informed consent under the Texas State Board of Examiners of Psychologists (TSBEP) rules. No additional informed consent, specific to any TSBEP rules, is necessary in this context.

22 TAC 465.38(g)

Professional Immunity

A psychologist, counselor, or social worker licensed or certified by the state is not liable for damages except those damages that may result from his or her negligence or willful misconduct.

Family Code 32.004(d)

Outside Counselors

Neither a district nor an employee of a district may refer a student to an outside counselor for care or treatment of a chemical dependency or an emotional or psychological condition unless the district does all of the following:

1. Obtains prior written consent for the referral from the student's parent, managing conservator, or guardian.

2. Discloses to the student's parent, managing conservator, or guardian any relationship between the district and the outside counselor.

3. Informs the student and the student's parent, managing conservator, or guardian of any alternative public or private source of care or treatment reasonably available in the area.

4. Requires the approval of appropriate district personnel before a student may be referred for care or treatment or before a referral is suggested as being warranted.

5. Specifically prohibits any disclosure of a student record that violates state or federal law.

Education Code 38.010

[See FFEA for information on the comprehensive guidance program. See FFB for mental health-care services provided by the threat assessment and safe and supportive school team.]

Psychotropics and Psychiatric Evaluations

A district employee may not:

1. Recommend that a student use a psychotropic drug; or

2. Suggest any particular diagnosis; or

3. Use the refusal by a parent to consent to administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school-related activity.

Psychotropic drug means a substance that is used in the diagnosis, treatment, or prevention of a disease or as a component of a medication and intended to have an altering effect on perception, emotion, or behavior.

Education Code 38.016(b) does not:

1. Prevent an appropriate referral under the Child Find system required under 20 U.S.C. Section 1412, as amended; or

2. Prohibit a school district employee, or an employee of an entity with which the district contracts, who is a registered nurse, advanced nurse practitioner, physician, or nonphysician mental health professional licensed or certified to practice in this state from recommending that a child be evaluated by a physician or nonphysician mental health professional; or

3. Prohibit a school employee from discussing any aspect of a child's behavior or academic progress with the child's parent or another school district employee.

A board shall adopt a policy to ensure implementation and enforcement of Education Code 38.016. [See FFAC]

A violation of Education Code 38.016(b) does not override the immunity from personal liability granted in Education Code 22.0511 or other law or a district's sovereign or governmental immunity.

Nonphysician mental health professional has the meaning assigned by Education Code 38.0101 [see DP].

Education Code 38.016

[For information regarding administration of medication, see FFAC.]

Child Abuse Reporting

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or

2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Education Code 26.0091; Family Code 261.111(a) [See FFG]

Sexual Abuse, Trafficking, and Maltreatment Policies and Programs

A district shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004*

A district shall adopt and implement a policy addressing sexual abuse, sex trafficking, and other maltreatment of children, to be included in the district improvement plan [see BQ] and any information handbook provided to students and parents. *Education Code 38.0041(a)*

The policy included in any informational handbook provided to students and parents must address the following:

1. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, trafficking, and other forms of maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Actions a child who is a victim of sexual abuse, trafficking, or other maltreatment should take to obtain assistance and intervention; and
3. Available counseling options for students affected by sexual abuse, trafficking, or other maltreatment.

19 TAC 61.1051(b)(3)

Definitions

Child Abuse or Neglect — The definition of child abuse or neglect includes the trafficking of a child in accordance with Education Code 38.004.

Other Maltreatment — This term has the meaning assigned by Human Resources Code 42.002.

Trafficking of a Child — This term has the meaning assigned by Penal Code 20A.02(a)(5), (6), (7), or (8).

19 TAC 61.1051(a)

Duty to Report

By Any Person — Any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. *Family Code 261.101(a)*

Abuse of Persons with Disabilities — A person having cause to believe that a person with a disability is in a state of abuse, neglect, or exploitation shall report the information immediately to the Texas Department of Family and Protective Services (DFPS).

A person commits a Class A misdemeanor if the person has cause to believe that a person with a disability has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report.

A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.

Human Resources Code 48.051, .052, .054

By a Professional

Any professional who has cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first suspects abuse or neglect.

A professional may not delegate to or rely on another person to make the report.

A "professional" is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, and juvenile detention or correctional officers.

Family Code 261.101(b)

Adult Victims of Abuse

A person or professional shall make a report in the manner required above if the person or professional has cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly person or person with a disability. *Family Code 261.101(b-1)*

Psychotropic Drugs and Psychological Testing

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Education Code 26.0091; Family Code 261.111(a) [See FFEB]

Contents of Report

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Family Code 261.102, .104

To Whom Reported

If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is made under item 4, below, or the report involves a juvenile justice program or facility [see JJAEPS, below].

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. DFPS, Child Protective Services (CPS) Division;
3. A local office of CPS, where available; or
4. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

Family Code 261.103(a); 19 TAC 61.1051(b)(1)–(2)

JJAEPs

Any report of alleged abuse, neglect, or exploitation, as those terms are defined in Family Code 261.405, in a juvenile justice program or facility shall be made to the Texas Juvenile Justice Department and a local law enforcement agency for investigation. The term "juvenile justice program" includes a juvenile justice alternative education program. *Family Code 261.405(a)(4)(A), (b)*

Immunity from Liability

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. *Family Code 261.106*

A district may not suspend or terminate the employment of, or otherwise discriminate against, or take any other adverse employment action against a professional who makes a good faith report of abuse or neglect. *Family Code 261.110(b)* [See DG]

Criminal Offenses

Failure to Report

A person commits a Class A misdemeanor if he or she is required to make a report under Family Code 261.101(a) [see Duty to Report, above] and knowingly fails to make a report as provided by law.

A person who is a professional commits a Class A misdemeanor if the person is required to make a report under Family Code 261.101(b) [see Duty to Report] and knowingly fails to make a report as provided by law. The professional commits a state jail felony if he or she intended to conceal the abuse or neglect.

Family Code 261.109

False Report

A person commits an offense if, with the intent to deceive, the person knowingly makes a report of abuse and neglect that is false. The offense is a state jail felony, except that it is a felony of the third degree if the person has previously been convicted of the offense. *Family Code 261.107(a)*

Coercion

A public servant, including as a school administrator, who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense. *Penal Code 39.06*

Confidentiality of Report

A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act), and may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by an investigating agency. *Family Code 261.201(a)(1)*

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. *Family Code 261.101(d)*

SBEC Disciplinary Action

The State Board for Educator Certification (SBEC) may take any of the actions listed in 19 Administrative Code 249.15(a) (impositions, including revocation of a certificate and administrative penalties) based on satisfactory evidence that the person has failed to report or has hindered the reporting of child abuse pursuant to Family Code 261.001, or has failed to notify the SBEC or the school superintendent or director under the circumstances and in the manner required by Education Code 21.006 and 19 Administrative Code 249.14(d)–(f). *19 TAC 249.15(b)(4)*

Investigations

Reports to District

If DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public elementary or secondary school, and that the child is a student at the school, the department

shall orally notify the superintendent of the district in which the employee is employed. *Family Code 261.105(d)*

On request, DFPS shall provide a copy of the completed report of its investigation to the board, the superintendent, and the school principal, unless the principal is alleged to have committed the abuse or neglect. The report shall be edited to protect the identity of the person who made the report. *Family Code 261.406(b)*

Interview of Student

The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school. *Family Code 261.302(b)* [See GRA]

Interference with Investigation

A person may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS. *Family Code 261.303(a)*

Confidentiality

A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Texas Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. *Human Resources Code 42.004*

Reporting Policy

A board shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261. *19 TAC 61.1051(b)*

The policies must require every school employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect to submit a written or oral report to at least one of the authorities listed above [see To Whom Reported, above] within 48 hours or less, as determined by the board, after learning of facts giving rise to the suspicion. *19 TAC 61.1051(b)(1)*

The policies must be consistent with the Family Code, Chapter 261, and 40 Administrative Code Chapter 700 (CPS) regarding investigations by DFPS, including regulations governing investigation of abuse by school personnel and volunteers. [See GRA]

The policies must require a report to DFPS if the alleged abuse or neglect involves a person responsible for the care, custody, or welfare of the child and must notify school personnel of the following:

1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 Administrative Code Chapter 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;

2. Applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including:

    a. Family Code 261.302 and 261.303, prohibiting school officials from denying an investigator's request to interview a student at school; and

    b. Family Code 261.302, prohibiting school officials from requiring the presence of a parent or school administrator during an interview by an investigator.

3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;

4. Confidentiality provisions relating to a report of suspected child abuse or neglect;

5. Any disciplinary action that may result from noncompliance with a district's reporting policy; and

6. The prohibition under Education Code 26.0091 [see Psychotropic Drugs and Psychological Testing, above].

19 TAC 61.1051(b)(2)

The policies may not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

The policies must:

1. Include the current toll-free number for DFPS;

2. Provide for cooperation with law enforcement child abuse investigations without the consent of the child's parent, if necessary, including investigations by DFPS; and

3. Include child abuse anti-victimization programs in elementary and secondary schools consisting of age-appropriate, research-based prevention designed to promote self-protection and prevent sexual abuse and trafficking.

19 TAC 61.1051(b)(5)–(b)(8)

Annual Distribution and Staff Development

The policies required by these provisions and adopted by the board shall be distributed to all personnel at the beginning of each school year. The policies shall be addressed in staff development programs at regular intervals determined by a board. *19 TAC 61.1051(c)* [See also DH and GRA]

[For training requirements under these provisions, see DMA.]

Required Poster

Using a format and language that is clear, simple, and understandable to students, each public school shall post, in English and in Spanish:

1. The current toll-free DFPS Abuse Hotline telephone number;
2. Instructions to call 911 for emergencies; and
3. Directions for accessing the DFPS Texas Abuse Hotline website[1] for more information on reporting abuse, neglect, and exploitation.

A district shall post the information specified above at each school campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The information must be on a poster (11x17 inches or larger) in large print and placed at eye-level to the student for easy viewing. Additionally, the current toll-free Texas Department of Family and Protective Services Abuse Hotline telephone number should be in bold print.

Education Code 38.0042; 19 TAC 61.1051(e)–(f)

[1] Texas Abuse Hotline website: https://www.txabusehotline.org/

Program to Address Child Sexual Abuse, Trafficking, and Maltreatment

The District's program to address child sexual abuse, trafficking, and other maltreatment of children, as included in the District improvement plan and the student handbook, shall include:

1. Methods for increasing staff, student, and parent awareness regarding these issues, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Age-appropriate, research-based antivictimization programs for students;
3. Actions that a child who is a victim should take to obtain assistance and intervention; and
4. Available counseling options for affected students.

Training

The District shall provide training to employees as required by law. Training shall address techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children, including children with significant cognitive disabilities. [See DMA]

[See BBD for Board member training requirements and BJCB for Superintendent continuing education requirements.]

Reporting Child Abuse and Neglect

Any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a legal responsibility, under state law, to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

The following individuals have an additional legal obligation to submit a written or oral report within 48 hours of learning of the facts giving rise to the suspicion of abuse or neglect:

1. Any District employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect.
2. A professional who has cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child. A professional is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has cause to believe that an adult was a victim of abuse or neglect as a child

and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

Restrictions on Reporting

In accordance with law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Making a Report

Reports may be made to any of the following:

1. A state or local law enforcement agency;
2. The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (DFPS) at (800) 252-5400 or the Texas Abuse Hotline Website[1];
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility.

An individual does not fulfill his or her responsibilities under the law by only reporting suspicion of abuse or neglect to a campus principal, school counselor, or another District staff member. Furthermore, the District is prohibited from requiring an employee to first report his or her suspicion to a District or campus administrator.

Confidentiality

In accordance with state law, the identity of a person making a report of suspected child abuse or neglect shall be kept confidential

and disclosed only in accordance with the rules of the investigating agency.

Immunity

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

Failing to Report Suspected Child Abuse or Neglect

By failing to report suspicion of child abuse or neglect, an employee:

1. May be placing a child at risk of continued abuse or neglect;
2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report;
3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment; and
4. May have his or her certification from the State Board for Educator Certification suspended, revoked, or canceled in accordance with 19 Administrative Code Chapter 249.

It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.

Responsibilities Regarding Investigations

In accordance with law, District officials shall be prohibited from:

1. Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect;
2. Requiring that a parent or school employee be present during the interview; or
3. Coercing someone into suppressing or failing to report child abuse or neglect.

District personnel shall cooperate fully and without parental consent, if necessary, with an investigation of reported child abuse or neglect. [See GKA]

[1] Texas Abuse Hotline Website: http://www.txabusehotline.org

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Note: The following legal provisions address dating violence and sexual harassment. For legal provisions addressing discrimination on the basis of disability, sex, and other protected characteristics, see FB.

Dating Violence

A district shall adopt and implement a dating violence policy to be included in the district improvement plan.

A dating violence policy must:

1. Include a definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Family Code 71.0021; and

2. Address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators, counseling for affected students, and awareness education for students and parents.

Education Code 37.083, .0831 [See BQ]

Note: References to Title IX, part, or subpart in the following legal provisions refer to Title IX and its corresponding regulations.

Sexual Harassment

A district may develop and implement a sexual harassment policy to be included in the district improvement plan. *Education Code 37.083* [See BQ]

Sexual abuse of a student by an employee, when there is a connection between the physical sexual activity and the employee's duties and obligations as a district employee, violates a student's constitutional right to bodily integrity. Sexual abuse may include fondling, sexual assault, or sexual intercourse. *U.S. Const. Amend. 14; Doe v. Taylor Indep. Sch. Dist., 15 F.3d 443 (5th Cir. 1994)*

A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX. *34 C.F.R. 106.45; 20 U.S.C. 1681* [See also FB regarding Title IX]

Designation of Title IX Coordinator

A district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator."

Parties Entitled to Notice	The district must notify applicants for admission and employment, students, parents or legal guardians, employees, and all professional organizations holding professional agreements with the district ("Parties Entitled to Notice") of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator. *34 C.F.R. 106.8(a)*
Reporting	Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during nonbusiness hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.
Notification of Policy	A district must notify the Parties Entitled to Notice, above, that the district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. The notification must state that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX to such district may be referred to the district's Title IX Coordinator, to the assistant secretary for civil rights of the Department of Education, or both. *34 C.F.R. 106.2(d), .8(b)(1)*
Publication Requirements	A district must prominently display the contact information required to be listed for the Title IX Coordinator and the nondiscrimination policy described at Notification of Policy, above, on its website, if any, and in each handbook that it makes available to the Parties Entitled to Notice, above. A district must not use or distribute a publication stating that the district treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by Title IX. *34 C.F.R. 106.8(b)(2)*

Note: To distinguish the process described below from the District's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of sexual harassment as the District's "Title IX formal complaint process."

Complaint Procedures

A district must adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX and a Title IX formal complaint process that complies with 34 C.F.R. 106.45 for formal complaints as defined below.

A district must provide notice to the Parties Entitled to Notice, above, of the district's procedures and Title IX formal complaint process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the district will respond.

The requirements of this provision apply only to sex discrimination occurring against a person in the United States.

34 C.F.R. 106.8(c)–(d)

Response to Sexual Harassment

Definitions

"Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to a district's Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the district with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the district. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

"Consent" is not defined by the Title IX regulations, nor do the regulations require districts to adopt a particular definition of consent with respect to sexual assault.

"Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment

against a respondent and requesting that the district investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the district. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the district) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to a Title IX formal complaint, and must comply with the requirements of the Title IX formal complaint process, including the informal resolution process.

"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

"Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or

3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

"Supportive measures" means nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines

or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or district-provided housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

34 C.F.R. 106.2, .30(a)

Deliberate Indifference

A district with actual knowledge of sexual harassment in an education program or activity of the district against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

Education Program or Activity

For the purposes of 34 C.F.R. 106.30 [see Definitions, above] and 106.45 [see Process for Title IX Formal Complaint, below], "education program or activity" includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

34 C.F.R. 106.44(a)

Title IX Coordinator Response

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator must respond in this manner with or without a formal complaint. *34 C.F.R. 106.44(b)(1)*

Supportive Measures Required

A district's response must treat complainants and respondents equitably by offering supportive measures and by following a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below] before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. [For Emergency Removal procedures, see below.]

Constitutional Restrictions

The Department of Education may not deem a district to have satisfied the district's duty to not be deliberately indifferent under Title

IX based on the district's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

34 C.F.R. 106.44(a)

Response to a Formal Complaint

In response to a formal complaint, a district must follow a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below]. *34 C.F.R. 106.44(b)(1)*

Emergency Removal

The Title IX regulations do not preclude a district from removing a respondent from the district's education program or activity on an emergency basis, provided that the district:

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
3. Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

34 C.F.R. 106.44(c)

Administrative Leave

The Title IX regulations do not preclude a district from placing a nonstudent employee respondent on administrative leave during the pendency of a Title IX formal complaint. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. *34 C.F.R. 106.44(d)*

Process for Title IX Formal Complaint

For the purpose of addressing formal complaints of sexual harassment, a district's process must comply with the following requirements. Any provisions, rules, or practices other than those required by this provision that a district adopts as part of its process for handling formal complaints of sexual harassment must apply equally to both parties. *34 C.F.R. 106.45(b)*

A district's Title IX formal complaint process must:

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a process that complies with the Title IX regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures

against a respondent. Remedies must be designed to restore or preserve equal access to the district's education program or activity. Such remedies may include the same individualized services described as supportive measures; however, remedies need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent;

2. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;

3. Require that any individual designated by a district as a Title IX Coordinator, investigator, decision-maker, or any person designated by a district to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A district must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and Title IX formal complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. A district must ensure that decision-makers receive training on any technology to be used at a live hearing, if any, and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. [See Hearings, below] A district also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. [See Investigation of a Formal Complaint, below] Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment;

4. Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process;

5. Include reasonably prompt time frames for conclusion of the Title IX formal complaint process, including reasonably

prompt time frames for filing and resolving appeals and informal resolution processes if the district offers informal resolution processes, and a process that allows for the temporary delay of the Title IX formal complaint process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;

6. Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility;

7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment;

8. Include the procedures and permissible bases for the complainant and respondent to appeal;

9. Describe the range of supportive measures available to complainants and respondents; and

10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

34 C.F.R. 106.45(b)(1)

Notice of Allegations

Upon receipt of a formal complaint, a district must provide the following written notice to the parties who are known:

1. Notice of the district's Title IX formal complaint process, including any informal resolution process.

2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:

   a. The identities of the parties involved in the incident, if known;

b. The conduct allegedly constituting sexual harassment; and

c. The date and location of the alleged incident, if known.

The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney and may inspect and review evidence [see Investigation of a Formal Complaint, below]. The written notice must inform the parties of any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Title IX formal complaint process.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations, above, the district must provide notice of the additional allegations to the parties whose identities are known.

34 C.F.R. 106.45(b)(2)

Dismissal of a Formal Complaint

The district must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the district's education program or activity, or did not occur against a person in the United States, then the district must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of the district's code of conduct.

The district may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the district; or specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to 34 C.F.R. 106.45(b)(3), the district must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

Consolidation of Formal Complaints

A district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a Title IX formal complaint process involves more than one complainant or more than one respondent, references in this provision to the singular "party," "complainant," or "respondent" include the plural, as applicable.

34 C.F.R. 106.45(b)(3)–(4)

Investigation of a Formal Complaint

When investigating a formal complaint and throughout the Title IX formal complaint process, a district must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties provided that the district cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so for a Title IX formal complaint (if a party is not an "eligible student," as defined in 34 C.F.R. 99.3 then the district must obtain the voluntary, written consent of a "parent," as defined in 34 C.F.R. 99.3) [see FL(LEGAL) at Education Records];
2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
4. Provide the parties with the same opportunities to have others present during any Title IX formal complaint proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or Title IX formal complaint proceeding; however, the district may establish restrictions regarding

the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the district must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten days to submit a written response, which the investigator will consider prior to completion of the investigative report. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

7. Create an investigative report that fairly summarizes relevant evidence and, at least ten days prior to a hearing (if a hearing is required or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

34 C.F.R. 106.45(b)(5)

Hearings

The district's Title IX formal complaint process may, but need not, provide for a hearing. With or without a hearing, after the district has sent the investigative report to the parties pursuant to 34 C.F.R. 106.45(b)(5)(vii) [see Investigation of a Formal Complaint, above] and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. With or without a hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior

sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant. *34 C.F.R. 106.45(b)(6)(ii)*

Determination Regarding Responsibility

The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the district must apply the standard of evidence described at Process for Title IX Formal Complaint, above.

The written determination must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and
6. The district's procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

34 C.F.R. 106.45(b)(7)(i)–(ii)

Implementation of Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies. *34 C.F.R. 106.45(b)(7)(iv)*

Appeals

A district must offer both parties an appeal from a determination regarding responsibility, and from a district's dismissal of a formal complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

A district may offer an appeal equally to both parties on additional bases.

As to all appeals, the district must:

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. Ensure that the decision-maker(s) for the appeal complies with the standards in the Title IX regulations regarding conflict of interest and bias [see Process for Formal Title IX Complaint, item 3, above];
4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
5. Issue a written decision describing the result of the appeal and the rationale for the result; and
6. Provide the written decision simultaneously to both parties.

34 C.F.R. 106.45(b)(8)

Informal Resolution

A district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent

with Title IX. Similarly, a district may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the district:

1. Provides to the parties a written notice disclosing:
    a. The allegations;
    b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and
    c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
2. Obtains the parties' voluntary, written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

34 C.F.R. 106.45(b)(9)

Recordkeeping

A district must maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A district must make these training materials publicly available on its website or if the district does not maintain a website the district must make these materials

available upon request for inspection by members of the public.

For each response required under Title IX Coordinator Response, above, a district must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the district must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity.

If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

34 C.F.R. 106.45(b)(10)

Retaliation Prohibited

No district or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Complaints alleging retaliation may be filed according to the Process for Title IX Formal Complaint above.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by Title IX.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX formal complaint proceeding does not constitute retaliation prohibited by Title IX, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

34 C.F.R. 106.71(a)–(b)

Confidentiality	The district must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. *34 C.F.R. 106.71(a)*

Note: This policy addresses discrimination, harassment, and retaliation against District students. For provisions regarding discrimination, harassment, and retaliation against District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. Note that FFH shall be used in conjunction with FFI (bullying) for certain prohibited conduct.

Statement of Nondiscrimination

The District prohibits discrimination, including harassment, against any student on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. The District prohibits dating violence, as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Discrimination

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law, that adversely affects the student.

Prohibited Conduct

In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Prohibited conduct also includes sexual harassment as defined by Title IX. [See FFH(LEGAL)]

Prohibited Harassment

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Prohibited harassment includes dating violence as defined by law and this policy.

Examples

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or

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

Sex-Based Harassment

As required by law, the District shall follow the procedures below at Response to Sexual Harassment—Title IX upon a report of sex-based harassment, including sexual harassment, gender-based harassment, and dating violence, when such allegations, if proved, would meet the definition of sexual harassment under Title IX. [See FFH(LEGAL)]

Sexual Harassment

By an Employee

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
    a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
    b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or other inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See DH]

By Others

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or

3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, contact, or communications, including electronic communication.

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

Gender-Based Harassment

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or

3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; cyberharassment; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Dating Violence

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student's spouse or current dating partner, or encouraging others to engage in these behaviors.

Reporting Procedures

Student Report

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, school counselor, principal, other District employee, or the appropriate District official listed in this policy.

Employee Report

Any District employee who suspects or receives direct or indirect notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy.

Definition of District Officials

For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

Title IX Coordinator

Reports of discrimination based on sex, including sexual harassment, gender-based harassment, or dating violence, may be directed to the designated Title IX coordinator for students. [See FFH(EXHIBIT)]

ADA / Section 504 Coordinator

Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator for students. [See FFH(EXHIBIT)]

Superintendent

The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws.

Alternative Reporting Procedures

An individual shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

Timely Reporting

To ensure the District's prompt investigation, reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act.

Notice to Parents

The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult.

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

Investigation of Reports Other Than Title IX

The following procedures apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. [See FFH(LEGAL)] For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX, including sexual harassment, gender-based harassment, and dating violence, see the procedures below at Response to Sexual Harassment—Title IX.

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

Initial Assessment

Upon receipt or notice of a report, the District official shall determine whether the allegations, if proved, would constitute prohibited conduct as defined by this policy. If so, the District shall immediately undertake an investigation, except as provided below at Criminal Investigation.

If the District official determines that the allegations, if proved, would not constitute prohibited conduct as defined by this policy, the District official shall refer the complaint for consideration under FFI.

Interim Action

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the District shall promptly take interim action calculated to address prohibited conduct or bullying prior to the completion of the District's investigation.

District Investigation

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

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

Criminal Investigation

If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, the District shall confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation. The District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the District shall promptly resume its investigation.

Concluding the Investigation

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the District to delay its investigation, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited conduct or bullying occurred. The report shall be filed with the District official overseeing the investigation.

Notification of Outcome

Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.

District Action

Prohibited Conduct

If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.

Corrective Action

Examples of corrective action may include a training program for those involved in the report, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of

areas where prohibited conduct has occurred, and reaffirming the District's policy against discrimination and harassment.

Bullying — If the results of an investigation indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.

Improper Conduct — If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.

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

Appeal — A student or parent who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student or parent shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

Response to Sexual Harassment–Title IX — For purposes of the District's response to reports of harassment prohibited by Title IX, definitions can be found in FFH(LEGAL).

General Response — When the District receives notice or an allegation of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX coordinator shall promptly contact the complainant to:

- Discuss the availability of supportive measures and inform the complainant that they are available, with or without the filing of a formal complaint;
- Consider the complainant's wishes with respect to supportive measures; and
- Explain to the complainant the option and process for filing a formal complaint.

The District's response to sexual harassment shall treat complainants and respondents equitably by offering supportive measures to both parties, as appropriate, and by following the Title IX formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent.

If a formal complaint is not filed, the District reserves the right to investigate and respond to prohibited conduct in accordance with Board policies and the Student Code of Conduct.

Title IX Formal Complaint Process

To distinguish the process described below from the District's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of sexual harassment as the District's "Title IX formal complaint process."

The Superintendent shall ensure the development of a Title IX formal complaint process that complies with legal requirements. [See FFH(LEGAL)] The formal complaint process shall be posted on the District's website. In compliance with Title IX regulations, the District's Title IX formal complaint process shall address the following basic requirements:

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
4. A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;
6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
7. A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a dismissal of a Title IX formal complaint or any allegations therein;
9. A description of the supportive measures available to the complainant and respondent;

10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;

11. Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and

12. Other local procedures as determined by the Superintendent.

Standard of Evidence

The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.

Retaliation

The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or participates in an investigation. The definition of prohibited retaliation under this policy also includes retaliation against a student who refuses to participate in any manner in an investigation under Title IX.

Examples

Examples of retaliation may include threats, intimidation, coercion, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

False Claim

A student who intentionally makes a false claim or offers false statements in a District investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action in accordance with law.

Records Retention

The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records control schedules, but for no less than the minimum amount of time required by law. [See CPC]

[For Title IX recordkeeping and retention provisions, see FFH(LEGAL) and the District's Title IX formal complaint process.]

Access to Policy and Procedures

Information regarding this policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and readily available at each campus and the District's administrative offices.

UIL Rules and District Policies

A student enrolled in a district or who participates in an extracurricular activity or a University Interscholastic League (UIL) competition is subject to district policy and UIL rules regarding participation only when the student is under the direct supervision of an employee of the school or district in which the student is enrolled or at any other time specified by resolution of a board. *Education Code 33.081(b)* [See FO regarding additional standards of conduct for extracurricular activities]

Athletic Activities

UIL Forms

Each student participating in an extracurricular athletic activity must complete the UIL forms entitled "Preparticipation Physical Evaluation—Medical History" and "Acknowledgement of Rules." Each form must be signed by both the student and the student's parent or guardian. *Education Code 33.203(a)*

Notices

Each school that offers an extracurricular athletic activity shall:

1. Prominently display at its administrative offices the telephone number and electronic mail address that the commissioner of education maintains for reporting violations of Education Code Chapter 33, Subchapter F; and
2. Provide each student participant and the student's parent or guardian a copy of the text of Education Code 33.201–33.207 and a copy of the UIL's parent information manual. The document may be provided in an electronic format unless otherwise requested.

Education Code 33.207(b), .208

Safety Training

The UIL shall provide training to students participating in an extracurricular athletic activity related to:

1. Recognizing the symptoms of potentially catastrophic injuries, including head and neck injuries, concussions, injuries related to second impact syndrome, asthma attacks, heatstroke, cardiac arrest, and injuries requiring use of a defibrillator; and
2. The risks of using dietary supplements designed to enhance or marketed as enhancing athletic performance.

The training must be conducted by the UIL or by another organization as determined by the UIL, including the American Red Cross, the American Heart Association, or a similar organization.

Education Code 33.202(d)–(e)

Records

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the public proof of compliance for each person enrolled in the district who is required to receive safety training.

A campus that is determined by the superintendent to be out of compliance with the safety training requirements or the requirements regarding unsafe practices and safety precautions (see below) shall be subject to the range of penalties determined by the UIL.

Education Code 33.206

Unsafe Practices

A coach, trainer, or sponsor for an extracurricular athletic activity may not encourage or permit a student participant to engage in any unreasonably dangerous athletic technique that unnecessarily endangers the health of a student, including using a helmet or any other sports equipment as a weapon. *Education Code 33.204*

Safety Precautions

A coach, trainer, or sponsor for an extracurricular athletic activity shall at each athletic practice or competition ensure that:

1. Each student participant is adequately hydrated;
2. Any prescribed asthma medication for a student participant is readily available to the student;
3. Emergency lanes providing access to the practice or competition area are open and clear; and
4. Heatstroke prevention materials are readily available.

If a student participating in a practice or competition becomes unconscious during the activity, the student may not:

1. Return to the activity during which the student became unconscious; or
2. Participate in any extracurricular athletic activity until the student receives written authorization for such participation from a physician.

Education Code 33.205

Concussions

“Interscholastic athletic activity” includes practice and competition, sponsored or sanctioned by a district, including a home-rule district, or a public school, including any school for which a charter has been granted under Education Code Chapter 12, or the UIL. *Education Code 38.152*

“Concussion” means a complex pathophysiological process affecting the brain caused by a traumatic physical force or impact to the head or body, which may include temporary or prolonged altered brain function resulting in physical, cognitive, or emotional symptoms or altered sleep patterns, and involve loss of consciousness. *Education Code 38.151(4)*

Concussion Oversight Team

The board of a district with students enrolled who participate in an interscholastic athletic activity shall appoint or approve a concussion oversight team. *Education Code 38.153(a)*

Each concussion oversight team must include at least one physician and, to the greatest extent practicable, considering factors including the population of the metropolitan statistical area in which the district is located, district enrollment, and the availability of and access to licensed health-care professionals in the district or charter school area, must also include one or more of the following: an athletic trainer, an advanced practice nurse, a neuropsychologist, or a physician assistant. If a district employs an athletic trainer, the athletic trainer must be a member of the concussion oversight team. If a district employs a school nurse, the school nurse may be a member of the district concussion oversight team if requested by the school nurse.

Each member of the concussion oversight team must have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team. The members also must take a training course at least once every two years and submit proof of timely completion to the superintendent or designee in accordance with Education Code 38.158.

Education Code 38.154, .158

Return-to-Play Protocol

Each concussion oversight team shall establish a return-to-play protocol, based on peer-reviewed scientific evidence, for a student's return to interscholastic athletics practice or competition following the force or impact believed to have caused a concussion. *Education Code 38.153(b)*

Required Annual Form

A student may not participate in an interscholastic athletic activity for a school year until both the student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have signed a form for that school year that acknowledges receiving and reading written information that explains concussion prevention, symptoms, treatment, and oversight and that includes guidelines for safely resuming participation in an athletic activity following a concussion. The form must be approved by the UIL. *Education Code 38.155*

Removal from Play

A student shall be removed from an interscholastic athletics practice or competition immediately if one of the following persons believes the student might have sustained a concussion during the practice or competition: a coach; a physician; a licensed health-care professional, as defined by Education Code 38.151(5); a licensed chiropractor; a school nurse; or the student's parent or

guardian or another person with legal authority to make medical decisions for the student. *Education Code 38.156*

Return to Play

A student removed from an interscholastic athletics practice or competition under Education Code 38.156 may not be permitted to practice or compete again following the force or impact believed to have caused the concussion until:

1. The student has been evaluated, using established medical protocols based on peer-reviewed scientific evidence, by a treating physician chosen by the student or the student's parent or guardian or another person with legal authority to make medical decisions for the student;
2. The student has successfully completed each requirement of the return-to-play protocol established under Education Code 38.153 necessary for the student to return to play;
3. The treating physician has provided a written statement indicating that, in the physician's professional judgment, it is safe for the student to return to play; and
4. The student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have acknowledged that the student has completed the requirements of the return-to-play protocol necessary for the student to return to play, have provided the treating physician's written statement to the person responsible for compliance with the return-to-play protocol and the person who has supervisory responsibilities, and have signed a consent form indicating that the person signing:
    a. Has been informed concerning and consents to the student participating in returning to play in accordance with the return-to-play protocol;
    b. Understands the risks associated with the student returning to play and will comply with any ongoing requirements in the return-to-play protocol;
    c. Consents to the disclosure to appropriate persons, consistent with the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, of the treating physician's written statement and, if any, the return-to-play recommendations of the treating physician; and
    d. Understands the immunity provisions under Education Code 38.159.

A coach of an interscholastic athletics team may not authorize a student's return to play.

The superintendent or designee shall supervise an athletic trainer or other person responsible for compliance with the return-to-play protocol. The person who has supervisory responsibilities may not be a coach of an interscholastic athletics team.

Education Code 38.157

Immunity

These provisions do not:

1. Waive any immunity from liability of a district or of district officers or employees;
2. Create any liability for a cause of action against a district or against district officers or employees;
3. Waive any immunity from liability under Civil Practice and Remedies Code 74.151; or
4. Create any cause of action or liability for a member of a concussion oversight team arising from the injury or death of a student participating in an interscholastic athletics practice or competition, based on service or participation on the concussion oversight team.

Education Code 38.159

Football Helmet Safety Requirements

A district may not use a football helmet that is 16 years old or older in the district's football program. A district shall ensure that each football helmet used in the district's football program that is 10 years old or older is reconditioned at least once every two years.

A district shall maintain and make available to parents of students enrolled in the district documentation indicating the age of each football helmet used in the district's football program and the dates on which each helmet is reconditioned.

Education Code 33.094(a)–(c)

Steroid Testing

The UIL shall adopt rules for the annual administration of a steroid testing program under which high school students participating in an athletic competition sponsored or sanctioned by the league are tested at multiple times throughout the year for the presence of steroids [see FNF].

Results of such steroid tests are confidential and, unless required by court order, may be disclosed only to the student and the student's parent and the activity directors, principal, and assistant principals of the school attended by the student.

Education Code 33.091(d)–(e)

Cardiac Assessment

A district must provide a district student who is required under UIL rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned by the UIL, information about sudden cardiac arrest and electrocardiogram testing and notification of the option of the student to request the administration of an electrocardiogram, in addition to the physical examination.

A student may request an electrocardiogram from any health-care professional, including a health-care professional provided through a district program, provided that the health-care professional is appropriately licensed in Texas and authorized to administer and interpret electrocardiograms under the health-care professional's scope of practice, as establish by the health-care professional's Texas licensing act.

Immunity

These provisions do not create a cause of action or liability or a standard of care, obligation, or duty that provides a basis for a cause of action or liability against a health-care professional described in the provision, the UIL, a district, or a district officer or employee for:

1. The injury or death of a student participating in or practicing for an athletic activity sponsored or sanctioned by the UIL based on or in connection with the administration or interpretation of or reliance on an electrocardiogram; or
2. The content or distribution of the information required under these provisions or the failure to distribute the required information.

Education Code 33.096

Rodeos

This section applies only to a primary or secondary school that sponsors, promotes, or otherwise is associated with a rodeo in which children who attend the school are likely to participate.

"Rodeo" means an exhibition or competition, without regard to whether the participants are compensated, involving activities related to cowboy skills, including:

1. Riding a horse, with or without a saddle, with the goal of remaining on the horse while it attempts to throw off the rider;
2. Riding a bull;
3. Roping an animal, including roping as part of a team;
4. Wrestling a steer; and

5. Riding a horse in a pattern around preset barrels or other obstacles.

Educational Program

A primary or secondary school to which this section applies shall, before the first rodeo associated with the school in each school year, conduct a mandatory educational program on safety, including the proper use of protective gear, for children planning to participate in the rodeo, in accordance with 25 Administrative Code 104.4. The educational program may consist of an instructional video, subject to the Department of State Health Services approval.

Restriction on Participation

A child may not participate in a rodeo associated with the child's school during a school year unless the child has completed the educational program not more than one year before the first day of the rodeo.

Protective Gear for Bull Riding

A child may not engage in bull riding, including engaging in bull riding outside a rodeo for the purpose of practicing bull riding, unless the child is wearing a protective vest and bull riding helmet in accordance with 25 Administrative Code 104.3.

Health and Safety Code 768.001(6), .003; 25 TAC 104.2–.4

Eligibility

A student otherwise eligible to participate in an extracurricular activity or a UIL competition is not ineligible because the student is enrolled in a course offered for joint high school and college credit, or in a course offered under a concurrent enrollment program, regardless of the location at which the course is provided. *Education Code 33.087*

Military Dependents

The district shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified. *Education Code 162.002 art. VI, § B* [See FDD]

Suspension from Extracurricular Activities

A student shall be suspended from participation in any extracurricular activity sponsored or sanctioned by a district or the UIL after a grade evaluation period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class other than a course described below at Exempt Courses.

Length of Suspension

A suspension continues for at least three school weeks and is not removed during the school year until the conditions of Reinstatement, described below, are met. A suspension shall not last beyond the end of a school year.

Grade Evaluation Period

"Grade evaluation period" means:

1. The six-week grade reporting period; or

2. The first six weeks of a semester and each grade reporting period thereafter, in the case of a district with a grade reporting period longer than six weeks.

Education Code 33.081(c)

School Week

The school week is defined as beginning at 12:01 a.m. on the first instructional day of the calendar week and ending at the close of instruction on the last instructional day of the calendar week, excluding holidays. *19 TAC 76.1001(b)*

Exempt Courses

The suspension and reinstatement provisions of Education Code 33.081(c) and (d) do not apply to an advanced placement or international baccalaureate course, or to an honors or dual credit course in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English. *Education Code 33.081(d-1)*

Honors classes for purposes of eligibility to participate in extracurricular activities are listed at 19 Administrative Code 74.30(a).

Districts may identify additional honors courses in the subject areas of English language arts, mathematics, science, social studies, or a language other than English for the purposes of extracurricular eligibility but must identify such courses before the semester in which any exemptions related to extracurricular activities occur.

Districts are neither required to nor restricted from considering courses as honors for the purpose of grade point average calculation.

19 TAC 74.30

Students with Disabilities

In the case of a student with a disability that significantly interferes with the student's ability to meet regular academic standards, suspension must be based on the student's failure to meet the requirements of the student's individualized education program (IEP). The determination of whether the disability substantially interferes with the student's ability to meet the requirements of the student's IEP must be made by the admission, review, and dismissal (ARD) committee.

For the purposes of this provision, "student with a disability" means a student who is eligible for a district's special education program under Education Code 29.003(b).

Education Code 33.081(e)

Practice or Rehearsal

A student suspended under Education Code 33.081 may practice or rehearse with other students for an extracurricular activity but

may not participate in a competition or other public performance. *Education Code 33.081(f)*

Reinstatement

Until the suspension is removed or the school year ends, a district shall review the grades of a student at the end of each three-week period following the date on which the suspension began. At the time of a review, the suspension is removed if the student's grade in each class, other than a course described above at Exempt Courses, is equal to or greater than the equivalent of 70 on a scale of 100. The principal and each of the student's teachers shall make the determination concerning the student's grades. *Education Code 33.081(d)*

Attendance and Participation

The State Board of Education (SBOE) by rule shall limit participation in and practice for extracurricular activities during the school day and the school week.

The board of a district may adopt a policy establishing the number of times a student who is otherwise eligible to participate in an extracurricular activity may be absent from class to participate in an extracurricular activity sponsored or sanctioned by the district, UIL, or an organization sanctioned by board resolution. The policy must permit a student to be absent from class at least ten times during the school year, and the policy prevails over any conflicting policy adopted by the SBOE.

Education Code 33.081(a), .0811

SBOE Rules

The following provisions apply to any UIL activity.

Other organizations requiring student participation that causes a student to miss a class may request sanction from a board. If sanctioned by resolution of the board, student participation in the organization's activities shall be subject to all provisions of statute and to 19 Administration Code 76.1001. If a board does not grant sanction, any absences incurred by a student while participating with that organization's activities shall be subject to the attendance provisions of the Education Code. *19 TAC 76.1001(f)* [See FEB]

Extracurricular Activities

An extracurricular activity is an activity sponsored by the UIL, a board, or an organization sanctioned by board resolution. The activity is not necessarily directly related to instruction of the essential knowledge and skills but may have an indirect relation to some areas of the curriculum.

Extracurricular activities include, but are not limited to, public performances, contests, demonstrations, displays, and club activities. In addition, an activity is subject to this policy if any one of the following criteria applies:

1. The activity is competitive;
2. The activity is held in conjunction with another activity that is considered extracurricular;
3. The activity is held off-campus, except in a case in which adequate facilities do not exist on campus;
4. The general public is invited; or
5. An admission is charged.

Exceptions

Public Performances

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved course that requires demonstration of the mastery of the essential knowledge and skills in a public performance, may participate in the performance if:

1. The general public is invited; and
2. The requirement for student participation in public is stated in the essential knowledge and skills of the course.

State-Approved Music Courses

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved music course that participates in UIL Concert and Sight-Reading Evaluation, may perform with the ensemble during the UIL evaluation performance.

19 TAC 76.1001(a)

Limits on Participation and Practice

During the School Week

Limitations on practice, rehearsal, and student participation during the school week shall be as follows:

1. For any given extracurricular activity, a student may not participate in more than one activity per school week, excluding holidays, except as provided in item 2, below.
2. A student may also participate in a tournament or post-district contest, as well as a contest postponed by weather or public disaster that may determine advancement to a post-district level of competition.
3. For each extracurricular activity, a district must limit students to a maximum of eight hours of practice and rehearsal outside the school day per school week.
4. The commissioner recommends that districts avoid scheduling extracurricular activities or public performances on the day or evening immediately preceding the day on which the statewide student assessment program is scheduled for grades 3–11.

19 TAC 76.1001(d); Education Code 33.081(a)

During the School Day

Limitations on practice and rehearsal during the school day shall be as follows:

1. A district must limit a student to one period of practice during the regularly scheduled school day for practice of extracurricular activities, such as athletics, drill team, or cheerleading.
2. The limit in item 1 does not prohibit a student from enrolling in any state-approved class. A student who is enrolled in a state-approved class that includes essential knowledge and skills that relate to the preparation for an extracurricular activity may practice that extracurricular activity for no more than one period during the school day.
3. A student may not be permitted to miss a scheduled academic class to practice for an unrelated extracurricular activity.
4. A district must limit extracurricular practice during the school day to ensure that class periods for extracurricular practice do not exceed the time allotted for other class periods.
5. Regardless of the schedule type in place (traditional or non-traditional), a school may elect to practice extracurricular activities daily, provided the total minutes allowed for the extracurricular practice is not greater than 300 minutes during the school week.

19 TAC 76.1001(e); Education Code 33.081(a)

Record of Absences

A district shall maintain an accurate record of extracurricular absences for each student in the district each school year. *19 TAC 76.1001(c)*

Parental Notice and Consent

A parent is entitled to full information regarding the school activities of a parent's child except as provided by Education Code 38.004 (child abuse investigations). *Education Code 26.008(a)*

Anonymous Evaluations

Anonymous evaluations of a student that determine whether the student may participate in a school-related program do not provide full information about the student's school activities. A district may by policy establish the parameters for parental contact with evaluating teachers, taking into account the type of evaluation, the information elicited in the evaluation, and scheduling and workload requirements of the teachers. *Byard v. Clear Creek Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 020-R5-1001 (June 17, 2002)*

Videotaping and Recording

A district employee is not required to obtain the consent of a child's parent before the employee may videotape the child or record the child's voice if the videotape or recording is to be used only for a

purpose related to a cocurricular or extracurricular activity. *Education Code 26.009(b)(2)*

Discriminatory Club

An extracurricular activity sponsored or sanctioned by a district, including an athletic event or an athletic team practice, may not take place at an athletic club located in the United States that denies any person full and equal enjoyment of equipment or facilities provided by the athletic club because of the person's race, color, religion, creed, national origin, or sex.

"Athletic club" means an entity that provides sports or exercise equipment or facilities to its customers or members or to the guests of its customers or members.

Education Code 33.082

Special Olympics Recognition

If a district allows high school students to earn a letter for academic, athletic, or extracurricular achievements, the district must allow high school students to earn a letter on the basis of a student's participation in a Special Olympics event. *Education Code 33.093*

Student Election Clerks

Unless applied toward instructional requirements [see EIA], a student who is appointed as a student election clerk under Election Code 32.0511 or as a student early voting clerk under Election Code 83.012, may apply the time served toward a service requirement for participation in a school-sponsored extracurricular activity at the discretion of the school sponsor. *Education Code 33.092*

Before-School and After-School Programs

The board may establish before-school or after-school programs for students enrolled in elementary or middle school grades. A program established under this section may operate before, after, or before and after school hours.

A student is eligible to participate in the district's before-school or after-school program if the student is enrolled in a public or private school or resides within the boundaries of the district.

A district shall conduct a request for proposals procurement process to enable the district to determine if contracting with a child-care facility that provides a before-school or after-school program, as defined by Human Resources Code 42.002, to provide the district's before-school or after-school program would serve the district's best interests. Following the request for proposals procurement process, the district may enter into a contract with a child-care facility or implement a before-school or after-school program operated by the district. If the district enters into a contract with a child-care facility, the contract must comply with the requirements of Education Code 44.031 and may not exceed a term of three years.

The board may adopt rules in accordance with Education Code 11.165 [see BAA] to provide access to school campuses before or after school hours for the purpose of providing a before-school or after-school program.

Education Code 33.9031

Complaints

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

Other Complaint Processes

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

1. Complaints alleging discrimination or harassment based on race, color, religion, sex, gender, national origin, age, or disability shall be submitted in accordance with FFH.
2. Complaints concerning dating violence shall be submitted in accordance with FFH.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with FFH.
4. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with FFI.
5. Complaints concerning failure to award credit or a final grade on the basis of attendance shall be submitted in accordance with FEC.
6. Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.
7. Complaints concerning any final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program shall be submitted in accordance with EHBB.
8. Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504 shall be submitted in accordance with FB and the procedural safeguards handbook.
9. Complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of all students referred to special education.
10. Complaints concerning instructional resources shall be submitted in accordance with EF.
11. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.

12. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.

13. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

Notice to Students and Parents

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

Guiding Principles

Informal Process

The Board encourages students and parents to discuss their concerns with the appropriate teacher, principal, 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 but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

A student or parent may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent 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 District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by 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 District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student or parent fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the student's or parent's absence.
Response	At Levels One and Two, "response" shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the student's or parent's email address of record, or sent by U.S. Mail to the student's or parent'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 District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."
Representative	"Representative" shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint. The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.
Consolidating Complaints	Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent 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.
Untimely Filings	All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent 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.

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent 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 or parent unless the student or parent did not know the documents existed before the Level One conference.

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 refiling is within the designated time for filing.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

   In most circumstances, students and parents shall file Level One complaints with the campus principal.

   If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the student or parent 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 administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

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

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response 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 Level Two administrator. The student or parent 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 or parent 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.

The Superintendent or designee 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 or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the student or parent 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 Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board.

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

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The student or parent may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or parent and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student's representative, any

presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

Complaints

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

Other Complaint Processes

Complaints by members of the public shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with GF after the relevant complaint process:

1. Complaints concerning instructional resources shall be filed in accordance with EF.
2. Complaints concerning a commissioned peace officer who is an employee of the District shall be filed in accordance with CKE.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

Guiding Principles

Informal Process

The Board encourages the public to discuss concerns with an appropriate 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 but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

An individual may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual 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 District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by 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 District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the individual's absence.
Response	At Levels One and Two, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the individual's email address of record, or sent by U.S. Mail to the individual'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 District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."
Representative	"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process. The individual may designate a representative through written notice to the District at any level of this process. If the individual designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.
Consolidating Complaints	Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual 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.
Untimely Filings	All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual 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.

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the Level One conference.

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 refiling is within the designated time for filing.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the individual 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.

   If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the individual within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the individual 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 administrator may consider information provided at the Level One conference and any other

relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response 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 Level Two administrator. The individual 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 individual 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.

The Superintendent or designee 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 individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the individual 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 Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may appeal the decision to the Board.

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

The Superintendent or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the individual or his or her representative, any presentation

from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

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Applicability of Criminal Laws

The criminal laws of the state apply to the areas under the control and jurisdiction of the board. *Education Code 37.101*

Trespass

An unauthorized person who trespasses on the grounds of a school district commits a Class C misdemeanor. *Education Code 37.107*

Refusal of Entry or Ejection of Unauthorized Persons

A school administrator, school resource officer, or school district peace officer may refuse to allow persons to enter on or may eject a person from property under the district's control if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting and:
    a. The administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; and
    b. The person persists in that behavior.

Identification may be required of any person on property under the district’s control.

A district shall maintain a record of each verbal warning issued, including the name of the person to whom the warning was issued and the date of issuance.

At the time a person is refused entry to or ejected from a school district's property, the district shall provide to the person written information explaining the appeal process.

If a parent or guardian of a child enrolled in a school district is refused entry to the district’s property, the district shall accommodate the parent or guardian to ensure that the parent or guardian may participate in the child’s admission, review, and dismissal committee or in the child’s team established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in accordance with federal law.

The term of a person’s refusal of entry to or ejection from a school district's property under this section may not exceed two years.

A district shall post on the district's website and each district campus shall post on any campus website a notice regarding these provisions, including the appeal process.

The board shall adopt a policy that uses the district’s existing grievance process [see FNG, GF] to permit a person refused entry to or

ejected from property controlled by the district to appeal such refusal of entry or ejection. The policy must permit a person appealing under this section to address the board in person within 90 days of the commencement of the appeal, unless the appeal is granted before the board considers the appeal.

The board's decision to grant or deny an appeal under this section is final and may only be further appealed under the applicable provisions of Texas Education Code 7.057.

Education Code 37.105; 19 TAC 103.1207

Vehicles on School Property

A board may bar or suspend a person from driving or parking a vehicle on any school property as a result of the person's violation of any rule or regulation promulgated by the board or set forth in Education Code Chapter 37, Subchapter D. [See CLC] *Education Code 37.106*

Disruption of Lawful Assembly

A person commits a Class B misdemeanor if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of a public school.

Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school;
2. Seizing control of any building or portion of a building to interfere with any administrative, educational, research, or other authorized activity;
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
5. Obstructing or restraining the passage of any person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from the property or campus without the authorization of the administration of the school.

Free Speech

This provision shall not be construed to infringe upon any right of free speech or expression guaranteed by the constitutions of the United States or the state of Texas.

Education Code 37.123

Disruption of Classes

A person, other than a primary or secondary grade student enrolled in the school, commits a Class C misdemeanor if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age.

Disrupting the conduct of classes or other school activities includes:

1. Emitting noise of an intensity that prevents or hinders classroom instruction.
2. Enticing or attempting to entice a student away from a class or other school activity that the student is required to attend.
3. Preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend.
4. Entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or use of loud or profane language, disrupting class activities.

“School property” includes a public school campus or school grounds on which a public school is located, and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

“Public property” includes a street, highway, alley, public park, or sidewalk.

Education Code 37.124

Disruption of Transportation

A person, other than a primary or secondary grade student, commits a Class C misdemeanor if the person intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school, or to or from activities sponsored by a school, on a vehicle owned and/or operated by a district. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. *Education Code 37.126*

Tobacco and E-Cigarettes

A board shall prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property. School personnel shall enforce these policies on school property. *Education Code 38.006* [See FNCD for the definition of e-cigarette.]

Smoking in Buildings

A district shall not permit smoking within any indoor facility used for provision of routine or regular kindergarten, elementary, or secondary education or library services to children; or regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of employees who provide such services. *20 U.S.C. 6083; 20 U.S.C. 7183*

Criminal Penalty

A person commits an offense if the person is in possession of a burning tobacco product, smokes tobacco, or operates an e-cigarette in a facility of a public school.

Defense

It is a defense to prosecution that a district does not have prominently displayed a reasonably sized notice that smoking is prohibited by state law in such place and that an offense is punishable by a fine not to exceed $500.

Facilities for Extinguishment

A district shall be equipped with facilities for extinguishment of smoking materials.

Penal Code 48.01(a)–(c)

Alcohol

A board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. *Education Code 38.007(a)* [See FNCF regarding alcohol-free zones.]

Intoxicants

A person commits a Class C misdemeanor if the person possesses an intoxicating beverage for consumption, sale, or distribution while:

1. On the grounds or in a building of a public school; or
2. Entering or inside any enclosure, field, or stadium where any athletic event sponsored or participated in by a public school is being held.

Education Code 37.122 [See also FNCF]

Fireworks

A person may not explode or ignite fireworks within 600 feet of any school unless the person receives authorization in writing from the school. *Occupations Code 2154.251(a)(1)*

Federal Gun-Free School Zones Act

It is unlawful for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.

"School zone" means in, or on the grounds of, a school; or within a distance of 1,000 feet from the grounds of a school.

This prohibition does not apply to the possession of a firearm:

1. On private property not part of school grounds;
2. If the individual possessing the firearm is licensed to do so by the state, and the law of the state requires that, before an individual obtains such a license, the law enforcement authorities of the state verify that the individual is qualified under law to receive the license;
3. That is not loaded and in a locked container, or a locked firearms rack that is on a motor vehicle;
4. By an individual for use in a program approved by a school in the school zone;
5. By an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;
6. By a law enforcement officer acting in his or her official capacity; or
7. That is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

It is unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm at a place that the person knows is a school zone.

This prohibition does not apply to the discharge of a firearm:

1. On private property not part of school grounds;
2. As part of a program approved by a school in the school zone, by an individual who is participating in the program;
3. By an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or
4. By a law enforcement officer acting in his or her official capacity.

18 U.S.C. 921(a)(25), .922(q)

Possession of Weapons

A person commits a third degree felony if the person knowingly, intentionally, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon [see FNCG]:

1. Onto the physical premises (a building or portion of a building) of a school;
2. Onto any grounds or into a building in which an activity sponsored by a school is being conducted; or
3. On a passenger transportation vehicle of a school.

This offense does not apply if the person is acting pursuant to written regulations or written authorization of a district.

It is not a defense to prosecution that the person possessed a handgun and was licensed to carry a handgun.

Penal Code 46.03(a)(1), (f)

A person commits a third degree felony if the person intentionally, knowingly, or recklessly possesses or goes with a location-restricted knife on the premises where a high school sporting event or interscholastic event is taking place, unless the person is a participant in the event and a location-restricted knife is used in the event. [See FNCG] *Penal Code 46.03(a-1)*

"Premises" Defined

"Premises," for purposes of this policy, means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *Penal Code 46.035(f)(3)*

Excepted Persons

Penal Code 46.03 does not apply to:

1. Peace officers or special investigators regardless of whether engaged in the actual discharge of the officer's or investigator's duties;
2. Parole officers while engaged in the actual discharge of the officer's duties;
3. Community supervision and corrections department officers while engaged in the actual discharge of the officer's duties;
4. An active judicial officer who is licensed to carry a handgun;
5. An honorably retired peace officer or other qualified retired law enforcement officer, as defined by 18 U.S.C. Section 926C, who holds a certificate of proficiency and is carrying a photo identification verifying that the officer qualifies for this exception;

6. The attorney general or a United States attorney, district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a handgun;

7. An assistant United States attorney, assistant attorney general, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun;

8. A bailiff designated by an active judicial officer who is licensed to carry a handgun and engaged in escorting the judicial officer;

9. A juvenile probation officer who is authorized to carry a firearm; or

10. A person who is volunteer emergency services personnel if the person is carrying a handgun under the authority of Government Code, Chapter 411, Subchapter H; and engaged in providing emergency services.

Penal Code 46.15(a)

Transportation or Storage of Firearm in School Parking Area

A district may not prohibit a person who holds a license to carry a handgun under Government Code, Chapter 411, Subchapter H, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district, and may not regulate the manner in which the handgun, firearm, or ammunition is stored in the vehicle, provided that the handgun, firearm, or ammunition is not in plain view.

This does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of Education Code 37.125 or Penal Code 46.03 or 46.035, or other law.

Education Code 37.0815

Volunteer Emergency Services Personnel

A district is not liable in a civil action arising from the discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Government Code, Chapter 411, Subchapter H.

The discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Subchapter H, Chapter 411, Government Code, is outside the course and scope of the individual's duties as volunteer emergency services personnel.

The district does not waive immunity from suit or liability under the Texas Tort Claims Act or any other law.

"Volunteer emergency services personnel" includes a volunteer firefighter, an emergency medical services volunteer as defined by Health and Safety Code 773.003, and any individual who, as a volunteer, provides services for the benefit of the general public during emergency situations. The term does not include a peace officer or reserve law enforcement officer, as those terms are defined by Occupations Code 1701.001, who is performing law enforcement duties.

Civil Practice & Remedies Code 112.001; Penal Code 46.01(18)

Exhibition of Firearm

A person commits a third degree felony if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally:

1. Exhibits or uses a firearm:
    a. In or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or
    b. On a school bus being used to transport children to and from school-sponsored activities;
2. Threatens to exhibit or use a firearm in or on property described above or on a bus and was in possession of or had immediate access to the firearm.

A person commits a Class A misdemeanor if the person threatens to exhibit or use a firearm, but was not in possession of or did not have immediate access to the firearm.

Education Code 37.125

Trespass—Concealed Carry of Handgun

A license holder commits an offense if the license holder:

1. Carries a concealed handgun on the property of another without effective consent; and
2. Received notice that entry on the property by a license holder with a concealed handgun was forbidden.

An offense under Penal Code 30.06 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice that entry or remaining on the property with a concealed handgun was forbidden and subsequently failed to depart.

Notice / Sign—Concealed Carry of Handgun

For purposes of Penal Code 30.06, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

"Written communication" means:

1. A card or other document on which is written language identical to the following: "Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun"; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public.

Exception

It is an exception to Penal Code 30.06 that the property on which the license holder carries a concealed handgun is owned or leased by a district and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03 or 46.035.

Penal Code 30.06 [See also FNCG]

Unauthorized Notice

A district may not take any action, including an action consisting of the provision of notice, by a communication described by Penal Code 30.06 or 30.07 that states or implies that a license holder who is carrying a handgun under the authority of Government Code Chapter 411 is prohibited from entering or remaining on a premises or other place owned or leased by the district unless license holders are prohibited from carrying a handgun on the premises or other place by Penal Code 46.03 or 46.035 or other law. *Gov't Code 411.209*

Trespass—Open Carry of Handgun

A holder of a license to openly carry a handgun commits an offense if the license holder:

1. Openly carries a handgun on property of another without effective consent; and

2. Received notice that entry on the property by a license holder openly carrying a handgun was forbidden.

Notice / Sign—Open Carry of Handgun

For purposes of Penal Code 30.07, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

"Written communication means":

1. A card or other document on which is written language identical to the following: "Pursuant to Section 30.07, Penal Code

(trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly"; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

An offense under Penal Code 30.07 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice by oral communication that entry or remaining on the property with an openly carried handgun was forbidden and subsequently failed to depart.

Exception

It is an exception to Penal Code 30.07 that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03 or 46.035.

Penal Code 30.07

Interscholastic Events

Unless authorized by law, a license holder commits a Class A misdemeanor if the license holder intentionally, knowingly, or recklessly carries a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place.

Penal Code 46.035(b)(2) does not apply if the license holder is a participant in the event and a handgun is used in the event.

Penal Code 46.035(b)(2)

Board Meetings

Unless authorized by law, a license holder commits a Class A misdemeanor if the license holder intentionally, knowingly, or recklessly carries a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of the board is held and if the meeting is an open meeting under the Open Meetings Act.

Penal Code 46.035(c) does not apply unless the license holder was given effective notice under Penal Code 30.06 or 30.07 [see Notice/Sign—Concealed Carry of Handgun and Notice/Sign—Open Carry of Handgun, above].

Penal Code 46.035(c), (i)

Board Authorization

A license holder does not commit a criminal offense under Penal Code 46.035 [see Interscholastic Events and Board Meetings, above] if the person is lawfully carrying a handgun pursuant to a board's written regulations and authorization. *Att'y Gen. Op. GA-1051 (2014)* [See Handgun Licensees at CKE(LEGAL)]

Drones

Federal Law

The U.S. Government has exclusive sovereignty of airspace of the United States. *49 U.S.C. 40103*

Small Unmanned Aircraft

"Small unmanned aircraft" means an unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

Small Unmanned Aircraft System

"Small unmanned aircraft system" (small UAS) means a small unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system.

14 C.F.R. 1.1

Operation of Small UAS

The registration, airman certification, and operation of civil small UAS within the United States is subject to 14 C.F.R. Part 107. Part 107 does not apply to the following:

1. Air carrier operations;
2. Any aircraft subject to the provisions of 14 C.F.R. Part 101; or
3. Any operation that a remote pilot in command elects to conduct pursuant to an exemption issued under 49 U.S.C. 44807, unless otherwise specified in the exemption.

14 C.F.R. 107.1, .3

Exception for Limited Recreational Operation

A person may operate a small unmanned aircraft without specific certification or operating authority from the Federal Aviation Administration (FAA) if the operation adheres to all of the following limitations:

1. The aircraft is flown strictly for recreational purposes.
2. The aircraft is operated in accordance with or within the programming of a community-based organization's set of safety guidelines that are developed in coordination with the FAA.
3. The aircraft is flown within the visual line of sight of the person operating the aircraft or a visual observer co-located and in direct communication with the operator.
4. The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft.

5. In Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, the operator obtains prior authorization from the administrator of the FAA or designee before operating and complies with all airspace restrictions and prohibitions.

6. In Class G airspace, the aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace restrictions and prohibitions.

7. The operator has passed an aeronautical knowledge and safety test and maintains proof of test passage to be made available to the FAA or law enforcement upon request.

8. The aircraft is registered and marked in accordance with 49 U.S.C. Chapter 441 and proof of registration is made available to the FAA or law enforcement upon request.

49 U.S.C. 44809(a)

State Law

Regulation Limited

A political subdivision, including a school district, may not adopt or enforce any ordinance, order, or other similar measure regarding the operation of an unmanned aircraft. An ordinance, order, or other similar measure that violates this provision is void and unenforceable. *Gov't Code 423.009(b), (d)*

Exception

A political subdivision may adopt and enforce an ordinance, order, or other similar measure regarding:

1. The use of an unmanned aircraft during a special event;

2. The political subdivision's use of an unmanned aircraft; or

3. The use of an unmanned aircraft near a facility or infrastructure owned by the political subdivision, if the political subdivision:

   a. Applies for and receives authorization from the Federal Aviation Administration to adopt the regulation; and

   b. After providing reasonable notice, holds a public hearing on the political subdivision's intent to apply for the authorization.

"Special event" means a festival, celebration, or other gathering that involves the reservation and temporary use of all or a portion of a public park, road, or other property of a political subdivision; and entertainment, the sale of merchandise, food, or beverages, or mass participation in a sports event; and requires a significant use or coordination of a political subdivision's services.

Gov't Code 423.009(a)(2), (c)

Privacy Law

It is lawful to capture an image using an unmanned aircraft in this state for the reasons listed in Government Code 423.002, including:

1. With the consent of the individual who owns or lawfully occupies the real property captured in the image; or

2. From a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception.

Gov't Code 423.002(a)

BISD PERSONNEL & TALENT OFFICER UPDATE

#BrahmaNation

BISD BOARD GOAL 3

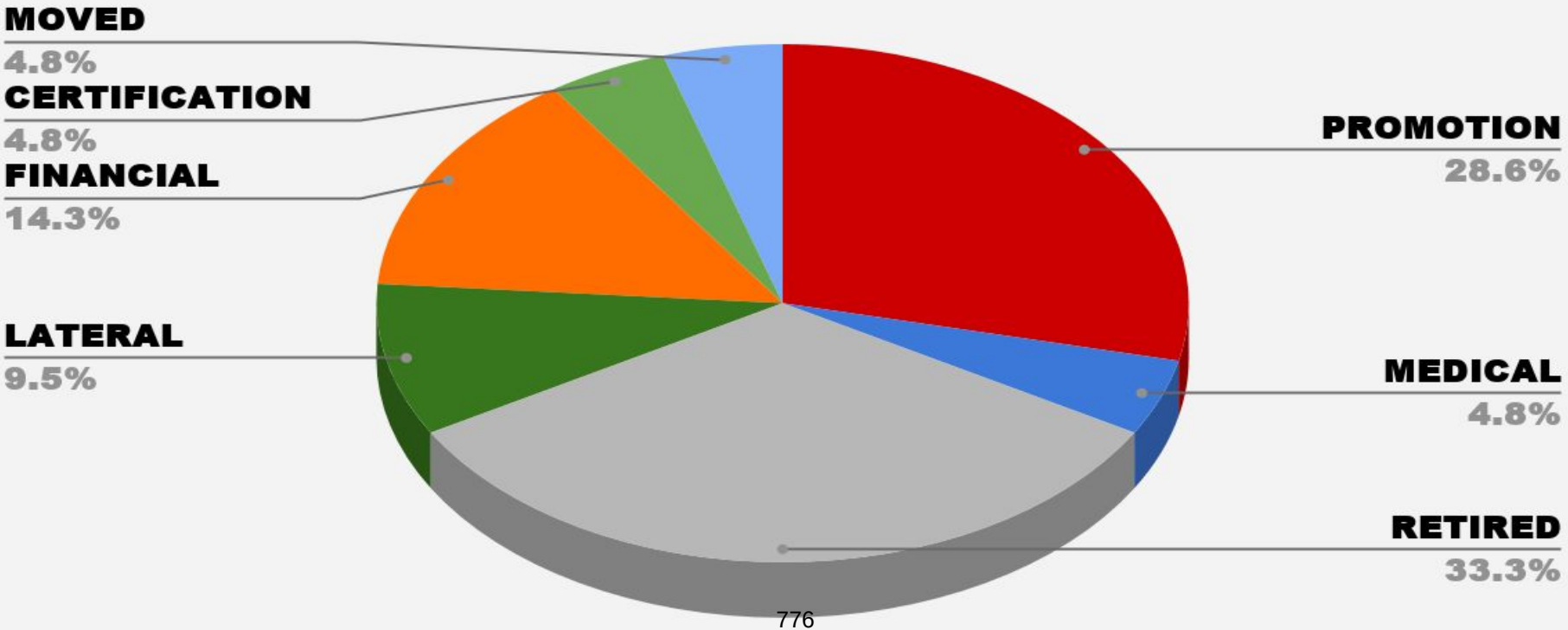
CULTURE

- Create a culture that attracts, develops, and retains exceptional individuals to be part of our district and community.

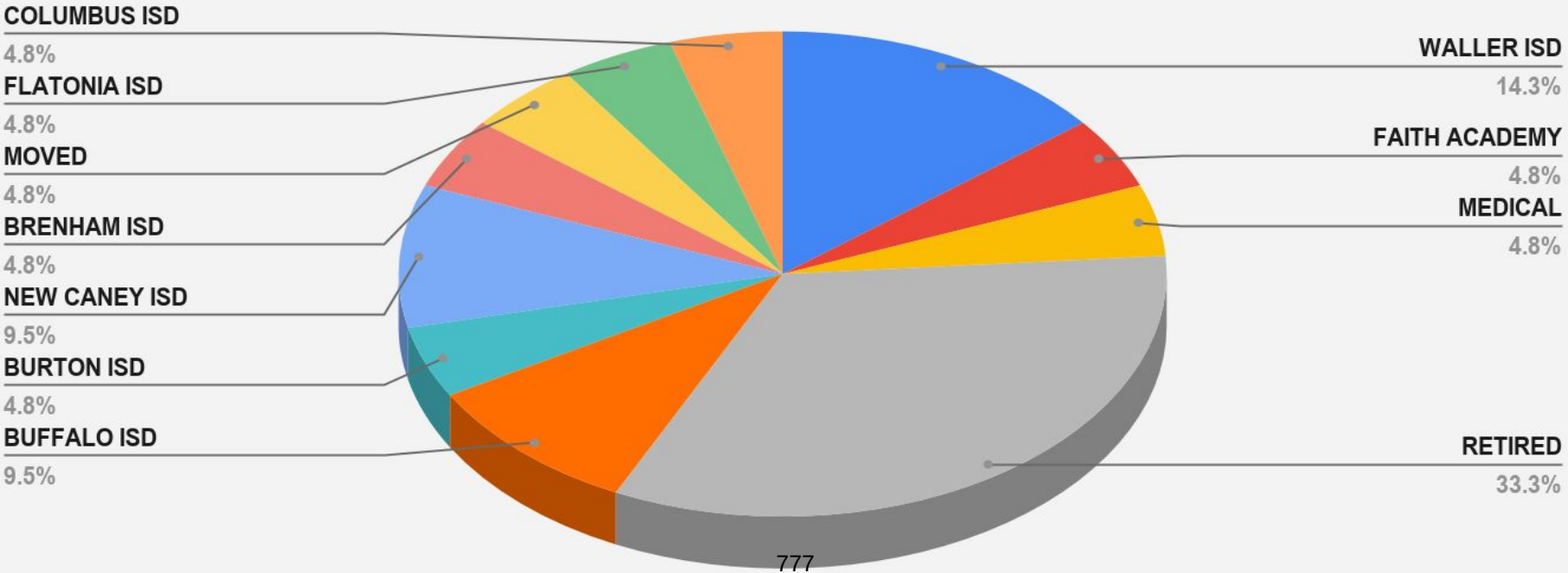
#BrahmaNation

RESIGNATIONS & EXIT INTERVIEWS

Reason for Leaving BISD



Exiting Employee Destination District or Location



RECRUITMENT













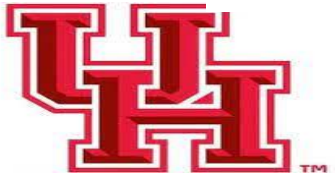




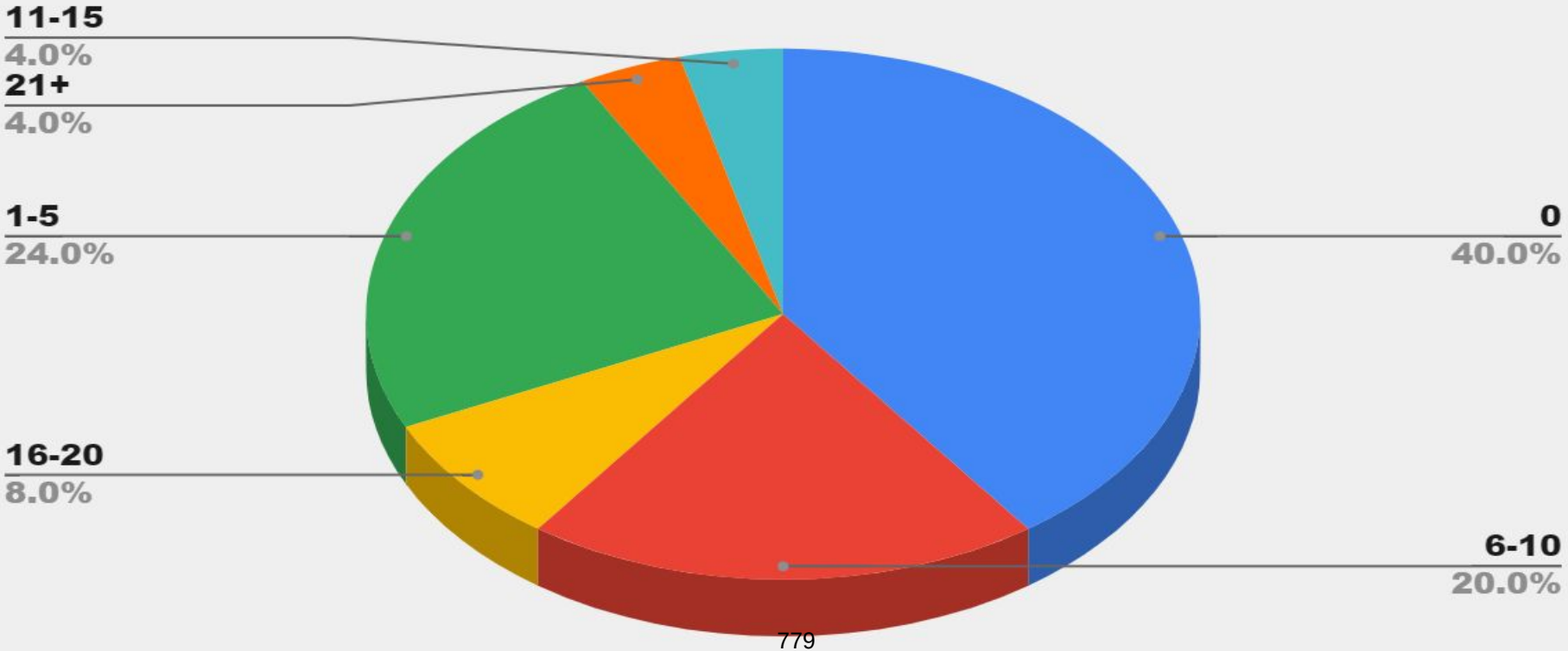








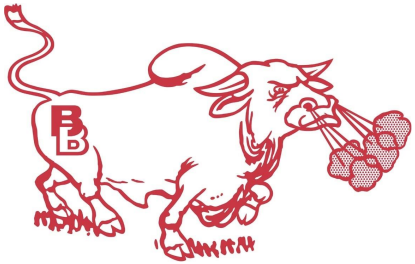
New Hire Years of Experience

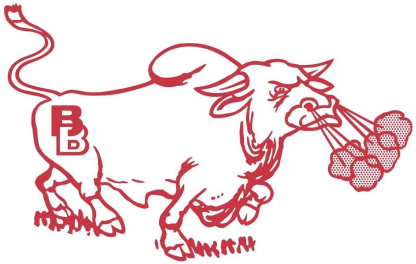


GROWTH & DEVELOPMENT

- **NEW STAFF ORIENTATION** - AUGUST 5TH, 6TH, & 7TH
- **MENTORSHIP PROGRAM & TRAINING** - FALL 2020 (QUARTERLY)
- **ASPIRING LEADERS ACADEMY** - FALL 2020 (MONTHLY)
- **ASSISTANT PRINCIPALS LEADERSHIP DEVELOPMENT** - FALL 2020 (MONTHLY)

QUESTIONS





BISD BOARD MINUTES-JULY 2020

REGULAR BOARD MEETING:
6:30-9:34pm

- Called to Order by Mr. Stein
  - All present with the exception of Mr. Yantis, & Mr. Lischka
- Invocation by Tony Hancock
- Pledge of Allegiance
- Open Forum: No Speakers
- Reports From:
  - Academic Update from Natalie Jones
  - Monthly financial report from Dennis Jurek
  - Superintendent's report from Dr. Poenitzsch including draft 2020-2021 Operational Guidelines
  - Update on capital assessment projects by Dr. Coopersmith
  - Discussion on Capital Project Procurement Options
  - Discussion on responsive actions ot BISD Safety Audit
- **Consent Agenda was approved.**
  Motion by A. Murrell, Second by K. Winn (Vote 5-0)
  - Approved Minutes of Regular Meeting from June 11
  - Approved Minutes of Regular Board Meeting from May 21
  - Approve Budget Amendments & Donations
  - Certify Waiver Submission for Missed School Days
  - Approve Amendment to 2020-2021 BISD Academic Calendar to provide COVID Make-Up days
- **No Action Taken:**
  - Consider action necessary in response to circumstances resulting from COVID-19.
- **The following Action Items were Approved:**
  - Purchase of Promethean boards for new pathway classes
    Motion by A. Murrell, Second by J. Batson (5-0)
  - Resolution to uncommit fund balance for West End Roof
    Motion by V. Ruffino, Second by A. Murrell (5-0)
  - Budget amendment to uncommit Fund Balance
    Motion by V. Ruffino, Second by A. Murrell (5-0)
  - Recommendation for Financial Audit Services and fees for fiscal year ending August 2023
    Motion by A. Murrell, Seconded by K. Winn (5-0)
  - Recommendation for office and school supplies
    Motion by K. Winn, Seconded by J. Batson (5-0)

- **The following Action Items were Approved: (Continued)**
  - Approve contractor and costs related to remodel of the BJHS lounge and workroom
    Motion by V. Ruffino, Second by Andy Murrell (5-0)

- **Executive Session:**
  - None

- **Reconvene in Open Session:**
  - No recommendations or action on personnel
  - No recommendations or action Superintendent's Evaluation

- **Adjourn at 9:34pm**
  - Approve contractor and costs related to remodel of the BJHS lounge and workroom
    Motion by V. Ruffino, Second by K. Winn (5-0)

Dennis Jurek
Assistant Superintendent

Bellville Independent School District

Bellville Independent School District
Board of Trustees Meeting, July 21, 2020

DIRECT DONATIONS TO BELLVILLE ISD

The board may accept any bequest or gift of money or property on behalf of the District. The gift shall become the sole property of the District for its use and disposition. Please tender this letter as a recommendation for acceptance of theses donations at the board meeting captioned above.

DATE	DESCRIPTION OF DONATION	AMOUNT
JULY 21	DONATION FROM INDUSTY TELEPHONE CO. FOR WEST END MARQUEE (FD 199)	$ 5,000.00
JULY 21	DONATION FROM INDUSTY I-NET, INC FOR WEST END MARQUEE (FD 199)	$ 5,000.00
JULY 21	DONATION FROM INDUSTRY STATE BANK FOR WEST END MARQUEE (FD 199)	$ 25,000.00
JULY 21	DONATION FROM FIRST NATIONAL BANK OF BELLVILLE FOR HALF OF HS BASEBALL SCORE BOARD (FD 199)	$15,707.00
JULY 21	DONATION FROM INDUSTRY STATE BANK FOR HALF OF HS BASEBALL SCORE BOARD (FD 199)	$15,707.00
JULY 21	DONATION FROM BELLVILLE BOOSTER CLUB FOR SENIOR BANNERS (FD 461)	$2,940.00
JULY 21	DONATION FROM BELLVILLE BOOSTER CLUB FOR TRACK & FIELD (FD 865)	$924.00

Sincerely,

Dennis Jurek, Assistant Superintendent
Bellville Independent School District

BELLVILLE INDEPENDENT SCHOOL DISTRICT
Meeting of the BISD Board of Trustees

July 21, 2020

Subject:	2020-2021 District Improvement Plan
Presenter:	Matthew Mahlmann
Board Policy:	BQ (LEGAL) Required Plans
BISD Goal:	2. Foster a connected, collaborative, and strategic approach to continuous improvement for the district. [LEADERSHIP]

Summary:	The District Improvement Plan includes the Needs Assessment, Steps in the Action Plan to meet the District Goals as set by the School Board, and methods to meet state and federal requirements.
Attachments:	▪ 2020-2021 District Improvement Plan
Recommendation:	The recommendation is for the Board to: approve the 2020-2021 District Improvement Plan.

BELLVILLE

INDEPENDENT SCHOOL DISTRICT

District Improvement Plan

2020-2021

786

LEADERSHIP

BOARD OF TRUSTEES

Grant Lischka - President
Dusty Yantis - Vice President
Kenneth Stein - Secretary
Jim Batson
Vince Ruffino
Andrew Murrell
Karen Winn

CENTRAL ADMINISTRATION

Nicole Poenitzsch - Superintendent
Dennis Jurek - Assistant Superintendent of Finance & Operations
Natalie Jones - Chief Academic Officer
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BELLVILLE ISD ADVISORY COUNCIL

MEMBERS

Nicole Poenitzsch, Superintendent
Candice Garner, Parent (OBP)
Casey Hollomon, Principal (BHS)
Cay Arant, Business Representative (Faith Academy)
Christine Hranicky, Parent (OBI/BJH/BHS)
Dennis Jurek, Assistant Superintendent
Derek Anderson, Parent (OBI)
Jennifer King, Parent (BHS)
Jessica Gordon, Parent (OBP, BJHS)
Kelly Schumann, Teacher (BHS)
Melissa Prowell, Parent (BHS)
Michael Coopersmith, Director of Administrative Operations
Nikki Peck, Teacher/Interventionist (OBP)
Sarah Jordan, Community Member
Sheridan Malota, Teacher (OBP)
Susan Brewer, Teacher/Coordinator (BHS)
Suzanne Lockett, Lead Nurse (OBI/WE)
Terri Lowe, Teacher/Interventionist (OBP)
Tony Hancock, Chief Talent Officer/Principal (WE)

2020 COMPREHENSIVE NEEDS ASSESSMENT

DATA SOURCES

Data and Input was reviewed from various individuals and sources. This data and input was used to determine the needs and priority improvement actions for the 2020-2021 school year. These data and input sources included:

- State assessment results
- State accountability reports
- Stakeholder input surveys
- PEIMS data
- Texas Academic Performance Reports - TAPR
- Insight from Student Panels
- Insight and observation from campus and district leaders

DATA ANALYSIS

District Attendance	District Graduation Rate
96.6%	97.4%

Enrollment (as of PEIMS Snapshot in late October)

2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
2213	2239	2261	2238	2207

Ethnicity and Race (as of PEIMS Snapshot in late October)

Hispanic/Latino	African American	White	American Indian/Alaskan	Asian	Hawaiian/ Pacific Islander	Two or more races
30.86%	8.34%	58.04%	0.32%	0.54%	0.05%	1.86%

Special Populations (as of PEIMS Snapshot in late October)

English Learners	Special Education	Economically Disadvantaged	Dyslexia	Homeless	Foster Care	Gifted and Talented	At Risk	Career and Technical Education
8.84%	12.82%	44.63%	6.30%	1.22%	0.36%	11.42%	44.31%	36.11%

2019 ACCOUNTABILITY HIGHLIGHTS

OVERALL DISTRICT RATING	
B	

STUDENT ACHIEVEMENT	SCHOOL PROGRESS	CLOSING THE GAPS
B	B	B

2019 ALL TEST, ALL GRADES

% APPROACHES GRADE LEVEL	% MEETS GRADE LEVEL	% MASTERS GRADE LEVEL
79	49	22
STATE AVERAGE	STATE AVERAGE	STATE AVERAGE
78	50	24

SCHOOL PROGRESS

(ELA/Reading and Math)

Prior Year	Did Not Meet Grade Level Current Year			Approaches Grade Level Current Year			Meets Grade Level Current Year			Masters Grade Level
	Progress Not Applicable	Did Not Meet Progress	Met or Exceeded Progress	Progress Not Applicable	Did Not Meet Progress	Met or Exceeded Progress	Progress Not Applicable	Did Not Meet Progress	Met or Exceeded Progress	Progress Not Applicable
Did Not Meet	-	126	110	-	3	148	-	-	15	1
Approaches Grade Level	-	103	0	-	151	157	-	-	165	36
Meets Grade Level	13	-	-	116	-	-	-	87	157	123
Masters Grade Level	2	-	-	17	-	-	90	-	-	306

CLOSING THE GAPS

✔ - Met Target ✘ - Did Not Meet Target	Met Grade Level Reading (%)	Met Grade Level Math (%)	Met College, Career, & Military Readiness (%)
All Students	50 ✔	49 ✔	58 ✔
African American	19 ✘	18 ✘	n/a
Hispanic	39 ✔	41 ✔	41 ✔
White	62 ✔	59 ✔	73 ✔
Two or More Races	59 ✔	n/a	n/a
Economically Disadvantaged	37 ✔	36 ✔	40 ✔
English Learners	24 ✘	33 ✘	n/a
Students Receiving Special Education Services	17 ✘	19 ✘	n/a
Students Formerly Receiving Special Education Services	39 ✔	36 ✘	n/a
Continuously Enrolled	51 ✔	48 ✔	58 ✔
Non-Continuously Enrolled	48 ✔	50 ✔	56 ✔

PROFESSIONAL DEVELOPMENT

The following professional development topics were identified in the needs assessment as a priority for the District:

- Inclusion aides need more specific training (practices on how to help students)
- Instructional Strategies that are non-negotiable and hold teachers accountable - Instructional Toolbox; vertical team K-12
- Focus on Instruction - Inconsistency between classrooms
- Behavior Training
- Quality Questioning
- Targeted measures in place year round for students in need

SUMMARY OF DATA FINDINGS (IDENTIFIED NEEDS)

Below is a non-inclusive list of needs considered for the 2020-2021 Bellville ISD District Improvement Plan

- Teachers need help addressing needs of AA, ELs, Special Education Students
- RISE - better communication or change if strategies are not working appropriately (more training)
- Local Appraisal Tool
- Rigor - do not have a definition; need to come up with a definition that is shared

2020-2021 IMPROVEMENT PLAN - ACTION ITEMS

1 LEARNING
Develop and attain local standards for high levels of integrated learning and performance.

Objective 1.1: Identify the skillsets, knowledge, characteristics, and traits desired for all BISD graduates.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Develop a vertically aligned and intentional approach to developing the desired traits of a Graduate in all students (PK-12).	Community Representatives, Campus and District Leaders, Campus Instructional Staff	Chief Academic Officer	Evidence of committee meetings to develop draft vertical alignment; Meeting to begin development by October 2020; Development of Portrait by March 2021	Development and publication of BISD Portrait of a Graduate
Develop a Student Portfolio that captures evidence of students' work and progress through their educational journey (PK-12).	Community Representatives, Campus and District Leaders, Campus Instructional Staff	Chief Academic Officer	Evidence of committee meetings to develop draft plan for student portfolios; ELAR Pilot by May 2021	Development and publication of a ELAR pilot plan for BISD Student Portfolios

Objective 1.2: Provide educational opportunities that allow staff and students to discover their strengths and interests and expand their horizons of awareness.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Travel with stakeholder groups to visit high-performing districts providing transformative learning experiences.	Community Representatives, Campus and District Leaders, Campus Instructional Staff	Chief Academic Officer	Develop initial plan for learning trips by September 2020; Invitations sent out to stakeholders	Stakeholder feedback and adjustment of various district and campus plans and processes based on experiences
Create an approach to professional development for staff in BISD that is relevant and cutting-edge.	Staff Surveys and Feedback, Campus and District Leaders	Chief Academic Officer	Publication of updated handbook by April 2021	BISD Professional Learning Handbook
Expand course offerings and academic pathways (PK-5 Enrichment; 6-12 Pathways).	Pathway Committee Meetings, Perkins, Title IV	Chief Academic Officer, Director of Future Readiness, Campus Principals	August 2020 Mid-year Pathway Committees Feedback, Review at mid-year BISD Leadership Team Meeting	Elementary Enrichment Activities, CTE Secondary Enrollment & Program Offerings
Plan and develop out-of-district field trips intentionally aligned to real-world exposure and relevant learning (PK-12).	Field Trip Committee, Campus and District Leaders	Principals, Chief Academic Officer	Evidence of Committee meetings to develop guide for intentional alignment of future field trip offerings; Develop initial plan for intentionally aligned field trips by April 2021	Development and Publication of BISD Plan for Intentionally Aligned Field Trips

Objective 1.3: Create an academic culture that promotes collaboration, ownership, creativity, problem-solving, critical thinking, risk-taking, confidence, and resilience in teachers and students.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Conduct vertical/horizontal curriculum development PLCs 2-4 times per year.	**TEKS Resource System, Teacher Input, Campus Administrators**	**Chief Academic Officer, Department Team Leaders/Department Heads**	**August 2020 Evidence of PLC Meetings and Vertical/Horizontal Curriculum Alignment Plans**	**Evidence of a plan to drive future curriculum decisions**
Objective 1.4: Ensure all learners receive timely and meaningful feedback.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Begin research and design for establishing by August 2023, a grading and reporting system in BISD that provides timely and meaningful feedback to students and parents regarding students' progress toward mastery of identified skills, traits, and characteristics.	**Community Representatives, Campus and District Leaders, Campus Instructional Staff**	**Chief Academic Officer**	**Evidence of draft plan and stakeholder meetings; Review at mid-year the initial development of a multi-year action plan; Development of Implementation Plan by June 2021**	**Development and publication of Implementation/Action Plan** **Evidence of progress that the initial steps of the plan are being implemented**

2 LEADERSHIP

Foster a connected, collaborative, and strategic approach to continuous improvement for the district.

Objective 2.1: Establish a strategic and collaborative approach to continuous improvement in all areas of the district's operations and academics.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Conduct ongoing workshops and annual retreats with the Board, District Leaders, Teacher Leaders to train and update on leadership practices, protocols, procedures, goals, and initiatives.	**Community Representatives, District Leaders**	**Superintendent**	**Schedule of events for the upcoming school year by September 2020**	**Leadership Survey and Feedback**
Collaboratively develop and update innovation plans, improvement plans, district technology plan, real-estate plan, FFE refresh plan, and operating procedures for business and finance practices.	**Community Representatives, Campus Leaders, Campus Instructional Staff**	**Superintendent, Assistant Superintendent, Director of Future Readiness, Director of Technology**	**Review at mid-year meetings for committees appropriate to each plan; Plans updated by May 2021**	**Updated plans with evidence of stakeholder collaboration**

Create a Local Accountability Plan	**TEA Local Accountability System Guide, Community Representatives, Campus & District Leaders, Campus Instructional Staff**	**Superintendent**	**Attendance at TEA webinar in May 2021**	**Development of initial version of the BISD Local Accountability System Plan and steps for future implementation**
Objective 2.2: Ensure BISD facilities are equipped to effectively support district operations and learning.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Regularly convene a Capital Improvement Committee representative of BISD stakeholders.	**Community Representatives, Campus and District Leaders, Campus Instructional Staff**	**Superintendent**	**Schedule of regular meetings by September 2020**	**BISD stakeholder feedback**
Conduct a comprehensive facilities assessment and create a Long-Range Capital Improvement Plan	**Community Representatives, Campus & District Leaders, Campus Instructional Staff**	**Superintendent**	**Assessment Complete by October 2020; Long-Range Plan in place by May 2021**	**Board Adoption & Publication of Long-Range Capital Improvement Plan**
Objective 2.3: Maintain superior financial standing and efficient fiscal management.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Develop Business Procedures Manual	**Director of Accounting, TASBO Best Practices**	**Assistant Superintendent**	**Review of Draft by District Leadership Team; Completed Sections in place by May 2020**	**Business Procedures Manual sections in place**
Partner with Architecture Firm to develop preliminary planning to implement Long-Range Capital Improvement Plan	**School Board, Superintendent**	**Assistant Superintendent**	**Request for Architecture Qualifications; Partner in place by December 2020; Preliminary planning started by May 2021**	**Partner is in place & evidence of development of preliminary implementation plan**
Objective 2.4: Promote connectedness between leaders and the work of the district.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Conduct monthly board-walks at campuses and departments across district.	**School Board Members**	**Superintendent, Department Directors, Campus Principals**	**Schedule of monthly events by September 2020**	**School Board Member feedback**
Conduct monthly department and campus spotlights at BISD Board Meetings.	**Campus and Department Staff**	**Superintendent, Department Directors, Campus Principals**	**Schedule of monthly events by September 2020**	**School Board Member and Community feedback**
Engage board members and leaders with multiple stakeholders in decision-making committees	**School Board Members, Community Representatives, Campus & District Leaders, Campus Instructional Staff**	**Superintendent**	**Decision-making committees invitations by October 2020**	**Documentation of plans and policies recommended by committees**

3 CULTURE

Create a culture that attracts, develops, and retains exceptional individuals to be part of our district and community.

Objective 3.1: Ensure all staff feel valued and appreciated.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Continue traditions of beginning of the year supply gift certificates, one-time mid-year stipends, turkey certificates, holiday treats, Christmas luncheons, etc.	**School Board Members, District Leaders**	**Superintendent, Assistant Superintendent**	**Plan for annual traditions in place by August 2020**	**Staff Feedback**
Seek and respond to input from staff regarding the ways in which they want to be valued (benefits packages, pay, acts of appreciation, etc.).	**Staff Surveys, Staff Input**	**Superintendent, Assistant Superintendent, Chief Talent Officer**	**Plans in place for 2021-2022 by June 2021**	**Low Staff Turnover rate**

Objective 3.2: Effectively recruit, hire, onboard, train, and retain exceptional individuals to be part of the BISD team.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Develop and implement an effective recruitment plan for attracting exceptional individuals.	**Onsite and virtual career fairs, Universities, Region ESCs, alt. certification programs**	**Chief Talent Officer**	**Recruitment plan in place by August 2020 Larger applicant pools for open positions for 2021-2022 by March 2021**	**100% of open positions filled**

Objective 3.3: Create an organizational structure that effectively supports the learning and work of the district.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Implement efficient processes to receive, consider, and respond to staffing needs & requests.	**Employment Transfer Form, District & Campus Supervisors**	**Chief Talent Officer**	**Evidence of documentation use by District Leaders by August 2020**	**Evidence of fewer mistakes resulting from employees transferring positions**

Objective 3.4: Foster a culture of collaboration and learning.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Convene regularly with teacher leaders to develop leadership, vision, and expertise in collaboration and instructional design.	**Instructional Resources, Teacher Input, Campus Administrators**	**Chief Academic Officer**	**Analysis of currently available instructional resources by August 2020; Mid-year teachers have investigated available tools through PLCs**	**Teachers have access to available Academic Resources in Team Drive**
Plan & design for establishing effective collaborative teaching teams in August 2021.	**Region 6, Department Team**	**Chief Academic Officer, Campus Administrators**	**Develop a PLC model to implement for 2021-2022 by March 2021**	**Implementation plan for Department and Grade Level PLCs for 2021-2022.**

Objective 3.5: Ensure all staff feel inspired and supported in pursuit of personal and professional goals and growth.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Conduct a leadership development workshop series with Assistant Principals and develop BISD Aspiring Leaders Academy.	**Books, Articles, multimedia assets, guest speakers**	**Chief Talent Officer**	**Idea shared with staff at Convocation by August 2020**	**Completion of Aspiring Leaders Cohort 1**
Implement a local appraisal and development system to grow all BISD employees through personal goal setting and coaching.	**Community Representatives, Campus and District Leaders, Campus Instructional Staff**	**Chief Talent Officer, Campus Principals**	**Local Appraisal System developed and shared with staff by August 2020**	**Increase in employee growth and development goals met as a result of successful coaching**

4 COMMUNITY

Cultivate connections in our schools and our community to ensure all feel safe, valued, and engaged in meaningful ways.

Objective 4.1: Engage district and community stakeholders in meaningful ways.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Convene community-based Advisory Committees: DAC, SHAC, Technology, Capital Improvement, Pathways, etc.	**Community Representatives, Campus and District Leaders, Campus Instructional Staff**	**Superintendent, Director of Future Readiness, Director of Administrative Operations, Director of Technology**	**Committee Meetings scheduled and member invitations sent by September 2020**	**Stakeholder Feedback resulting from engagement during committee meetings**
Include district stakeholders (board, students, parents, etc.) on hiring and decision-making committees.	**Community Representatives, Campus and District Leaders, Campus Instructional Staff, Student Leaders**	**Chief Talent Officer**	**Plan for inclusion of district stakeholders in place by August 2020**	**Evidence of participation of all district stakeholders on hiring and decision-making committees**
Objective 4.2: Establish "The Bellville Way" as a driving movement for unity and development of individual and collective values and character.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Establish and articulate the meaning of "The Bellville Way"	**Community Representatives, Campus and District Leaders, Campus Instructional Staff, Student Leaders**	**Chief Talent Officer**	**Committee Meetings scheduled by October 2020; Publication of "The Bellville Way" by December 2020**	**Development and Publication of "The Bellville Way"**

Objective 4.3: Positively contribute to our community.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Host Fall District Day of Service	**Student Advisory Committee**	**BHS Principal, Superintendent**	**Plans developed during Student Advisory Committee meetings; Fall District Day of Service scheduled and completed during October 2020**	**Evidence of participation of student, staff, and community members**
Enhance District-Community Communication Tools: Facebook, Newsletter, Bellville Times, BISD Website, etc.	**District and Campus Leaders**	**Superintendent**	**Efforts to enhance are initiated as of August 2020**	**Stakeholder Feedback**
Engage with community leaders to support joint efforts: church leaders, business leaders, community organizations, EDC, City Council, County Commissioners Court, etc.	**Community Representatives, Campus and District Leaders**	**Superintendent**	**Community Leaders Luncheons scheduled and member invitations sent by August 2020**	**Community Leader Feedback**

STATE AND FEDERAL REQUIREMENTS

Continuously improve upon district performance on each state assessment and accountability ratings, decrease identified achievement gaps, and ensure exceptional annual progress for each student

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
District and All Campuses				
Vary instructional methods for addressing the needs of student groups not achieving their full potential	**Ongoing Professional Development**	**Chief Academic Officer, Campus Principals**	**August 2020; Classroom Observations**	**STAAR Results, Benchmark Results**
Provide methods for addressing the needs of students for special programs, including: • **Suicide prevention programs** • **Conflict resolution programs** • **Violence prevention programs** • **Dyslexia treatment programs** • **Dropout reduction programs**	**SEL Curriculum, Training & Resources**	**Counselors, Assistant Principals, Chief Academic Officer, Director of Special Education**	**August 2020; Evidence of Training, SEL Action Plans**	**Evidence of implementation of these programs**
Integrate technology in instructional and administrative programs	**District and Campus Leaders, Campus Instructional Staff**	**Director of Technology, Technology Instructional Specialist, Chief Academic Officer**	**August 2020; Technology Committee Meeting agenda**	**Development and publication of district technology plan**
Implement positive behavior interventions and support, including interventions and support that integrate best practices on grief-informed and trauma-informed care	**District and Campus Leaders, Campus Instructional Staff, District Students**	**Behavior Specialist, Chief Academic Officer**	**August 2020; Staff Development documentation**	**Completion of Schoolwide Benchmarks of Quality (Revised) Team Member Rating Form**
Provide staff development for professional staff	**District Staff, Region ESCs, TEA**	**Chief Academic Officer, Principals**	**August 2020; publication of BISD Professional Learning Handbook**	**Staff Development Surveys**
Provide career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities	**Pathway Committees, Region 6 Specialist**	**Principals, Director of Future Readiness**	**August 2020; Pathway Committee Meeting Agendas**	**BISD Course Catalog**
Provide accelerated education opportunities for students that are at-risk	**Counselors, Director of Future Readiness**	**Principals**	**September 2020; SCE Positions listed in Campus Improvement Plans**	**SCE Evaluations**
Implement a comprehensive school counseling program	**Region ESC, TEA**	**Counselors, Director of Future Readiness**	**August 2020; District Counselor Meeting Agendas**	**Evidence of implementation of program**

Provide information to elementary, junior high, and high school students and parents about the following: • Higher education admissions and financial aid opportunities and sources of information • The need for students to make informed curriculum choices to be prepared for success beyond high school	Region ESC, TEA	Counselors	August 2020; District Counselor Meeting Agendas	Documentation of campus plans to inform students and parents
Provide a program to encourage parental involvement at the campus	Region ESC, TEA	Principals	August 2020; Campus level dates for Parent Engagement Activities	Parent Engagement Activity Sign-In Sheets

State and Federal Resource Allocation

Provide the resources to assist our team to work together to ensure each individual becomes what one has the potential to be.

Title I			
Steps in Action Plan	Activity	Funds Budgeted	FTE
Campus Improvement Plan	**Intervention Teachers - OBP & OBI**	**$243,038**	**4.0**
Objective 1.2, Action 3	**Enrichment Paraprofessionals - OBP & OBI**	**$87,719**	**4.0**
Campus Improvement Plan	**PK and KIndergarten Paraprofessionals - OBP**	**$114,227**	**5.0**
	Total Title I	**$444,984**	**13.0**

Title III EL			
Steps in Action Plan	Activity	Funds Budgeted	FTE
Campus Improvement Plan	**EL Summer School Paraprofessional**	**$2,200**	**1.0**
Campus Improvement Plan	**EL Technology Resources**	**$6,600**	**N/A**
Campus Improvement Plan	**EL Instructional Materials**	**$1,404**	**N/A**
Objective 1.2, Action 2	**EL Staff Development**	**$0**	**N/A**
	Total Title III EL	**$10,204**	**1.0**

Title IV			
Steps in Action Plan	Activity	Funds Budgeted	FTE
Objective 1.2, Action 3	**JH Exploring Pathway Teachers**	**$38,040**	**0.84**
Objective 1.2, Action 3	**JH Outdoor Education Teachers**	**$51,248**	**1.0**
Objective 1.2, Action 2	**Technology Professional Development**	**$1,000**	**N/A**
Objective 1.2, Action 2	**Safe and Healthy Students Professional Development**	**$12,211**	**N/A**
	Total Title IV	**$102,499**	**1.84**

Private, Non- Profit Equitable Services			
Steps in Action Plan	Activity	Funds Budgeted	FTE
PNP Consultation Agreements	**Title I Equitable Services**	**$1,035**	**N/A**
PNP Consultation Agreements	**Title IV Equitable Services**	**$10,492**	**N/A**
	Total PNP	**$11,527**	**N/A**

BELLVILLE INDEPENDENT SCHOOL DISTRICT
Meeting of the BISD Board of Trustees

July 21, 2020

Subject:	2020-2021 Campus Improvement Plans
Presenter:	Matthew Mahlmann
Board Policy:	BQ (LEGAL) Required Plans
BISD Goal:	2. Foster a connected, collaborative, and strategic approach to continuous improvement for the district. [LEADERSHIP]

Summary:	The Campus Improvement Plans include the Needs Assessments, Steps in the Action Plan to meet the District Goals as set by the School Board, and methods to meet state and federal requirements.
Attachments:	▪ 2020-2021 Campus Improvement Plan – OBP ▪ 2020-2021 Campus Improvement Plan – OBI ▪ 2020-2021 Campus Improvement Plan – WEE ▪ 2020-2021 Campus Improvement Plan – BJH ▪ 2020-2021 Campus Improvement Plan - BHS
Recommendation:	The recommendation is for the Board to: approve the 2020-2021 Campus Improvement Plans.

BELLVILLE

INDEPENDENT SCHOOL DISTRICT

Bellville High School Campus Improvement Plan

2020-2021

802

LEADERSHIP

BOARD OF TRUSTEES

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Dusty Yantis - Vice President
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Tony Hancock - Principal, West End Elementary

BELLVILLE HIGH SCHOOL ADVISORY COUNCIL

MEMBERS

Casey Hollomon, Principal
Amy Avant, Assistant Principal
James Dristas, Assistant Principal
Mary Rokes, Teacher
Kelly Schumann, Teacher
Randi Anderson, Teacher
Audrau Winkelmann, Librarian
Rebecca Aschenbeck, Counselor
Kortney Estep, Parent
Leslie Marik, Parent

2020 COMPREHENSIVE NEEDS ASSESSMENT

DATA SOURCES

Data and Input was reviewed from various individuals and sources. This data and input was used to determine the needs and priority improvement actions for the 2020-2021 school year. These data and input sources included:

- State assessment results
- State accountability reports
- Stakeholder input surveys
- PEIMS data
- Texas Academic Performance Reports - TAPR
- Insight from Student Panels
- Insight and observation from campus and district leaders

DATA ANALYSIS

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96.6%	97.4%

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2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
651	698	711	716	701

Ethnicity and Race (as of PEIMS Snapshot in late October)

Hispanic/Latino	African American	White	American Indian/Alaskan	Asian	Hawaiian/ Pacific Islander	Two or more races
28.67%	7.42%	61.63%	0.00%	0.57%	0.14%	1.57%

Special Populations (as of PEIMS Snapshot in late October)

English Learners	Special Education	Economically Disadvantaged	Dyslexia	Homeless	Foster Care	Gifted and Talented	At Risk	Career and Technical Education
4.85%	8.70%	37.80%	6.42%	0.29%	0.00%	11.55%	38.23%	88.87%

2019 ACCOUNTABILITY HIGHLIGHTS

OVERALL CAMPUS RATING		
B		
STUDENT ACHIEVEMENT	SCHOOL PROGRESS	CLOSING THE GAPS
B	B	C

2019 ALL TEST, ALL GRADES

% APPROACHES GRADE LEVEL	% MEETS GRADE LEVEL	% MASTERS GRADE LEVEL
80	54	16
DISTRICT AVERAGE	DISTRICT AVERAGE	DISTRICT AVERAGE
79	49	22

SCHOOL PROGRESS

(ELA/Reading and Math)

Prior Year	Did Not Meet Grade Level Current Year			Approaches Grade Level Current Year			Meets Grade Level Current Year			Masters Grade Level
	Progress Not Applicable	Did Not Meet Progress	Met or Exceeded Progress	Progress Not Applicable	Did Not Meet Progress	Met or Exceeded Progress	Progress Not Applicable	Did Not Meet Progress	Met or Exceeded Progress	Progress Not Applicable
Did Not Meet	-	29	12	-	3	6	-	-	1	0
Approaches Grade Level	-	15	0	-	30	10	-	-	20	2
Meets Grade Level	4	-	-	24	-	-	-	29	65	29
Masters Grade Level	0	-	-	0	-	-	10	-	-	9

CLOSING THE GAPS

✔ - Met Target ✘ - Did Not Meet Target	Met Grade Level Reading (%)	Met Grade Level Math (%)	Met College, Career, & Military Readiness (%)
All Students	52 ✔	43 ✘	58 ✔
African American	21 ✘	n/a	n/a
Hispanic	43 ✔	51 ✔	41 ✔
White	62 ✔	46 ✘	73 ✔
Two or More Races	n/a	n/a	n/a
Economically Disadvantaged	40 ✔	39 ✔	40 ✔
English Learners	23 ✘	41 ✔	n/a
Students Receiving Special Education Services	10 ✘	17 ✘	n/a
Students Formerly Receiving Special Education Services	n/a	n/a	n/a
Continuously Enrolled	53 ✔	44 ✘	58 ✔
Non-Continuously Enrolled	49 ✔	42 ✘	56 ✔

PROFESSIONAL DEVELOPMENT

The following professional development topics were identified in the needs assessment as a priority for this campus:

- Student behavior management
- English as a Second Language
- Instruction on a block schedule
- Content-specific PD for instructional improvement

SUMMARY OF DATA FINDINGS (IDENTIFIED NEEDS)

Below is a non-inclusive list of needs considered for the 2020-2021 Bellville High School Campus Improvement Plan

- Student attendance improvement
- Effective STAAR remediation plan
- Technology infrastructure improvement
- Algebra I performance improvement
- Find additional ways to include and increase parental and community involvement

2020-2021 IMPROVEMENT PLAN - ACTION ITEMS

1 LEARNING
Develop and attain local standards for high levels of integrated learning and performance.

Objective 1.1: Identify the skillsets, knowledge, characteristics, and traits desired for all BHS graduates.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Begin to develop the 9-12 characteristics that should be present in all BHS graduates	**CAC team, all staff, parents, district admin**	**All campus staff**	**May 2021**	**Development of a comprehensive 9-12 BHS Graduate trait profile**
Expand current student work portfolios that represent all growth areas for students in grades 9-12	**Department Heads, ELA writing portfolios, BISD Admin**	**Principal, Department Heads**	**Evidence and maintenance of student work samples for all content areas**	**Student portfolios maintained by BHS and added to annually**

Objective 1.2: Provide educational opportunities that allow staff and students to discover their strengths and interests and expand their horizons of awareness.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Implement 8-period block scheduling to offer additional interest-based course offerings	**BISD admin, Region 6**	**Principal, Counselors**	**May 2021**	**Effective implementation and student scheduling, feedback from students and parents**
Provide and allow for expanded and targeted PD for staff to offer 21st century instruction	**CAO, Region 6, College Board**	**Principal**	**May 2021**	**Higher numbers of staff participate in relevant/specific PD**

Objective 1.3: Create an academic culture that promotes collaboration, ownership, creativity, problem-solving, critical thinking, risk-taking, confidence, and resilience in teachers and students.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Alignment of department planning periods	**Master Schedule**	**Counselors**	**Annually while on block schedule**	**Evidence and frequency of department teaming and planning during the school day**

Objective 1.4: Ensure all learners receive timely and meaningful feedback.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Successfully implement the new BISD Grading Guidelines with fidelity	**BISD Grading Guidelines document**	**BHS Admin, all teachers**	**Ongoing**	**Evidence of implementation and timeliness of grade entering into Gradebook**

2 LEADERSHIP

Foster a connected, collaborative, and strategic approach to continuous improvement for the district.

Objective 2.1: Establish a strategic and collaborative approach to continuous improvement in all areas of campus operations and academics.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Conduct frequent and ongoing meetings with campus leaders to update on best practices	**Monthly meetings**	**Principal**	**Monthly for 2020-21**	**Record of department head and campus leader meetings**
Increase opportunities for staff to give input for campus-wide improvement through formal and informal opportunities	**Monthly opportunities, Suggestion box, faculty meetings**	**Principal**	**Monthly for 2020-21**	**Evidence of staff suggestions for improvement and implementation**

Objective 2.2: Ensure BHS facilities are equipped to effectively support campus operations and learning.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Communicate all needs immediately to Director of Maintenance or Technology	**Online system for reporting**	**Principal Campus Secretary**	**Ongoing**	**Physical plant and technology needs are met effectively**
Budget allocation changes for equipment needs	**Campus budget**	**Principal**	**August 2020**	**Additional monies allocated to campus physical and infrastructure needs**

Objective 2.3: Maintain superior financial standing and efficient fiscal management.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Ensure campus budgets are maintained and controlled through budget managers	**Campus budget**	**Principal Budget managers**	**20-21 school year**	**Campus needs are met and planned budget in maintained**

Objective 2.4: Promote connectedness between campus leaders and the work of the campus.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Report and summarize quarterly the "State of the Campus" with all staff	**Updates from all programs and personnel**	**Principal and APs**	**Ongoing**	**Information is communicated and shared with all staff so all are informed and connected to the larger scope of the campus**

3 CULTURE

Create a culture that attracts, develops, and retains exceptional individuals to be part of our district and community.

Objective 3.1: Ensure all staff feel valued and appreciated.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Continue staff celebrations, socials, and recognitions	**Staff surveys**	**Principal**	**Ongoing**	**End of year satisfaction survey**
Seek and respond to staff input	**Staff surveys**	**Principal**	**Ongoing**	**End of year satisfaction survey**

Objective 3.2: Effectively recruit, hire, onboard, train, and retain exceptional individuals to be part of the BHS team.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Hire the right person for each job with a diverse interview committee	**Job Fairs Local recruitment**	**Principal**	**Spring and Summer 2021**	**Additions to the BHS team are "right fits" for the campus**
Establish a meaningful mentor program for new teachers	**CTO**	**Principal APs**	**August 2020**	**Responses from mentors and mentees in Spring 2021**

Objective 3.3: Create an organizational structure that effectively supports the learning and work of the campus.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Create and implement an efficient, transparent means to respond and support student learning concerns	**Staff/Parent Request Form**	**Principal**	**August 2020**	**Receipt and implementation of suggestions to improve or support learning**

Objective 3.4: Foster a culture of collaboration and learning.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Regular meeting to plan for the needs of the campus	**Teacher input District goals and needs**	**Principal Department Heads**	**Monthly for 20-21**	**Evidence of meetings where teachers worked together to make improvements to the campus**
Teacher to teacher observation program	**Campus staff**	**Principal APs**	**Semester peer observations**	**All instructional staff will complete 2 peer observations**

Objective 3.5: Ensure all staff feel inspired and supported in pursuit of personal and professional goals and growth.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Empower and encourage staff to take on additional leadership roles on campus and in district	**Campus needs BISD Leadership Academy**	**Principal CTO**	**Ongoing**	**Additional staff willing and volunteering to take leadership of programs and ideas on campus**
Encourage and support professional growth and leadership through PD, in-house and outside of BISD	**PD through Region 6 or through BISD and the CAO**	**Principal CAO**	**Ongoing**	**Staff attends and implements PD ideas that are specific to them as individual professionals**

4 COMMUNITY

Cultivate connections in our schools and our community to ensure all feel safe, valued, and engaged in meaningful ways.

Objective 4.1: Engage campus and community stakeholders in meaningful ways.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Host ESL nights at BHS	**ESL coordinator**	**ESL coordinator Principal**	**Quarterly**	**Evidence and increased attendance at ESL Nights**
Host and increase participation in CTE Advisory Committee	**Region 6 TEA CTE website**	**AP Principal CTE teachers**	**Quarterly**	**Evidence and increased participation and recommendations from the BHS CTE Advisory Committee**
Objective 4.2: Implement "The Bellville Way" as a driving movement for unity and development of individual and collective values and character.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Publicize and support the ideals that make-up "The Bellville Way"	**TBW document**	**All staff**	**Ongoing**	**Evidence of implementation, publication, and support of ideals**
Create and refer to TBW daily and in group settings with students and staff	**TBW document**	**All staff Principal**	**Ongoing**	**Improved behavior Increased expectations Improved culture on campus**
Objective 4.3: Positively contribute to our community.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Organize and plan the BISD Day of Service	**District needs**	**SAC Principal**	**October 2020**	**Completion of projects in BISD on the scheduled date**
Communicate with newspaper, website, and social media positive news from BHS	**Website Bellville Times**	**Principal Directors Coaches**	**Ongoing**	**Information shared widely with the community from BHS weekly in some format**

STATE AND FEDERAL REQUIREMENTS

Continuously improve upon district performance on each state assessment and accountability ratings, decrease identified achievement gaps, and ensure exceptional annual progress for each student

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
District and All Campuses				
Vary instructional methods for addressing the needs of student groups not achieving their full potential	**Curriculum Resources** **PD**	**Principal**	**2020 - 2021 School Year Progress Monitoring**	**Improved EOY STAAR scores**
Provide methods for addressing the needs of students for special programs, including: • **Suicide prevention programs** • **Conflict resolution programs** • **Violence prevention programs** • **Dyslexia treatment programs** • **Dropout reduction programs**	**SEL Training**	**Counselors** **Campus Admin** **Teachers**	**Daily and ongoing throughout 20-21**	**Evidence of implementation of these programs** **Improved student and campus climate**
Integrate technology in instructional and administrative programs	**Technology Dept and Instructional Technologist**	**Campus Admin** **Instructional Technologist**	**Ongoing beginning in August 2020**	**Increased use of instructional technology in all classrooms**
Implement positive behavior interventions and support, including interventions and support that integrate best practices on grief-informed and trauma-informed care	**RISE** **Region 6**	**Counselors** **RISE staff** **Campus Admin**	**Ongoing beginning in August 2020**	**Positive campus climate and culture** **Reduced behavior management issues**
Provide staff development for professional staff	**BISD and Region 6 PD manuals**	**CAO** **Principal** **Department Heads**	**Summer 2020** **Ongoing as trainings are announced**	**Surveys and attendance of PD by all staff**
Provide career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities	**Current career data** **College and trade school options**	**CTE Teachers** **Counselors**	**Ongoing**	**BHS course catalog** **Student/parent feedback**
Provide accelerated education opportunities for students that are at-risk	**Counselors** **BISD Admin**	**Counselors**	**Ongoing**	**Low drop-out rate** **At-risk graduation % increases**
Implement a comprehensive school counseling program	**Director of Future Readiness** **Region 6**	**Director of Future Readiness** **Counselors**	**Ongoing through 20-21**	**Evidence of increased counseling programs & educational outreach**
Provide information to high school students and parents about the following: • **Higher education admissions and financial aid opportunities and sources of information** • **The need for students to make informed curriculum choices to be prepared for success beyond high school**	**TEA** **Region 6** **BISD Admin**	**Principal** **Counselors**	**Ongoing** **Each semester offer meetings and opportunities**	**Evidence of parent and class informational meetings** **Monthly mass emails to parents and students**
Provide a program to encourage parental involvement at the campus	**Email** **REMIND** **Website**	**Principal** **Counselors**	**Ongoing through 20-21**	**Increased parental involvement and awareness**

BELLVILLE

INDEPENDENT SCHOOL DISTRICT

Bellville Junior High Campus Improvement Plan

2020-2021

LEADERSHIP

BOARD OF TRUSTEES

Grant Lischka - President
Dusty Yantis - Vice President
Kenneth Stein - Secretary
Jim Batson
Vince Ruffino
Andrew Murrell
Karen Winn

CENTRAL ADMINISTRATION

Nicole Poenitzsch - Superintendent
Dennis Jurek - Assistant Superintendent of Finance & Operations
Natalie Jones - Chief Academic Officer
Tony Hancock - Chief Talent Officer
Grady Rowe - Athletic Director
Michael Coopersmith - Director of Administrative Operations
Matthew Mahlmann - Director of Future Readiness
Megan Pape - Director of Special Education
Brian Reid - Director of Technology
Alyssa Werner - Child Nutrition Director
Tiffany Soto - Transportation Director
Amber Klausmeyer - Accounting Director
JD Higginbotham - Maintenance Director

CAMPUS ADMINISTRATION

Casey Hollomon - Principal, Bellville High School
Daniel Symm - Principal, Bellville Junior High
Marcus McLemore - Principal, O'Bryant Intermediate
Kandis Krueger - Principal, O'Bryant Primary
Tony Hancock - Principal, West End Elementary

BELLVILLE JUNIOR HIGH ADVISORY COUNCIL

MEMBERS

Amberly Howard, Teacher
Reginald Murray, Teacher/Coach
Dawn Brokmeyer, Paraprofessional
Jennifer Krumrey, Registrar
Lori Gaines, Parent
Krystal Retting, 504/Dyslexia Coordinator
Karen Peschel, Counselor
Daniel Symm, Principal

2020 COMPREHENSIVE NEEDS ASSESSMENT

DATA SOURCES

Data and Input was reviewed from various individuals and sources. This data and input was used to determine the needs and priority improvement actions for the 2020-2021 school year. These data and input sources included:

- State assessment results
- State accountability reports
- Stakeholder input surveys
- PEIMS data
- Texas Academic Performance Reports - TAPR
- Insight from Student Panels
- Insight and observation from campus and district leaders

DATA ANALYSIS

Campus Attendance	District Graduation Rate
96.7%	97.4%

Enrollment (as of PEIMS Snapshot in late October)

2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
526	535	512	518	507

Ethnicity and Race (as of PEIMS Snapshot in late October)

Hispanic/Latino	African American	White	American Indian/Alaskan	Asian	Hawaiian/ Pacific Islander	Two or more races
28.80%	8.48%	59.57%	0.79%	0.39%	0.00%	1.97%

Special Populations (as of PEIMS Snapshot in late October)

English Learners	Special Education	Economically Disadvantaged	Dyslexia	Homeless	Foster Care	Gifted and Talented	At Risk	Career and Technical Education
7.30%	14.60%	41.81%	6.31%	1.18%	0.20%	15.19%	47.14%	34.32%

2019 ACCOUNTABILITY HIGHLIGHTS

OVERALL CAMPUS RATING		
B		
STUDENT ACHIEVEMENT	SCHOOL PROGRESS	CLOSING THE GAPS
B	B	C

2019 ALL TEST, ALL GRADES

% APPROACHES GRADE LEVEL	% MEETS GRADE LEVEL	% MASTERS GRADE LEVEL
81	48	24
DISTRICT AVERAGE	DISTRICT AVERAGE	DISTRICT AVERAGE
79	49	22

SCHOOL PROGRESS

(ELA/Reading and Math)

Prior Year	Did Not Meet Grade Level Current Year			Approaches Grade Level Current Year			Meets Grade Level Current Year			Masters Grade Level
	Progress Not Applicable	Did Not Meet Progress	Met or Exceeded Progress	Progress Not Applicable	Did Not Meet Progress	Met or Exceeded Progress	Progress Not Applicable	Did Not Meet Progress	Met or Exceeded Progress	Progress Not Applicable
Did Not Meet	-	58	57	-	0	74	-	-	8	0
Approaches Grade Level	-	48	0	-	68	97	-	-	94	24
Meets Grade Level	4	-	-	58	-	-	-	33	53	54
Masters Grade Level	1	-	-	13	-	-	46	-	-	190

CLOSING THE GAPS

✔ - Met Target ✘ - Did Not Meet Target	Met Grade Level Reading (%)	Met Grade Level Math (%)	Met College, Career, & Military Readiness (%)
All Students	51 ✔	51X ✔	n/a
African American	20 ✘	18 ✘	n/a
Hispanic	37 ✔	41 ✔	n/a
White	62 ✔	61 ✔	n/a
Two or More Races	n/a	n/a	n/a
Economically Disadvantaged	39 ✔	37 ✔	n/a
English Learners	21 ✘	26 ✘	n/a
Students Receiving Special Education Services	18 ✘	13 ✘	n/a
Students Formerly Receiving Special Education Services	n/a	n/a	n/a
Continuously Enrolled	51 ✔	50 ✔	n/a
Non-Continuously Enrolled	52 ✔	54 ✔	n/a

PROFESSIONAL DEVELOPMENT

The following professional development topics were identified in the needs assessment as a priority for this campus:

- Block schedule instruction and planning
- High impact instructional strategies
- Technology integration in instruction
- Growth mindset training
- Behavior identification/function
- Intervention training (RTI)
- Classroom management

SUMMARY OF DATA FINDINGS (IDENTIFIED NEEDS)

Below is a non-inclusive list of needs considered for the 2020-2021 Bellville Junior High Campus Improvement Plan

- Block Schedule Implementation
- Schoolwide curriculum
- Schoolwide programs and initiatives
- Increased support in Math and Reading for African American, EL, and Special Education students

2020-2021 IMPROVEMENT PLAN - ACTION ITEMS

1 LEARNING
Develop and attain local standards for high levels of integrated learning and performance.

Objective 1.1: Identify the skillsets, knowledge, characteristics, and traits desired for all BISD graduates.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
BJHS staff will assist at the district level to develop a vertically aligned and intentional approach to developing the desired traits of a Graduate in all students (PK-12).	Communication	Chief Academic Office, BJHS Staff representation at the district level	June 2021	The completed "BISD - Portrait of a Graduate"
BJHS staff will assist at the district level to develop a Student Portfolio that captures evidence of students' work and progress through their educational journey (PK-12).	Campus personnel, Google Drive	Chief Academic Office BJHS Staff representation at the district level	June 2021	Portfolios or created and contain evidence of student work and progress.

Objective 1.2: Provide educational opportunities that allow staff and students to discover their strengths and interests and expand their horizons of awareness.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Expand elective offerings at BJHS	Curriculum, teachers, classroom space	Chief Academic Officer, Principal, Assistant Principal, Counselor, Electives Teachers	June 2021 - Student participation in elective classes	Feedback from students who participated in new elective classes
Develope "Exploring Pathways" Courses	Curriculum, teachers, classroom space, shared staff	Chief Academic Officer, Principal, Assistant Principal, Counselor, Exploring Pathways Teachers	June 2021 - Student participation in "Exploring Pathways" courses	Feedback from students who participated in "Exploring Pathway" courses
Provide grade level field trips that are relevant to student growth and student learning experience	Funds budgeted for student travel. Grade level lead teachers for travel logistics	Principal, Counselor, Assistant Counselor, Grade level leaders	December 2020 - Destinations are identified, logistics are planned	Field trips take place. Student feedback is solicited
BJHS Staff participate in the BISD Leadership Academy	BISD Leadership Academy resources and activities	Chief Academic Officer, Chief Talent Officer, Principal, Participating Staff	June 2021 - The first BISD Academy concludes	Feedback from BISD Leadership Academy participants
BJHS Staff Lunch - N - Learn Activities	Classroom space, staff expertise, scheduling	Principal, Assistant Principal, BJHS Educational Specialists	June 2021 - At least once each grading period	Evidence of staff participation, Feedback from participants

Objective 1.3: Create an academic culture that promotes collaboration, ownership, creativity, problem-solving, critical thinking, risk-taking, confidence, and resilience in teachers and students.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Conduct departmental vertical & horizontal planning meetings 2-4 times per year.	Meeting Space, TEKS Resource System, Subject Curriculum	Principal, Assistant Principal, Department Heads	July 2021 - Meeting sign in sheets, department level goals, long range lesson plans based on YAG	Department feedback on goals, goals, and efficacy with students.
Create shared conference planning times within the master schedule that allows grade level teachers within the same discipline to plan together weekly.	Master schedule, shared staff	Principal, Assistant Principal, Counselor	May 2021 - Master Schedule framework is established for 2021-22 school year.	Teachers have a working master schedule before leaving for the summer. Department level planning during summer exchange days based off of master schedule
Objective 1.4: Ensure all learners receive timely and meaningful feedback.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
BJHS Teachers will follow the BISD Instructional Grading and Reporting Guidelines	BISD Grading Manual, report cards, progress reports, parent contacts	Principal, Assistant Principal, Counselor, Teachers	Ongoing - Teachers engaging in regular communication with parents	Parent Contact/Communication logs
Grades are input into Gradebook weekly.	Gradebook software, student assessments	Teachers, Principal, Assistant Principal, Counselor	Weekly throughout the school year.	Teachers keep Gradebook up to date.
Plan for re-teaching wherein teachers reserve instructional time within each unit for re-teaching.	Shared planning time, instructional time, TEKS Resource System	Assistant Principal, Principal, Department Heads, Teachers	June 2021, Unit Based	Evidence of re-teaching time in lesson plans, student performance

2 LEADERSHIP

Foster a connected, collaborative, and strategic approach to continuous improvement for the district.

Objective 2.1: Establish a strategic and collaborative approach to continuous improvement in all areas of the district's operations and academics.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Conduct a thorough needs assessment with input from staff and parents	BJHS teachers, instructional support staff, parents	Principal	October 2020 - Campus Improvement Committee members are selected. Timelines are communicated and meetings are scheduled	Development of Authentic CIP by May 2021
BJHS Leadership Team Monthly meetings	BJHS Teacher Leaders	Principal	October 2020 - BJHS Leadership team meetings are scheduled for the duration of the school year	Leadership survey, feedback from teacher leaders

Creation of Student Leadership Team to act as the voice of the students to help drive growth at BJHS	**BJHS student elected Student Leaders**	**Principal, Student Council Sponsors, NJHS Sponsors**	**October 2020 - BJHS Student Leadership team meetings are scheduled for the duration of the school year**	**The first BJHS Student Leadership Team is convened.**
Explore the possibility of a Student Senate comprised of student Leaders voted on by Staff to be a part of the Student Leadership Team for the 2021-22 School year	**Staff input,**	**Principal, Assistant Principal, Counselor, BJHS Leadership Team**	**June 2021 - Discussion of parameters for the creation of a "Student Senate" and the incorporation of those students into the Student Leadership Team**	**Development or rejection of "Student Senate" program for SY 21-22**
Objective 2.2: Ensure BISD facilities are equipped to effectively support district operations and learning.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Provide all necessary furniture, technology and supplies to support campus operations and learning.	**Campus Budget**	**Principal, Assistant Principal, Technology Staff, Maintenance Staff**	**Ongoing - Inventory of classroom furniture and technology**	**All students and teachers have necessary furniture, technology and supplies**
Ensure work orders are approved and completed in a timely fashion	**Eduphoria, Maintenance department**	**Principal, Director of Maintenance**	**Ongoing, follow up with persons entering work orders**	**BJHS facilities are functioning optimally to support learning**
Conduct a "Facilities Needs Assessment" as part of the CIP for 2021	**BJHS Staff**	**Principal, Campus Improvement Committee**	**June 2021 - Facilities Needs Assessment is Completed.**	**BJHS Facilities Needs Assessment is evident in the BJHS CIP**
Objective 2.3: Maintain superior financial standing and efficient fiscal management.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
BJHS will adhere to BISD purchasing and budgeting guidelines.	**BISD purchasing procedure manual,**	**Principal, Secretary, Department Heads, Club Sponsors**	**June 2021 - Ongoing throughout school year**	**All funding is spent appropriately and needs are met.**
BJHS will complete the BISD Budgeting Worksheet	**BJHS Budget, BISD Budgeting Worksheet**	**Principal, Secretary**	**June 2021**	**BJHS Budget and Budget Worksheet are approved at the BISD Administration Level**
Objective 2.4: Promote connectedness between leaders and the work of the district.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
BJHS Staff representation on District Level Committees	**BJHS Staff**	**Director of Future Readiness, Principal**	**October 2020 - BJHS Staff members represented on DAC/Grading Committee etc.**	**Feedback from BJHS Staff on District Level Committees**
Create presentations to showcase campus successes during spotlights at board meetings.	**Campus staff and students**	**Principal, Teacher Leaders, Coaches, Club Sponsors**	**2020 - 21 School Year - Spotlighting student work throughout the school.**	**Successful spotlight at board meeting**
Explore the possibility of district level Teacher Musical Chairs	**Scheduling**	**Principals, Teacher Leaders**	**December 2020 - Notes from department meeting discussions about TMC**	**Spring 2021 - Development or rejection of TMC on a district level**

3 CULTURE

Create a culture that attracts, develops, and retains exceptional individuals to be part of our district and community.

Objective 3.1: Ensure all staff feel valued and appreciated.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Solicit and respond to input from staff regarding the ways in which they want to be valued.	**Digital Surveys**	**Principal, Assistant Principal, Counselor, Faculty Club Sponsor**	**October 2020 - Creation and delivery of digital surveys**	**Digital survey responses**
BJHS Faculty Club Luncheons	**Faculty Club Activity Account**	**Principal, Assistant Principal, Counselor, Assistant Counselor, Faculty Club Sponsor, Secretary**	**September 2020 - Faculty Club Luncheons are scheduled for the year**	**Feedback from BJHS Staff**
BJHS NJHS 5 Days of Christmas	**NJHS, Small prizes for staff**	**NJHS Sponsors**	**November 2020 - NJHS has scheduled 5 days of Christmas**	**Feedback from BJHS Staff**

Objective 3.2: Effectively recruit, hire, onboard, train, and retain exceptional individuals to be part of the BISD team.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Attend job fairs to recruit highly qualified teachers.	**Region Service Centers, Central Office Staff, Universities**	**Chief Talent Officer, Principal,**	**2020 - 21 School Year - Select opportunities to attend job fairs**	**Attend job fairs and recruit highly qualified teachers.**
Continue to establish diverse interview committees and work to hire the "Ideal Team Player"	**BJHS Interview Teams**	**Principal**	**Ongoing - Interview process and questioning**	**"BJHS family" teachers are selected, hired, and retained**
Welcome Wagon Committee	**Time, Meeting Space**	**Principal, Assistant Principal, Welcome Wagon Committee Chair**	**August 2020 - Staff who are new to campus participate in the Welcome Wagon activities**	**Feedback from BJHS staff that are new to BJHS**
Teacher Mentorship Program	**Time, Meeting Space, Mentor Volunteers**	**Chief Talent Officer, Principal, Mentor Teachers**	**August 2020- New staff and teacher mentor are aligned**	**Feedback from new staff members**

Objective 3.3: Create an organizational structure that effectively supports the learning and work of the district.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Conduct regular BJHS Leadership team meetings	**Meeting space**	**Principal, Department Heads, Teacher Leaders**	**September 2020 - Meetings scheduled for duration of school year**	**Feedback from BJHS Staff**
Implement efficient process for teachers to request resources, maintenance, & support	**Eduphoria, Purchasing Procedure Manual,**	**Principal, Assistant Principal, Counselor, Secretary**	**Ongoing**	**Evidence of staff requests for and receipt of, materials, services, and/or support**

Objective 3.4: Foster a culture of collaboration and learning.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Teachers observe teachers to learn and to receive feedback	**Campus personnel**	**Principal, Assistant Principal, Department Heads**	**Ongoing - Scheduling discussions during common planning time**	**Culture of openness and collaboration is created**
Shared conference planning times that allow at least grade level teachers within the same discipline to plan together on a weekly basis.	**Master schedule,**	**Principal, Assistant Principal, Counselor**	**August 2020 - Master Schedule framework is established.**	**Teachers have shared planning times in the master schedule.**
Explore the possibility of Grade Level Teacher Musical Chairs with BJHS.	**Scheduling**	**Principals Teacher Leaders**	**December 2020 - Notes from department meeting discussions about TMC**	**Spring 2021 - Development or rejection of BJHS TMC**
BJHS Staff Lead Lunch - N - Learn Activities	**Classroom space, staff expertise, scheduling**	**Principal, Assistant Principal, BJHS Educational Specialists**	**June 2021 - At least once each grading period**	**Evidence of staff participation, Feedback from participants**
Objective 3.5: Ensure all staff feel inspired and supported in pursuit of personal and professional goals and growth.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Conduct department level surveys with regards to P.D. needs and wants.	**Google Forms**	**Chief Academic Officer, Principal, Assistant Principal, Department Heads**	**December 2020 - Department level surveys returned**	**Actionable information to direct PD planning**
Specialized PD plans at the department level	**Department feedback on growth needs, BISD PD Resources**	**Chief Academic Officer, Principal, Assistant Principal, Department Heads**	**May 2021 - Departments have summer exchange days/PD tailored to their needs**	**Feedback from staff on PD plans**
Encourage BJHS Staff to participate in the BISD Leadership Academy	**BISD Leadership Academy resources and activities**	**Chief Academic Officer, Chief Talent Officer, Principal, Participating Staff**	**June 2021 - The first BISD Academy concludes**	**Feedback from BISD Leadership Academy participants**
Empower and encourage staff to take on leadership roles in various campus activities	**BJHS Staff**	**Principal, Assistant Principal, BJHS Staff**	**Ongoing - Teachers volunteer for leadership roles**	**Teacher leadership roles are filled with committed individuals with a growth mindset**

4 COMMUNITY

Cultivate connections in our schools and our community to ensure all feel safe, valued, and engaged in meaningful ways.

Objective 4.1: Engage district and community stakeholders in meaningful ways.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Convene a campus improvement committee comprised of parents, teachers, and paraprofessionals and follow the YAG process for assessing and addressing campus improvement	Meeting space, meeting time,	Principal, Assistant Principal, Department Heads	September 2020 - Committee members selected, meetings are scheduled	June 2021 - Campus improvement plan is completed using the process new to BISD.
Host ESL "FIESTA" for parents at least once per grading period	Local Funds	ESL Specialist, Principal	Each grading period - Parent sign-in sheets	Parent attendance
Host "Family Science Night" at BJHS	B.E.S.T Booster Club, meeting space	Principal, B.E.S.T. Booster Club President	Spring 2021 - 20+ Organizations bring displays for "Family Science Night"	Community attendance
Parent chaperones for grade level field trips	Parent Volunteers	Principal, Assistant Principal, Counselor, Teacher leaders	June 2021 - Grade level field trips executed with the help of parent volunteers	Parental participation

Objective 4.2: Establish "The Bellville Way" as a driving movement for unity and development of individual and collective values and character.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
BJHS Campus representation on district level committees defining "The Bellville Way"	BJHS Staff	Chief Talent Officer, Principal, BJHS Staff	June 2021 - BJHS has helped to further define "The Bellville Way"	"The Bellville Way" becomes more clearly articulated
SEL/SEWB Courses for Students	SEL/SEWB Curriculum, Teachers,	Principal, Counselor, SEL/SEWB Teachers	August 2020 - SEL Class is required for all 7th Grade students at BJHS	Improved student culture and behavior
Teach and model Brahma PRIDE	Campus Personnel	BJHS Staff	Ongoing - Students are aware of Brahma PRIDE expectations	Improved student culture and behavior
PBIS Point System and Store	Local Funds, point tracking system	Principal, Assistant Principal, Behavioral Staff, Counselor, Secretary	October 2020 - Students understand the PBIS Point System, earn points, and have items to "purchase" with their points.	Student participation
RAP Mentorship Program	Meeting space, scheduling, RAP mentors	Principal, Counselor, RAP Coordinator	Ongoing - Students meet regularly with RAP Mentors	Improved student performance and behavior for participating students

Objective 4.3: Positively contribute to our community.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Utilize the local newspaper, district website, campus marquee, and BISD social media for communication purposes	**All local media outlets**	**Superintendent, Principal**	**Ongoing - Student recognition, newspaper articles, BISD social media posts**	**Better communication between school and community.**
Provide Honor Roll recognition every grading period in the newspaper	**Local Newspaper**	**Principal, Counselor, Secretary**	**Each grading period - Names submitted to newspaper**	**Newspaper articles**
Staff and students participate in the District Day of Service	**BJHS staff and students, Highschool coordination**	**Principal, HS Principal, BJHS Staff and students**	**December 2020 - BISD hosts a District Day of Service and BJHS stakeholders participate**	**BJHS stakeholder participation in the BISD District Day of Service.**

STATE AND FEDERAL REQUIREMENTS

Continuously improve upon district performance on each state assessment and accountability ratings, decrease identified achievement gaps, and ensure exceptional annual progress for each student

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
District and All Campuses				
Vary instructional methods for addressing the needs of student groups not achieving their full potential	**Curriculum Resources** **RTI (MTSS)** Interventionists	**Campus Principals** **MTSS Interventionists**	**2020 - 2021 School Year** **Progress Monitoring**	**Improved EOY Benchmark scores**
Provide methods for addressing the needs of students for special programs, including: • **Suicide prevention programs** • **Conflict resolution programs** • **Violence prevention programs** • **Dyslexia treatment programs** • **Dropout reduction programs**	**Dyslexia Intervention** **Social Emotional Learning** **Bullying and Drug Free promotion** **Response to Intervention**	**Campus Principals** **Campus Counselor** **Dyslexia Teachers** **RISE Staff** **Classroom Teachers**	**2020 - 2021 School Year** **Methods observed throughout the school day**	**Positive campus climate**
Integrate technology in instructional and administrative programs	**Technology** **Local Funds** **ESSA Funds**	**Campus Principals** **Classroom Teachers** **Director of Technology**	**2020 - 2021 School Year** **Increase in student technology proficiencies**	**Increased use of technology in the classrooms**
Implement positive behavior interventions and support, including interventions and support that integrate best practices on grief-informed and trauma-informed care	**PBIS - Brahma PRIDE** **RISE** **Local Funds**	**Campus Principals** **Classroom Teachers** **RISE Staff**	**2020 - 2021 School Year** **Students working towards earning PRIDE tickets and prizes**	**Positive campus climate**
Provide staff development for professional staff	**Multimedia Resources**	**Campus Principals** **Campus Counselor** **Chief Academic Officer**	**2020 - 2021 School Year** **Professional Development Schedule**	**Staff accumulates CPE Hours**
Provide career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities	**E.P. Courses** **CTE Fair** **Local Funds**	**Campus Principal** **Pathway Teachers** **CTE Teachers**	**2020 - 2021 School Year** **E.P. Course Enrollment** **CTE Fair Attendance**	**Increased student awareness of career opportunities.**

Provide accelerated education opportunities for students that are at-risk	RTI	Campus Principal RTI Coordinator RTI Teachers	2020 - 2021 School Year Progress Monitoring	Improved EOY assessments
Implement a comprehensive school counseling program	SEL Courses in 7th Grade SEWB Course in 8th Grade	Campus Principals SEL Teachers SEWB Teachers Campus Counselor	2020 - 2021 School Year SEL strategies observed throughout the campus	Increased student morale
Provide information to elementary, junior high, and high school students and parents about the following: • Higher education admissions and financial aid opportunities and sources of information • The need for students to make informed curriculum choices to be prepared for success beyond high school	College promotion days	Campus Principals Campus Personnel	2020 - 2021 School Year High percentage of staff participate in college promotion days	Students begin to participate in college promotion days as well.
Provide a program to encourage parental involvement at the campus	Parent Volunteers, Chaperones, FIESTA's	Campus Principals Volunteer Coordinator ESL Specialist	2020 - 2021 School Year Parents are encouraged to participate in school activities	Parental participation in appropriate school activities
Elementary and Junior High Campuses				
For elementary and junior high campuses, set goals and objectives for the coordinated health program at the campus	Physical Education through PE\Athletics	Campus Principals PE Teachers Coaches	2020 - 2021 School Year Variety of PE/Athletics activities	Variety of PE/Athletics activities throughout the school year

BELLVILLE

INDEPENDENT SCHOOL DISTRICT

O'Bryant Intermediate Campus Improvement Plan

2020-2021

LEADERSHIP

BOARD OF TRUSTEES

Grant Lischka - President
Dusty Yantis - Vice President
Kenneth Stein - Secretary
Jim Batson
Vince Ruffino
Andrew Murrell
Karen Winn

CENTRAL ADMINISTRATION

Nicole Poenitzsch - Superintendent
Dennis Jurek - Assistant Superintendent of Finance & Operations
Natalie Jones - Chief Academic Officer
Tony Hancock - Chief Talent Officer
Grady Rowe - Athletic Director
Michael Coopersmith - Director of Administrative Operations
Matthew Mahlmann - Director of Future Readiness
Megan Pape - Director of Special Education
Brian Reid - Director of Technology
Alyssa Werner - Child Nutrition Director
Tiffany Soto - Transportation Director
Amber Klausmeyer - Accounting Director
JD Higginbotham - Maintenance Director

CAMPUS ADMINISTRATION

Casey Hollomon - Principal, Bellville High School
Daniel Symm - Principal, Bellville Junior High
Marcus McLemore - Principal, O'Bryant Intermediate
Kandis Krueger - Principal, O'Bryant Primary
Tony Hancock - Principal, West End Elementary

O'BRYANT INTERMEDIATE ADVISORY COUNCIL

MEMBERS

McLemore, Marcus - Principal
McEnerney, Sean - Assistant Principal
Lockett, Suzanne - School Nurse
Biehunko, Shirley - Teacher
Matthies, Katie - Teacher
Greenville, Judy - Teacher
Vincik, Annette - Teacher

2020 COMPREHENSIVE NEEDS ASSESSMENT

DATA SOURCES

Data and Input was reviewed from various individuals and sources. This data and input was used to determine the needs and priority improvement actions for the 2020-2021 school year. These data and input sources included:

- State assessment results
- State accountability reports
- Stakeholder input surveys
- PEIMS data
- Texas Academic Performance Reports - TAPR
- Insight from Student Panels
- Insight and observation from campus and district leaders

DATA ANALYSIS

Campus Attendance	District Graduation Rate
96.5%	97.4%

Enrollment (as of PEIMS Snapshot in late October)

2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
272	264	287	296	303

Ethnicity and Race (as of PEIMS Snapshot in late October)

Hispanic/Latino	African American	White	American Indian/Alaskan	Asian	Hawaiian/ Pacific Islander	Two or more races
40.26%	7.92%	48.84%	0.33%	0.33%	0.00%	2.31%

Special Populations (as of PEIMS Snapshot in late October)

English Learners	Special Education	Economically Disadvantaged	Dyslexia	Homeless	Foster Care	Gifted and Talented	At Risk	Career and Technical Education
12.87%	14.85%	48.18%	9.99%	1.98%	0.99%	7.59%	43.89%	0.00%

2019 ACCOUNTABILITY HIGHLIGHTS

OVERALL CAMPUS RATING		
C		
STUDENT ACHIEVEMENT	**SCHOOL PROGRESS**	**CLOSING THE GAPS**
C	C	C

2019 ALL TEST, ALL GRADES

% APPROACHES GRADE LEVEL	% MEETS GRADE LEVEL	% MASTERS GRADE LEVEL
72	44	21
DISTRICT AVERAGE	DISTRICT AVERAGE	DISTRICT AVERAGE
79	49	22

SCHOOL PROGRESS

(ELA/Reading and Math)

Prior Year	Did Not Meet Grade Level Current Year			Approaches Grade Level Current Year			Meets Grade Level Current Year			Masters Grade Level
	Progress Not Applicable	Did Not Meet Progress	Met or Exceeded Progress	Progress Not Applicable	Did Not Meet Progress	Met or Exceeded Progress	Progress Not Applicable	Did Not Meet Progress	Met or Exceeded Progress	Progress Not Applicable
Did Not Meet	-	38	40	-	0	56	-	-	6	1
Approaches Grade Level	-	35	0	-	43	40	-	-	44	11
Meets Grade Level	5	-	-	25	-	-	-	20	34	33
Masters Grade Level	1	-	-	4	-	-	29	-	-	85

CLOSING THE GAPS

✔ - Met Target ✘ - Did Not Meet Target	Met Grade Level Reading (%)	Met Grade Level Math (%)	Met College, Career, & Military Readiness (%)
All Students	46 ✔	49 ✔	n/a
African American	15 ✘	15 ✘	n/a
Hispanic	37 ✔	44 ✔	n/a
White	61 ✔	61 ✔	n/a
Two or More Races	n/a	n/a	n/a
Economically Disadvantaged	33 ✔	36 ✔	n/a
English Learners	33 ✔	42 ✔	n/a
Students Receiving Special Education Services	26 ✔	26 ✔	n/a
Students Formerly Receiving Special Education Services	n/a	n/a	n/a
Continuously Enrolled	48 ✔	50 ✔	n/a
Non-Continuously Enrolled	40 ✘	46 ✔	n/a

PROFESSIONAL DEVELOPMENT

The following professional development topics were identified in the needs assessment as a priority for this campus:

- High impact instructional strategies
- Technology integration in instruction
- Growth mindset training
- Behavior identification/function
- Intervention training (RTI)
- Classroom management
- Covid accommodations

SUMMARY OF DATA FINDINGS (IDENTIFIED NEEDS)

Below is a non-inclusive list of needs considered for the 2020-2021 O'Bryant Intermediate Campus Improvement Plan

- Schoolwide curriculum
- Schoolwide programs and initiatives
- Increased support in Math and Reading for African American, EL, and Special Education students
- Increased Benchmarking

2020-2021 IMPROVEMENT PLAN - ACTION ITEMS

1 LEARNING
Develop and attain local standards for high levels of integrated learning and performance.

Objective 1.1: Identify the skillsets, knowledge, characteristics, and traits desired for all BISD graduates.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
OBI faculty and staff will work with the district to develop a vertically aligned curriculum from K-12.	Central Office and campus level staff with all other district stakeholders.	OBI administration Teachers Auxiliary and office personnel	Proposed 2020-2021 school year pending COVID	Portfolios and student created work in addition to other forms of progress monitoring such as pre and post testing and 9 week grades.
OBI staff will work at all levels to help introduce curriculum and programs that will ensure proper communication, critical thinking, and self-directed learning. These are all desired traits of a BISD graduate.	Central Office and campus level staff with all other district stakeholders.	OBI administration Teachers Auxiliary and office personnel	Proposed 2020-2021 school year pending COVID	Portfolios and student created work in addition to other forms of progress monitoring such as pre and post testing and 9 week grades.

Objective 1.2: Provide educational opportunities that allow staff and students to discover their strengths and interests and expand their horizons of awareness.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Refine core curriculum and expand student offerings to include STEM, Technology, and Art classes	Central office staff and teacher teams	Chief Academic Officer, Principal, Assistant Principal, Counselor, teachers	Proposed 2020-2021 school year pending COVID	Feedback from staff, students, and parents in addition to student growth
OBI staff lead professional development class during the “break out” sessions for distinct learning days	Teachers OBI administration	Chief Academic Officer, Principal, Assistant Principal, Counselor, teachers	Proposed 2020-2021 school year pending COVID	OBI teachers that attend and lead sessions bring back content to share with the rest of the OBI staff
OBI staff participates in the BISD leadership academy	Central office and OBI administration	OBI administration	Proposed 2020-2021 school year pending COVID	Feedback from participants of the academy and their ability to take the material back to the OBI staff
Take field trips to education destinations that widen the student’s knowledge base and provide exposure to STEM fields.	Budgeted funds, community partners, and transportation department	Central Office, Principal, Assistant Principal, Transportation Department	Proposed 2020-2021 school year pending COVID	The students will attend the planned field trips and gain knowledge in STEM fields

Objective 1.3: Create an academic culture that promotes collaboration, ownership, creativity, problem-solving, critical thinking, risk-taking, confidence, and resilience in teachers and students.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Hold vertical and horizontal planning meetings 2-4 times during the school year	**Meeting space, TEKS resource system, scheduled**	**Principal, Assistant Principal, department and grade level lead teachers**	**Proposed 2020-2021 school year pending COVID**	**Teacher feedback and meetings that are held**
Place shared planning time into the master schedule that allows teacher collaboration.	**Master schedule conference and specials time**	**Principal, Assistant Principal, teachers**	**Proposed 2020-2021 school year pending COVID**	**Completed master schedule that has the time allocated**
Creation of a new campus team that will be designed to monitor and problems solve instructional and academic issues at OBI	**Planning time, teacher, student, and parent feedback**	**Principal, Assistant Principal, teacher leaders**	**Proposed 2020-2021 school year pending COVID**	**Creation of the team**
Objective 1.4: Ensure all learners receive timely and meaningful feedback.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
OBI Teachers will follow the BISD Instructional Grading and Reporting Guidelines	**BISD Grading Manual, report cards, progress reports, parent contacts**	**Principal, Assistant Principal, Counselor, Teachers**	**Ongoing - Teachers engaging in regular communication with parents**	**Parent Contact/Communication logs**
Grades are input into Gradebook weekly.	**Gradebook software, student assessments**	**Teachers, Principal, Assistant Principal, Counselor**	**Weekly throughout the school year.**	**Teachers keep Gradebook up to date.**

2 LEADERSHIP

Foster a connected, collaborative, and strategic approach to continuous improvement for the district.

Objective 2.1: Establish a strategic and collaborative approach to continuous improvement in all areas of the district's operations and academics.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Produce a thorough needs assessment with input from students, staff and parents	**OBI teachers, instructional support staff, parents**	**Principal AP Counselor**	**June 2020 - Campus Improvement Committee members are selected. Timelines are communicated and meetings are scheduled**	**Development of Authentic CIP by May 2021**
OBI Leadership Team Monthly meetings	**OBI Teacher Leaders/CIP team**	**Principal AP Counselor**	**July 2020 - OBI Leadership team meetings are scheduled for the duration of the school year**	**Leadership survey, feedback from teacher leaders/CIP team**

Objective 2.2: Ensure BISD facilities are equipped to effectively support district operations and learning.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Provide all necessary furniture, technology and supplies to support campus operations and learning.	**Campus Budget**	**Principal, Assistant Principal, Technology Staff, Maintenance Staff**	**Ongoing - Inventory of classroom furniture and technology**	**All students and teachers have necessary furniture, technology and supplies**
Ensure work orders are approved and completed in a timely fashion	**Eduphoria, Maintenance department**	**Principal, Director of Maintenance**	**Ongoing, follow up with persons entering work orders**	**OBI facilities are functioning optimally to support learning**
Objective 2.3: Maintain superior financial standing and efficient fiscal management.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
OBI will adhere to BISD purchasing and budgeting guidelines.	**BISD purchasing procedure manual**	**Principal, Secretary, Department Heads**	**June 2021 - Ongoing throughout school year**	**All funding is spent appropriately and needs are met.**
OBI will complete the BISD Budgeting Worksheet	**OBI Budget, BISD Budgeting Worksheet**	**Principal, Counselor, AP Secretary**	**June 2021**	**OBI Budget and Budget Worksheet are approved at the BISD Administration Level**
Objective 2.4: Promote connectedness between leaders and the work of the district.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
OBI Staff representation on District Level Committees	**OBI Staff**	**Director of Future Readiness, Principal**	**October 2020 - OBI Staff members represented on DAC/Grading Committee etc.**	**Feedback from OBI Staff on District Level Committees**
Create presentations to showcase campus successes during spotlights at board meetings.	**Campus staff and students**	**Principal, Teacher Leaders,CIP Team**	**2020 - 21 School Year - Spotlighting student work throughout the school.**	**Successful spotlight at board meeting**

3 CULTURE

Create a culture that attracts, develops, and retains exceptional individuals to be part of our district and community.

Objective 3.1: Ensure all staff feel valued and appreciated.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Solicit and respond to input from staff regarding the ways in which they want to be valued.	**Digital Surveys Teacher meetings Hard Copy surveys**	**Principal, Assistant Principal, Counselor, Faculty Club Sponsor**	**October 2020 - Creation and delivery of digital surveys**	**Digital survey responses**
OBI Faculty Club Luncheons Teacher car wash days	**Faculty Club Activity Account**	**Principal, Assistant Principal, Counselor**	**September 2020 - Faculty Club Luncheons are scheduled for the year**	**Feedback from OBI Staff**

Objective 3.2: Effectively recruit, hire, onboard, train, and retain exceptional individuals to be part of the BISD team.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Attend job fairs to recruit highly qualified teachers	**Region Service Centers, Central Office Staff, Universities**	**Chief Talent Officer, Principal**	**2020 - 21 School Year - Select opportunities to attend job fairs**	**Attend job fairs and recruit highly qualified teachers.**
Continue to establish diverse interview committees and work to hire best candidates	**OBI Interview Teams**	**Principal**	**Ongoing - Interview process and questioning**	**"OBI family" teachers are selected, hired, and retained**
Objective 3.3: Create an organizational structure that effectively supports the learning and work of the district.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Conduct regular OBI Leadership team meetings	**Meeting space**	**Principal, Department Heads, Teacher Leaders**	**September 2020 - Meetings scheduled for duration of school year**	**Feedback from OBI Staff**
Implement efficient process for teachers to request resources, maintenance, & support	**Eduphoria, Purchasing Procedure Manual**	**Principal, Assistant Principal, Counselor, Secretary**	**Ongoing**	**Evidence of staff requests for and receipt of, materials, services, and/or support**
Objective 3.4: Foster a culture of collaboration and learning.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Teachers observe teachers to learn and to receive feedback	**Campus personnel**	**Principal, Assistant Principal, Department Heads**	**Ongoing - Scheduling discussions during common planning time**	**Culture of openness and collaboration is created**
Shared conference planning times that allow at least grade level teachers within the same discipline to plan together on a weekly basis.	**Master schedule**	**Principal, Assistant Principal, Counselor**	**August 2020 - Master Schedule framework is established.**	**Teachers have shared planning times in the master schedule.**
Objective 3.5: Ensure all staff feel inspired and supported in pursuit of personal and professional goals and growth.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Conduct department level surveys with regards to P.D. needs and wants.	**Google Forms**	**Chief Academic Officer, Principal, Assistant Principal, Department Heads**	**December 2020 - Department level surveys returned**	**Actionable information to direct PD planning**
Specialized PD plans at the department level	**Teacher Surveys Department Head meetings. Planned Teacher /Principal meetings**	**Chief Academic Officer, Principal, Assistant Principal, Department Heads**	**May 2021 - Departments have summer exchange days/PD tailored to their needs**	**Feedback from staff on PD plans**

4 COMMUNITY

Cultivate connections in our schools and our community to ensure all feel safe, valued, and engaged in meaningful ways.

Objective 4.1: Engage district and community stakeholders in meaningful ways.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Convene a campus improvement committee comprised of parents, teachers, and paraprofessionals and follow the YAG process for assessing and addressing campus improvement	**Meeting space, meeting time**	**Principal, Assistant Principal, Department Heads**	**September 2020 - Committee members selected, meetings are scheduled**	**June 2021 - Campus improvement plan is completed using the process new to BISD.**
Host ESL "FIESTA" for parents at least once per grading period	**Local Funds**	**ESL Specialist, Principal**	**Each grading period - Parent sign-in sheets**	**Parent attendance**

Objective 4.2: Establish "The Bellville Way" as a driving movement for unity and development of individual and collective values and character.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
OBI Campus representation on district level committees defining "The Bellville Way"	**OBI Staff**	**Chief Talent Officer, Principal, OBI Staff**	**June 2021 - OBI has helped to further define "The Bellville Way"**	**"The Bellville Way" becomes more clearly articulated**
SEL/SEWB Courses for Students	**SEL/SEWB Curriculum, Teachers**	**Principal, Counselor, SEL/SEWB Teachers**	**Master Schedule**	**Improved student culture and behavior**

Objective 4.3: Positively contribute to our community.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Utilize the local newspaper, district website, campus marquee, and BISD social media for communication purposes	**All local media outlets**	**Superintendent, Principal**	**Ongoing - Student recognition, newspaper articles, BISD social media posts**	**Better communication between school and community.**
Provide Honor Roll recognition every grading period in the newspaper	**Local Newspaper**	**Principal, Counselor, Secretary**	**Each grading period - Names submitted to newspaper**	**Newspaper articles**

STATE AND FEDERAL REQUIREMENTS

Continuously improve upon district performance on each state assessment and accountability ratings, decrease identified achievement gaps, and ensure exceptional annual progress for each student

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
District and All Campuses				
Vary instructional methods for addressing the needs of student groups not achieving their full potential	**Curriculum Resources**	**Campus Principals**	**2020 - 2021 School Year** **Progress Monitoring**	**Improved EOY Benchmark scores**
Provide methods for addressing the needs of students for special programs, including: • **Suicide prevention programs** • **Conflict resolution programs** • **Violence prevention programs** • **Dyslexia treatment programs**	**Dyslexia Intervention** **Social Emotional Learning** **Bullying and Drug Free promotion** **Response to Intervention**	**Campus Principals** **Campus Counselor** **Dyslexia Teachers** **RISE Staff** **Classroom Teachers**	**2020 - 2021 School Year** **Methods observed throughout the school day**	**Positive campus climate**
Integrate technology in instructional and administrative programs	**Technology** **Local Funds** **ESSA Funds**	**Campus Principals** **Classroom Teachers** **Director of Technology**	**2020 - 2021 School Year** **Increase in student technology proficiencies**	**Increased use of technology in the classrooms**
Implement positive behavior interventions and support, including interventions and support that integrate best practices on grief-informed and trauma-informed care	**PBIS - Brahma PRIDE** **RISE** **Local Funds**	**Campus Principals** **Classroom Teachers** **RISE Staff**	**2020 - 2021 School Year** **Students working towards earning PRIDE tickets and prizes**	**Positive campus climate**
Provide staff development for professional staff	**Multimedia Resources**	**Campus Principals** **Campus Counselor** **Chief Academic Officer**	**2020 - 2021 School Year** **Professional Development Schedule**	**Staff accumulates CPE Hours**
Provide career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities	**CTE Fair** **Local Funds**	**Campus Principal** **Pathway Teachers** **CTE Teachers**	**2020 - 2021 School Year** **E.P. Course Enrollment** **CTE Fair Attendance**	**Increased student awareness of career opportunities.**

Provide accelerated education opportunities for students that are at-risk	RTI	Campus Principal RTI Coordinator RTI Teachers	2020 - 2021 School Year Progress Monitoring	Improved EOY assessments
Implement a comprehensive school counseling program	SEL Courses	Campus Principals SEL Teachers Campus Counselor	2020 - 2021 School Year SEL strategies observed throughout the campus	Increased student morale
Provide information to elementary, junior high, and high school students and parents about the following: • Higher education admissions and financial aid opportunities and sources of information • The need for students to make informed curriculum choices to be prepared for success beyond high school	College promotion days	Campus Principals Campus Personnel	2020 - 2021 School Year High percentage of staff participate in college promotion days	Students begin to participate in college promotion days as well.
Provide a program to encourage parental involvement at the campus	Parent Volunteers, Chaperones,	Campus Principals Volunteer Coordinator ESL Specialist	2020 - 2021 School Year Parents are encouraged to participate in school activities	Parental participation in appropriate school activities
Elementary and Junior High Campuses				
For elementary and junior high campuses, set goals and objectives for the coordinated health program at the campus	Physical Education through PE	Campus Principals PE Teachers	2020 - 2021 School Year Variety of PE/	Variety of PE activities throughout the school year

Title I Schoolwide Program Elements

Increase student achievement, involve the school community in the design of the schoolwide plan, and actively engage families in opportunities available at the campus by ensuring compliance with the three elements of the federal Every Student Succeeds Act: Comprehensive Needs Assessment, Campus Improvement Plan, and Parent and Family Engagement activities.

Title I Schoolwide Elements	Steps in Action Plan, and/ or Implementation Method
Element 1: Comprehensive Needs Assessment (CNA)	
The campus conducts a CNA of the entire school that takes into account information on the academic achievement of children, particularly the needs of those children who are failing or at-risk of failing.	Create a needs assessment committee Target groups of students for additional academic assistance and create leveled classes
Element 2: Campus Improvement Plan (CIP)	
The campus develops CIP with the involvement of parents and other members of the community to be served including teachers, principals, other school leaders, paraprofessionals present in the school, and administrators.	Create a school-family-student compact to actively involve the whole family in a student's learning; Form a Campus Improvement Team that includes representatives from each grade level along with office staff.
The campus ensures the CIP is available to parents and the community (English and Spanish).	CIP will be translated and posted on the BISD web page for public viewing.
The campus implements steps in the action plan to provide opportunities for all children, including each of the subgroups of students to meet academic standards.	Objective 1.3, page 9
The campus uses methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education.	Objective 1.3 and 1.4, page 7
The campus addresses the needs of all children in the school, but particularly the needs of those at risk of not meeting academic standards.	Objective 1.1 and 1.2, page 8
Element 3: Parent and Family Engagement (PFE)	
The campus jointly develops with parents and family members of participating children a written PFE policy, agreed on by such parents.	PFE on page 15-16
The campus notifies parents of the policy in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand (English and Spanish).	Objective 4.1, 4.2, and 4.3 Translated document will also be available on the campus website and be sent home. School-Parent Compact page 17-18
The campus makes the PFE policy available to the local community and updates it periodically to meet the changing needs of parents and the school.	PFE on pages 15-16 Objective 4.1 Campus website
The campus offers a flexible number of meetings, such as in the morning and evening, to inform parents of the school's participation in a Schoolwide Program, to explain the requirements and the rights of parents to be involved, and to provide family engagement activities as outlined in the PFE policy.	Campus website and use of email and remind to inform parents Objective 4.1
The campus jointly develops with parents a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and how the school and parents will build and develop a partnership to help children achieve the State's high standards.	School-Parent Compact page 17-18

BELLVILLE INDEPENDENT SCHOOL DISTRICT

O'Bryant Intermediate

ESSA Parent and Family Engagement Policy

Statement of Purpose

O'Bryant Intermediate (OBI) is committed to providing quality education to every student in the school. Partnerships with parents, family members, and the community are essential to this goal as neither home nor school can achieve this goal independently. Everyone gains if school and home work together to promote high student achievement. Parents and family members play an important role as their children's first teachers, and their support is critical to their children's success. OBI intends to include parents and family members in all aspects of the school's Title I programs to create a school-home partnership that will promote student success. OBI believes that establishing and maintaining open lines of communication will expand and enhance learning opportunities and create the best learning environment for every child. OBI is a schoolwide Title I campus which allows all students the opportunity to benefit from the programs funded by Title I.

Annual Meeting

OBI will hold an annual meeting in the fall semester at a convenient time to which all parents will be invited and encouraged to attend. The purpose of this meeting is to inform parents of OBI's participation in Title I, the Title I requirements, and the right of parents to be involved.

Opportunities for Parent/Family Involvement

Parents/Families can become involved in their children's education in various ways. OBI values both the at-home contributions of parents/families and those that take place at the school or in the community. Reading to children at home and talking with them at family meals or other family outings are as important as volunteering at school and serving on advisory committees. Many types of parent and family engagement are needed in school-home-community partnerships to help all children succeed. OBI will offer many opportunities for parent and family engagement in the school including, but not limited to the following:

- Invite parents/families to contribute through volunteer programs;
- Invite parents to participate in parent-teacher conferences;
- Invite parents/families to help plan and conduct parties;
- Invite parents/families to participate by attending school meetings at a variety of times;
- Invite parents/families to serve on committees;
- Survey parents/families to get their input about school;
- Invite parents/families to eat meals with their children at school;
- Invite parents/families to speak about careers at Career Day;
- Invite parents/families to join us for school programs;
- Invite parents/families to participate in school and classroom activities;
- Invite parents/families to join and participate in Parent Teacher Organization activities
- Invite parents/families to participate in Watch D.O.G.S. (Dads of Great Students).

Parent Communication

Parents will receive timely information about school activities through various avenues of communication throughout the school year. OBI will ensure that information related to school and parent/family programs, meetings, and other activities is sent to parents/families in a format and, to the extent practicable, in a language the parents can understand. Websites, newsletters, teacher notes, the school marquee, conferences, personal contacts, phone calls/text messages, emails, and written notices will be used to establish and maintain open lines of communication with parents. Parents will receive daily communication through the student planner/assignment notebook. OBI will offer a flexible number of meetings to parents, such as morning and evening, to accommodate the needs of the parents in order to encourage full parent involvement with their student's academic success. These meetings will be in the form of Parent-Teacher conferences, Title I Annual Meeting, ESL Family FIESTA meetings, and PTO meetings. At these meetings and at other times when requested, parents/families will have opportunities to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children. OBI will welcome and respond to any such suggestions as soon as practicably possible.

Whenever requested and at meetings such as those described above, parents will be informed of the OBI curriculum as established by the TEKS Resource System and any instructional materials utilized by teachers. They will also be provided a description of the forms of academic assessment used at OBI which include teachers administering benchmarks at various times throughout the school year to monitor student performance and to use the data to address instructional interventions and needs. Teachers and staff will provide parents with assistance in how to monitor their children's progress and how to work with the teachers to improve the achievement of their children. Students will be assessed through state assessment, the STAAR test, during the year and parents will be notified of those testing days, requirements, and the achievement level of their students on the state academic standards.

Coordinate Services

OBI will coordinate and integrate parent and family engagement strategies, to the extent feasible and appropriate, with other federal, state, and local programs by considering these strategies in the needs assessment of the campus and if necessary, integrating strategies into the Campus Improvement Plan.

Evaluation and Response

Parents and families will be asked for their input on the content and effectiveness of the Title I parent and family engagement programs through an annual evaluation of the Title I program conducted by OBI. OBI will assess the needs of parents and children in the school community using a variety of tools including a survey or questionnaire and including parent suggestions and/or requests. The OBI Site-Based Decision Making Committee which is comprised of school personnel, parents, and community members will meet throughout the year, as necessary, using these findings for the planning, review, and improvement of the OBI Parent and Family Engagement Policy and the Campus Improvement Plan including any reasonable support for parental involvement activities requested by parents. The district and OBI will welcome and receive at any time recommendations about the Title I program. If the Campus Improvement Plan is not satisfactory to parents, OBI will submit any parent comments on the plan when the school makes the plan available to the district. If necessary, workshops or other training will be made available to educators and parents to address these identified needs. Parents will be notified about materials and training provided to help parents work with their children to improve their children's achievement, such as in literacy and technology. OBI, with assistance from the district, will provide training that educates teachers, specialized instruction support personnel, principals and other school leaders, and other staff, with the assistance of parents, in the value and utility of contributions of parents/families, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between the parents and the school.

BELLVILLE INDEPENDENT SCHOOL DISTRICT

O'Bryant Intermediate

School - Family - Student COMPACT

As a School, we will:

- ❑ Work to help students learn what they need to learn in order to move to the next grade level.
- ❑ Assign homework that goes along with what is being taught in the classroom.
- ❑ Offer special help and enough time to students who progress at different rates.
- ❑ Set firm but fair safety and discipline rules.
- ❑ Work to keep parents informed about their child's progress and offer ways for parents to be involved in their child's education

As a Family, we will:

- ❑ Discuss the importance of properly completing work at school as well as work at home.
- ❑ Keep the line of communication between home and school open by supporting school events, school conferences and resolving conflicts through the proper channels.
- ❑ Explain to our child the consequences of not attending school, disobeying rules and not following procedures.

As a Student, I will:

- ❑ Attend school on time with a positive feeling about myself and with respect for others and their property.
- ❑ Learn and follow the rules made by the school and the teachers.
- ❑ Complete assigned work promptly.

TEACHER: _____

PARENT/GUARDIAN: _____

STUDENT: _____

DATE: _____

BELLVILLE INDEPENDENT SCHOOL DISTRICT

O'Bryant Intermediate

Escuela - Familia - Estudiante
PACTO ENTRE

Como Escuela, nostros:

- ❑ Trabajaremos para ayudarle al estudiante a aprender lo necesario para que esté listo para el siguiente grado.
- ❑ Asignaremos tareas que tengan que ver con lo que se está enseñando en clase.
- ❑ Ofrecemos ayuda especial y tiempo suficiente para los estudiantes que les sea difícil progresar.
- ❑ Pondremos reglas de disciplina justas y seguras.
- ❑ Trabajaremos para mantener a los padres informados acerca de los grados, resultados de exámenes, y de maneras en que puedan ayudar a su hijo/a.

Como Familia, nostros:

- ❑ Conversaremos acerca de la importancia de completar sus tareas apropiadamente, en casa y en la escuela.
- ❑ Mantendremos una linia de comunicación entre casa y escuela apoyando eventos especiales, conferencias de escuela, y soluciones a conflictos que pueda haber.
- ❑ Le explicaremos a nuestro hijo/a las consecuencias de no atender a la escuela, de desobedecer las reglas, y de no seguir el procedimiento que se le indique.

Como Estudiante, Yo:

- ❑ Estaré a tiempo en la escuela con un sentir positivo de mi mismo y con respeto hacia otros y sus propiedades.
- ❑ Aprender y seguir las reglas que la escuela y las maestras han puesto.
- ❑ Completare mis tareas con prontitud.

MAESTRA: _____

PADRE/TUTOR: _____

ESTUDIANTE: _____

FECHA: _____

BELLVILLE

INDEPENDENT SCHOOL DISTRICT

West End Elementary Campus Improvement Plan

2020-2021

LEADERSHIP

BOARD OF TRUSTEES

Grant Lischka - President
Dusty Yantis - Vice President
Kenneth Stein - Secretary
Jim Batson
Vince Ruffino
Andrew Murrell
Karen Winn

CENTRAL ADMINISTRATION

Nicole Poenitzsch - Superintendent
Dennis Jurek - Assistant Superintendent of Finance & Operations
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Tony Hancock - Chief Talent Officer
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Matthew Mahlmann - Director of Future Readiness
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Brian Reid - Director of Technology
Alyssa Werner - Child Nutrition Director
Tiffany Soto - Transportation Director
Amber Klausmeyer - Accounting Director
JD Higginbotham - Maintenance Director

CAMPUS ADMINISTRATION

Casey Hollomon - Principal, Bellville High School
Daniel Symm - Principal, Bellville Junior High
Marcus McLemore - Principal, O'Bryant Intermediate
Kandis Krueger - Principal, O'Bryant Primary
Tony Hancock - Principal, West End Elementary

WEST END ELEMENTARY ADVISORY COUNCIL

MEMBERS

Tony Hancock, Principal
Jodie Koehl, Counselor
Becky Krenek, Kindergarten Teacher
Brenda Blezinger, 4th & 5th Teacher
Eryn Hold, Special Education Teacher
Lindsey Witte, Parent
Wendy Klump, Parent
Sandy Schmidt, Community and Business
Jim Lindemann, Community and Business

2020 COMPREHENSIVE NEEDS ASSESSMENT

DATA SOURCES

Data and Input was reviewed from various individuals and sources. This data and input was used to determine the needs and priority improvement actions for the 2020-2021 school year. These data and input sources included:

- State assessment results
- State accountability reports
- Stakeholder input surveys
- PEIMS data
- Texas Academic Performance Reports - TAPR
- Insight from Student Panels
- Insight and observation from campus and district leaders

DATA ANALYSIS

Campus Attendance	District Graduation Rate
96.7%	97.4%

Enrollment (as of PEIMS Snapshot in late October)

2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
154	157	150	148	144

Ethnicity and Race (as of PEIMS Snapshot in late October)

Hispanic/Latino	African American	White	American Indian/Alaskan	Asian	Hawaiian/ Pacific Islander	Two or more races
13.89%	2.08%	81.25%	0.00%	0.00%	0.00%	2.78%

Special Populations (as of PEIMS Snapshot in late October)

English Learners	Special Education	Economically Disadvantaged	Dyslexia	Homeless	Foster Care	Gifted and Talented	At Risk	Career and Technical Education
3.47%	11.11%	38.19%	3.47%	4.17%	1.39%	25.00%	40.97%	0.00%

2019 ACCOUNTABILITY HIGHLIGHTS

OVERALL CAMPUS RATING		
B		
STUDENT ACHIEVEMENT	**SCHOOL PROGRESS**	**CLOSING THE GAPS**
B	C	C

2019 ALL TEST, ALL GRADES

% APPROACHES GRADE LEVEL	% MEETS GRADE LEVEL	% MASTERS GRADE LEVEL
89	51	29
DISTRICT AVERAGE	DISTRICT AVERAGE	DISTRICT AVERAGE
79	49	22

SCHOOL PROGRESS

(ELA/Reading and Math)

Prior Year	Did Not Meet Grade Level Current Year			Approaches Grade Level Current Year			Meets Grade Level Current Year			Masters Grade Level
	Progress Not Applicable	Did Not Meet Progress	Met or Exceeded Progress	Progress Not Applicable	Did Not Meet Progress	Met or Exceeded Progress	Progress Not Applicable	Did Not Meet Progress	Met or Exceeded Progress	Progress Not Applicable
Did Not Meet	-	1	1	-	0	10	-	-	0	0
Approaches Grade Level	-	5	0	-	10	10	-	-	7	1
Meets Grade Level	0	-	-	9	-	-	-	5	5	7
Masters Grade Level	0	-	-	0	-	-	5	-	-	22

CLOSING THE GAPS

✔ - Met Target ✘ - Did Not Meet Target	Met Grade Level Reading (%)	Met Grade Level Math (%)	Met College, Career, & Military Readiness (%)
All Students	59 ✔	48 ✔	n/a
African American	n/a	n/a	n/a
Hispanic	n/a	n/a	n/a
White	63 ✔	49 ✘	n/a
Two or More Races	n/a	n/a	n/a
Economically Disadvantaged	n/a	n/a	n/a
English Learners	n/a	n/a	n/a
Students Receiving Special Education Services	n/a	n/a	n/a
Students Formerly Receiving Special Education Services	n/a	n/a	n/a
Continuously Enrolled	59 ✔	49 ✔	n/a
Non-Continuously Enrolled	n/a	n/a	n/a

PROFESSIONAL DEVELOPMENT

The following professional development topics were identified in the needs assessment as a priority for this campus:

- High impact instructional strategies training
- Growth mindset training
- Virtual Learning

SUMMARY OF DATA FINDINGS (IDENTIFIED NEEDS)

Below is a non-inclusive list of needs considered for the 2020-2021 West End Elementary Campus Improvement Plan

- Schoolwide curriculum
- Schoolwide programs and initiatives
- Increased support in Reading and Math for our struggling learners and our Economically Disadvantaged students

2020-2021 IMPROVEMENT PLAN - ACTION ITEMS

1 LEARNING
Develop and attain local standards for high levels of integrated learning and performance.

Objective 1.1: Identify the skillsets, knowledge, characteristics, and traits desired for all BISD graduates.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Begin to instill in students the traits desired of a BISD graduate as defined by Bellville ISD stakeholders. (K-5)	**Character Education, PBIS**	**All Campus Staff**	**May 2021**	**Curriculum is integrated and aligned in order to eliminate duplication.**
Develop a student portfolio that captures evidence of students' work and progress through their educational journey.	**Campus Personnel** **Google Drive**	**Campus Personnel** **Campus Principals**	**2020 - 2021 School Year**	**End of Year portfolio portraying student growth throughout the school year.**
Support and train staff in the use of integrated curriculum	**Campus Personnel** **Google Classroom**	**Campus Personnel** **Campus Principals** **Chief Academic Officer**	**2020 - 2021 School Year**	**Staff is trained in strategies that support personalized learning.**

Objective 1.2: Provide educational opportunities that allow staff and students to discover their strengths and interests and expand their horizons of awareness.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Develop and introduce a 5 day enrichment rotation (K-5)	**Library** **Technology** **STEM** **Art** **Music**	**Campus Principal** **Instructional Staff**	**2020 - 2021 School Year** **Lesson Plans**	**Increased student awareness of Tech., STEM innovations and real world applications. Increased student awareness of art mediums.**
Provide age appropriate, out of district field trips aligned to real world exposure. (K-5)	**Campus Budget** **PTO**	**Campus Principal** **Campus Staff**	**May 2021**	**Increased student awareness of real world experiences and opportunities.**

Objective 1.3: Create an academic culture that promotes collaboration, ownership, creativity, problem-solving, critical thinking, risk-taking, confidence, and resilience in teachers and students.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Provide ongoing professional development for all teachers and staff. (K-5)	**Service Centers** **BISD staff**	**Campus Principal** **Chief Academic Officer**	**Ongoing**	**Meeting Notes and Sign-in**
Create and implement lessons to develop student leaders. (K-5)	**Guidance Lessons**	**Campus Principal** **Campus Counselor**	**May 2021**	**Increased student leadership opportunities**

Teachers will plan together in order to collaborate and be creative with lesson plans.	Campus Personnel Scheduling	Campus Principals Team Leaders	2020 - 2021 School Year Teacher Participation	Meeting Notes and Sign-in
Objective 1.4: Ensure all learners receive timely and meaningful feedback.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Establish a grading and reporting system that provides timely and meaningful feedback to students and parents.	Report Cards Progress Reports Parent Contact	Campus Principals Chief Academic Officer Classroom Teachers	August 2020 Finalized District Grading & Reporting Guidelines	Parent contact logs
Vertical/Horizontal Curriculum development PLCs 2-4 times per year.	Campus Personnel Campus Principals TEKS Resource System	Team Leaders Campus Principals	August 2020 PLC Meetings on calendars Vertical/Horizontal Curriculum Alignment Plans	Evidence of a plan to drive future curriculum decisions.

2 LEADERSHIP

Foster a connected, collaborative, and strategic approach to continuous improvement for the district.

Objective 2.1: Establish a strategic and collaborative approach to continuous improvement in all areas of the district's operations and academics.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Conduct ongoing workshops and meetings with campus leaders and staff to train and update on current leadership best practices.	Multimedia resources	Campus Principal Campus Counselor	2020 - 2021 School Year Meeting Schedule	Improved leadership strategies among teachers.
Increase advancement potential by allowing staff to explore a range of job functions and rolls, such as interning between department positions and levels.	Campus Personnel Local Funds	Campus Principal Campus Personnel	2020 - 2021 School Year Staff Participation	Increase in teachers wanting to hold leadership roles throughout the campus.
Objective 2.2: Ensure BISD facilities are equipped to effectively support district operations and learning.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Provide all necessary furniture, technology and supplies to support campus operations and learning.	Campus Budget PTO	Campus Principal	2020 - 2021 School Year Inventory of classroom furniture and technology	All students and teachers have necessary furniture, technology and supplies

Objective 2.3: Maintain superior financial standing and efficient fiscal management.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Ensure that campus budgets are allocated appropriately to meet the needs of staff and students.	**Campus Budgets**	**Campus Principals**	**2020 - 2021 School Year** **Balanced Budgets**	**All funding is spent appropriately and needs are met.**
Objective 2.4: Promote connectedness between leaders and the work of the district.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Create presentations to showcase campus successes during spotlights at board meetings.	**Campus staff and students**	**Campus Principals** **Campus Staff**	**2020 - 2021 School Year** **Spotlighting student work throughout the school.**	**Successful spotlight at board meeting**

3 CULTURE

Create a culture that attracts, develops, and retains exceptional individuals to be part of our district and community.

Objective 3.1: Ensure all staff feel valued and appreciated.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Continue the traditions of campus wide celebrations. **(K-5)**	**Campus Budget** **PTO**	**Campus Principal** **Office Staff** **PTO**	**2020 - 2021 School Year** **Monthly activities**	**Attendance of campus personnel**
Seek and respond to input from staff regarding the ways in which they want to be valued. **(K-5)**	**Digital Surveys**	**Campus Principals**	**October 2020** **Creation and delivery of digital surveys**	**Digital survey responses**
Objective 3.2: Effectively recruit, hire, onboard, train, and retain exceptional individuals to be part of the BISD team.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Attend job fairs to recruit highly qualified teachers.	**ESC6 & ESC4** **Universities**	**Chief Talent Officer** **Campus Principals**	**2020 - 2021 School Year** **Select opportunities to attend job fairs**	**Attend job fairs and recruit highly qualified teachers.**
Continue to establish diverse interview committees and work to hire the "Ideal Team Player"	**Campus Interview Team**	**Campus Principals**	**2020 - 2021 School Year** **Interview process and questioning**	**Percentage of "WE Family" hired and retained**

Objective 3.3: Create an organizational structure that effectively supports the learning and work of the district.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Implement efficient processes to receive, consider and respond to staffing needs and requests.	**Campus Budget** **District Personnel**	**Campus Principals**	**2020 - 2021 School Year** **All campus positions are filled on a constant basis**	**Positive campus culture**
Objective 3.4: Foster a culture of collaboration and learning.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Plan regular team meetings with grade levels, paras, PBIS and various committees.	**Campus Data**	**Campus Principals**	**2020 - 2021 School Year** **Meeting dates set on calendar**	**Meeting Sign-in sheets**
Teachers observing teachers to learn and receive feedback	**Campus personnel**	**Campus Personnel**	**2020 - 2021 School Year** **Scheduling discussions during team meetings**	**Culture of openness and collaboration is created**
Objective 3.5: Ensure all staff feel inspired and supported in pursuit of personal and professional goals and growth.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Encourage selected staff members to participate in BISD Aspiring Leaders Academy.	**Chief Talent Officer** **Campus Personnel**	**Chief Talent Officer** **Campus Administration**	**2020 - 2021 School Year** **Number of teachers applying for leadership academy**	**Full cohort of teachers in leadership academy**
Empower staff to take on leadership roles in various campus activities	**Campus Personnel**	**Campus Principals** **Campus Personnel**	**2020 - 2021 School Year** **Rate at which teachers volunteer for leadership roles**	**Increase in the number of teachers to step into leadership roles.**

4 COMMUNITY

Cultivate connections in our schools and our community to ensure all feel safe, valued, and engaged in meaningful ways.

Objective 4.1: Engage district and community stakeholders in meaningful ways.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Plan ESL Breakfast (FIESTA) for parents 1 or 2 times a nine weeks period.	**Local Funds**	**ESL Specialist** **Campus Principals**	**Each nine week period** **Parent sign-in sheets**	**Parent attendance**

Objective 4.2: Establish “The Bellville Way” as a driving movement for unity and development of individual and collective values and character.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Teach and model Brahma PRIDE and social emotional learning to our students	**Campus Personnel** **PBIS Curriculum** **SEL Curriculum**	**Campus Principals** **Campus Counselor** **Classroom Teachers**	**2020 - 2021 School Year** **Students are aware of PRIDE expectations and SEL strategies**	**Improved student culture and behavior**
Create a student leadership team	**Campus Personnel** **Students**	**Campus Principals** **Campus Personnel**	**2020 - 2021 School Year** **Student interest in improving leadership skills**	**Improved student leadership skills**
Objective 4.3: Positively contribute to our community.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Be a host site for the annual BISD day of service.	**Community/ Parents**	**Campus Admin**	**2020 - 2021 School Year**	**Increased levels of community/campus involvement**
Utilize the local newspaper, district website, campus marquee and Principal newsletters and social media for communication purposes	**All local media outlets**	**Principal** **Classroom teachers**	**2020 - 2021 School Year** **Announcements, student recognition, newspaper articles, Principal Newsletters**	**Better communication between school and community.**

STATE AND FEDERAL REQUIREMENTS

Continuously improve upon district performance on each state assessment and accountability ratings, decrease identified achievement gaps, and ensure exceptional annual progress for each student

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
District and All Campuses				
Vary instructional methods for addressing the needs of student groups not achieving their full potential	**Curriculum Resources** **MTSS** Interventionists	**Campus Principals** **MTSS Interventionists**	**2020 - 2021 School Year** **Progress Monitoring**	**Improved EOY Benchmark scores**
Provide methods for addressing the needs of students for special programs, including: • **Suicide prevention programs** • **Conflict resolution programs** • **Violence prevention programs** • **Dyslexia treatment programs** • **Dropout reduction programs**	**Dyslexia Intervention** **Social Emotional Learning** **Bullying and Drug Free promotion** **Response to Intervention**	**Campus Principals** **Campus Counselor** **Dyslexia Teachers** **RISE Staff** **Classroom Teachers**	**2020 - 2021 School Year** **Methods observed throughout the school day**	**Positive campus climate**
Integrate technology in instructional and administrative programs	**Technology** **Local Funds**	**Campus Principals** **Classroom Teachers** **Director of Technology**	**2020 - 2021 School Year** **Increase in student technology proficiencies**	**Increased use of technology in the classrooms**
Implement positive behavior interventions and support, including interventions and support that integrate best practices on grief-informed and trauma-informed care	**PBIS - Brahma PRIDE** **RISE** **Local Funds**	**Campus Principals** **Classroom Teachers** **RISE Staff**	**2020 - 2021 School Year** **Students working towards earning PRIDE tickets to earn prizes**	**Positive campus climate**
Provide staff development for professional staff	**Multimedia Resources**	**Campus Principals** **Campus Counselor** **Chief Academic Officer**	**2020 - 2021 School Year** **Professional Development Schedule**	**Staff accumulates CPE Hours**
Provide career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities	**Community Members** **Local Funds** **Guest Presenters**	**Campus Principal** **Community Members**	**2020 - 2021 School Year** **Visitor sign-in**	**Increased student awareness of career opportunities.**

Provide accelerated education opportunities for students that are at-risk	MTSS	Campus Principal MTSS Interventionists	2020 - 2021 School Year Progress Monitoring	Improved EOY assessments
Implement a comprehensive school counseling program	SEL	Campus Principals Classroom Teachers Campus Counselor	2020 - 2021 School Year SEL strategies observed throughout the campus	Increased student morale
Provide information to elementary, junior high, and high school students and parents about the following: • Higher education admissions and financial aid opportunities and sources of information • The need for students to make informed curriculum choices to be prepared for success beyond high school	College promotion days	Campus Principals Campus Personnel	2020 - 2021 School Year High percentage of staff participate in college promotion days	Students begin to participate in college promotion days as well.
Provide a program to encourage parental involvement at the campus	PTO (Parent Teacher Organization)	PTO Campus Principals	2020 - 2021 School Year PTO Meetings	Parent involvement in PTO
Elementary and Junior High Campuses				
For elementary and junior high campuses, set goals and objectives for the coordinated health program at the campus	Physical Education through PE\	Campus Principals PE Teachers	2020 - 2021 School Year Variety of PE activities	Variety of PE activities throughout the school year

BELLVILLE

INDEPENDENT SCHOOL DISTRICT

O'Bryant Primary
Campus Improvement Plan

2020-2021

LEADERSHIP

BOARD OF TRUSTEES

Grant Lischka - President
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Kandis Krueger - Principal, O'Bryant Primary
Tony Hancock - Principal, West End Elementary

O'BRYANT PRIMARY ADVISORY COUNCIL

MEMBERS

Kandis Krueger, Principal
Aaron Capps, Assistant Principal
Tabitha Durbin, Teacher
Dixie Hardin, Teacher
Sandra Sands, Support Staff Representative
Tybreanna Holbert, Support Staff Representative
Jill Brandt, Parent Representative
Marcie Jackson, Parent Representative
Jody Minarcik, Business/Community Representative

2020 COMPREHENSIVE NEEDS ASSESSMENT

DATA SOURCES

Data and Input was reviewed from various individuals and sources. This data and input was used to determine the needs and priority improvement actions for the 2020-2021 school year. These data and input sources included:

- State assessment results
- State accountability reports
- Stakeholder input surveys
- PEIMS data
- Texas Academic Performance Reports - TAPR
- Insight from Student Panels
- Insight and observation from campus and district leaders

DATA ANALYSIS

Campus Attendance	District Graduation Rate
96.5%	97.4%

Enrollment (as of PEIMS Snapshot in late October)

2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
610	585	601	560	552

Ethnicity and Race (as of PEIMS Snapshot in late October)

Hispanic/Latino	African American	White	American Indian/Alaskan	Asian	Hawaiian/ Pacific Islander	Two or more races
34.78%	11.23%	51.09%	0.36%	0.91%	0.00%	1.63%

Special Populations (as of PEIMS Snapshot in late October)

English Learners	Special Education	Economically Disadvantaged	Dyslexia	Homeless	Foster Care	Gifted and Talented	At Risk	Career and Technical Education
14.49%	15.76%	55.62%	4.89%	1.27%	0.36%	6.34%	50.54%	0.00%

2019 ACCOUNTABILITY HIGHLIGHTS

OVERALL CAMPUS RATING		
C		
STUDENT ACHIEVEMENT	**SCHOOL PROGRESS**	**CLOSING THE GAPS**
C	B	C

2019 ALL TEST, ALL GRADES

% APPROACHES GRADE LEVEL	% MEETS GRADE LEVEL	% MASTERS GRADE LEVEL
78	47	27
DISTRICT AVERAGE	DISTRICT AVERAGE	DISTRICT AVERAGE
79	49	22

SCHOOL PROGRESS

(ELA/Reading and Math)

Prior Year	Did Not Meet Grade Level Current Year			Approaches Grade Level Current Year			Meets Grade Level Current Year			Masters Grade Level
	Progress Not Applicable	Did Not Meet Progress	Met or Exceeded Progress	Progress Not Applicable	Did Not Meet Progress	Met or Exceeded Progress	Progress Not Applicable	Did Not Meet Progress	Met or Exceeded Progress	Progress Not Applicable
Did Not Meet	-	n/a	n/a	-	n/a	n/a	-	-	n/a	n/a
Approaches Grade Level	-	n/a	n/a	-	n/a	n/a	-	-	n/a	n/a
Meets Grade Level	n/a	-	-	n/a	-	-	-	n/a	n/a	n/a
Masters Grade Level	n/a	-	-	n/a	-	-	n/a	-	-	n/a

CLOSING THE GAPS

✔ - Met Target ✘ - Did Not Meet Target	Met Grade Level Reading (%)	Met Grade Level Math (%)	Met College, Career, & Military Readiness (%)
All Students	47 ✔	47 ✔	n/a
African American	n/a	n/a	n/a
Hispanic	33 ✘	24 ✘	n/a
White	60 ✔	65 ✔	n/a
Two or More Races	n/a	n/a	n/a
Economically Disadvantaged	24 ✘	27 ✘	n/a
English Learners	n/a	n/a	n/a
Students Receiving Special Education Services	n/a	n/a	n/a
Students Formerly Receiving Special Education Services	n/a	n/a	n/a
Continuously Enrolled	48 ✔	45 ✘	n/a
Non-Continuously Enrolled	n/a	n/a	n/a

PROFESSIONAL DEVELOPMENT

The following professional development topics were identified in the needs assessment as a priority for this campus:

- High impact instructional strategies training
- Growth mindset training
- Intervention training (MTSS/RTI)

SUMMARY OF DATA FINDINGS (IDENTIFIED NEEDS)

Below is a non-inclusive list of needs considered for the 2020-2021 O'Bryant Primary Campus Improvement Plan

- Looking at the preparation of ECSE students
- Schoolwide curriculum
- Schoolwide programs and initiatives
- Increased support in Reading and Math for our Hispanic and Economically Disadvantaged students

2020-2021 IMPROVEMENT PLAN - ACTION ITEMS

1 LEARNING
Develop and attain local standards for high levels of integrated learning and performance.

Objective 1.1: Identify the skillsets, knowledge, characteristics, and traits desired for all BISD graduates.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Begin to instill in students the traits desired of a BISD graduate as defined by Bellville ISD stakeholders	Campus Personnel Curriculum Resources Character Education	Campus Personnel Campus Principals Counselor	2020 - 2021 School Year	Curriculum is integrated and aligned in order to eliminate duplication.
Support and train staff in the use of integrated curriculum	Campus Personnel Google Classroom	Campus Personnel Campus Principals Chief Academic Officer	2020 - 2021 School Year	Staff is trained in strategies that support personalized learning.
Develop a student portfolio that captures evidence of students' work and progress through their educational journey.	Campus Personnel Google Drive	Campus Personnel Campus Principals	2020 - 2021 School Year	End of Year portfolio portraying student growth throughout the school year.
Reach children at an early age to develop a love for learning (PK-3)	Paraprofessionals Camus Personnel	Campus Principals	2020 - 2021 School Year Enrollment of students for PK and Kindergarten	Enrollment of students for PK and Kindergarten

Objective 1.2: Provide educational opportunities that allow staff and students to discover their strengths and interests and expand their horizons of awareness.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Introduce a STEM special to expose students to STEM innovations and real world applications.	Computer lab, Library, Textbooks, Parents and Community members as guest presenters to classrooms	STEM Facilitator Campus Principals	2020 - 2021 School Year Lesson Plans	Increased student awareness of STEM innovations and real world applications.
Introduce an Art special to expose students to the different mediums of art.	Art classroom Art supplies	Art facilitator Campus Principals	2020 - 2021 School Year Lesson Plans	Increased student awareness of art mediums.

Expose students to a variety of job opportunities and skills	**Computer lab, Library, Textbooks and Community members as guest presenters to classrooms**	**Classroom teachers** **Counselor**	**Each Semester** **Lesson Plans** **Visitor Sign-in**	**Increased student awareness of career opportunities.**
Bring guests of multiple careers to the classrooms	**Parents of students and Community members**	**Classroom teachers** **Principals**	**2020 - 2021 School Year** **Scheduling of guests**	**Classroom discussion and participation in speaker's visits**
Objective 1.3: Create an academic culture that promotes collaboration, ownership, creativity, problem-solving, critical thinking, risk-taking, confidence, and resilience in teachers and students.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Incorporate MTSS and enrichment programs throughout the school day	**Master Schedule** **Local Funds**	**Campus Principals** **MTSS Teachers**	**2020 - 2021 School Year** **Progress monitoring**	**Improved EOY benchmarks for at-risk students**
Teachers will plan together in order to collaborate and be creative with lesson plans.	**Campus Personnel** **Scheduling**	**Campus Principals** **Team Leaders**	**2020 - 2021 School Year** **Teacher Participation**	**Meeting Notes and Sign-in**
Objective 1.4: Ensure all learners receive timely and meaningful feedback.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Vertical/Horizontal Curriculum development PLCs 2-4 times per year.	**Campus Personnel** **Campus Principals** **TEKS Resource System**	**Team Leaders** **Campus Principals**	**August 2020** **PLC Meetings on calendars** **Vertical/Horizontal Curriculum Alignment Plans**	**Evidence of a plan to drive future curriculum decisions.**
Establish a grading and reporting system that provides timely and meaningful feedback to students and parents.	**Report Cards** **Progress Reports** **Parent Contact**	**Campus Principals** **Chief Academic Officer** **Classroom Teachers**	**August 2020** **Finalized District Grading & Reporting Guidelines**	**Parent contact logs**

2 LEADERSHIP

Foster a connected, collaborative, and strategic approach to continuous improvement for the district.

Objective 2.1: Establish a strategic and collaborative approach to continuous improvement in all areas of the district's operations and academics.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Increase advancement potential by allowing staff to explore a range of job functions and rolls, such as interning between department positions and levels.	**Campus Personnel** **Local Funds**	**Campus Principal** **Campus Personnel**	**2020 - 2021 School Year** **Staff Participation**	**Increase in teachers wanting to hold leadership roles throughout the campus.**
Conduct ongoing workshops and meetings with campus leaders and staff to train and update on current leadership best practices.	**Multimedia resources**	**Campus Principal** **Campus Counselor**	**2020 - 2021 School Year** **Meeting Schedule**	**Improved leadership strategies among teachers.**

Objective 2.2: Ensure BISD facilities are equipped to effectively support district operations and learning.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Provide all necessary furniture, technology and supplies to support campus operations and learning.	**Campus Budget** **PTO**	**Campus Principals** **Technology Staff** **Maintenance Staff**	**2020 - 2021 School Year** **Inventory of classroom furniture and technology**	**All students and teachers have necessary furniture, technology and supplies**

Objective 2.3: Maintain superior financial standing and efficient fiscal management.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Ensure that campus budgets are allocated appropriately to meet the needs of staff and students.	**Campus Budgets**	**Campus Principals**	**2020 - 2021 School Year** **Balanced Budgets**	**All funding is spent appropriately and needs are met.**

Objective 2.4: Promote connectedness between leaders and the work of the district.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Create presentations to showcase campus successes during spotlights at board meetings.	**Campus staff and students**	**Campus Principals** **Campus Staff**	**2020 - 2021 School Year** **Spotlighting student work throughout the school.**	**Successful spotlight at board meeting**

3 CULTURE

Create a culture that attracts, develops, and retains exceptional individuals to be part of our district and community.

Objective 3.1: Ensure all staff feel valued and appreciated.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Seek and respond to input from staff regarding the ways in which they want to be valued.	**Digital Surveys**	**Campus Principals**	**October 2020** **Creation and delivery of digital surveys**	**Digital survey responses**
Create traditions of campus wide celebrations	**Campus Budget** **PTO**	**Campus Principals** **Sunshine Committee** **PTO**	**2020 - 2021 School Year** **Monthly activities**	**Attendance of campus personnel**

Objective 3.2: Effectively recruit, hire, onboard, train, and retain exceptional individuals to be part of the BISD team.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Attend job fairs to recruit highly qualified teachers.	**Region IV** **Central Office Staff** **Universities**	**Chief Talent Officer** **Campus Principals**	**2020 - 2021 School Year** **Select opportunities to attend job fairs**	**Attend job fairs and recruit highly qualified teachers.**
Develop partnerships with paraprofessionals to become certified teachers	**Local Funds**	**Superintendent** **Chief Academic Officer** **Campus Principals**	**2020 - 2021 School Year** **Number of partnerships created**	**Number of paraprofessionals that become certified teachers**
Continue to establish diverse interview committees and work to hire the "Ideal Team Player"	**Campus Interview Team**	**Campus Principals**	**2020 - 2021 School Year** **Interview process and questioning**	**Number of "OBP family" teachers hired and retained**

Objective 3.3: Create an organizational structure that effectively supports the learning and work of the district.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Implement efficient processes to receive, consider and respond to staffing needs and requests.	**Campus Budget** **District Personnel**	**Campus Principals**	**2020 - 2021 School Year** **All campus positions are filled on a constant basis**	**Positive campus culture**

Objective 3.4: Foster a culture of collaboration and learning.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Teachers observing teachers to learn and receive feedback	**Campus personnel**	**Campus Personnel**	**2020 - 2021 School Year** **Scheduling discussions during team meetings**	**Culture of openness and collaboration is created**
Plan regular team meetings with grade levels, paras, PBIS and various committees.	**Campus Data**	**Campus Principals**	**2020 - 2021 School Year** **Meeting dates set on calendar**	**Meeting Sign-in sheets**
Objective 3.5: Ensure all staff feel inspired and supported in pursuit of personal and professional goals and growth.				
Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Encourage selected staff members to participate in BISD Aspiring Leaders Academy.	**Chief Academic Officer** **Campus Personnel**	**Chief Academic Officer** **Campus Principals**	**2020 - 2021 School Year** **Number of teachers applying for leadership academy**	**Full cohort of teachers in leadership academy**
Empower staff to take on leadership roles in various campus activities	**Campus Personnel**	**Campus Principals** **Campus Personnel**	**2020 - 2021 School Year** **Rate at which teachers volunteer for leadership roles**	**Increase in the number of teachers to step into leadership roles.**

4 COMMUNITY

Cultivate connections in our schools and our community to ensure all feel safe, valued, and engaged in meaningful ways.

Objective 4.1: Engage district and community stakeholders in meaningful ways.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Increase membership in the PTO organization with a membership drive	PTO Officers	PTO Officers, Campus Principals, Teachers	August 2020 Identify all current parent and community members belonging to OBP PTO.	Greater percentage of parental and teacher membership in PTO
Invite family members and other to lunch for special occasions	PTO and/or Principal Newsletters, Remind and notes sent home	Teachers, Students and Campus Principals	2020 - 2021 School Year Sign-in logs/Raptor	Sign-in logs/Raptor
Encourage parental participation during Field Day activities and school programs	Phone calls, notes sent home, PTO and/or Principal Newsletters, Remind	PTO and PE Teachers	May 2021 Parents volunteer to assist with Field Day, parent sign-in forms for programs	Parents participating during Field Day
Plan ESL Breakfast (FIESTA) for parents 1 or 2 times a nine weeks period.	Local Funds	ESL Specialist Campus Principals	Each nine week period Parent sign-in sheets	Parent attendance

Objective 4.2: Establish “The Bellville Way” as a driving movement for unity and development of individual and collective values and character.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Teach and model Brahma PRIDE and social emotional learning to our students	Campus Personnel PBIS Curriculum SEL Curriculum	Campus Principals Campus Counselor Classroom Teachers	2020 - 2021 School Year Students are aware of PRIDE expectations and SEL strategies	Improved student culture and behavior
Create a student leadership team	Campus Personnel Students	Campus Principals Campus Personnel	2020 - 2021 School Year Student interest in improving leadership skills	Improved student leadership skills

Objective 4.3: Positively contribute to our community.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Utilize the local newspaper, district website, campus marquee and Principal newsletters and social media for communication purposes	All local media outlets	Principal Classroom teachers	2020 - 2021 School Year Announcements, student recognition, newspaper articles, Principal Newsletters	Better communication between school and community.

Provide Honor Roll recognition every nine weeks in the newspaper	Local Newspaper	Teachers and Campus Principals	Every nine-weeks Names submitted to office	Newspaper articles
Teachers will invite community/parent readers to their classrooms	Community/ Parents	Classroom Teachers	2020 - 2021 School Year List of readers to classroom	Increased involvement of classroom readers
Implement WATCH D.O.G.S. Program on campus	Safe and Drug Free Funds	Campus Principals, Counselor, PTO	2020 - 2021 School Year Volunteer sign-up sheet, roster and logs	Volunteer logs, volunteers in place as often as possible

STATE AND FEDERAL REQUIREMENTS

Continuously improve upon district performance on each state assessment and accountability ratings, decrease identified achievement gaps, and ensure exceptional annual progress for each student

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
District and All Campuses				
Vary instructional methods for addressing the needs of student groups not achieving their full potential	**Curriculum Resources** **RTI (MTSS)** Interventionists	**Campus Principals** **MTSS Interventionists**	**2020 - 2021 School Year** **Progress Monitoring**	**Improved EOY Benchmark scores**
Provide methods for addressing the needs of students for special programs, including: • **Suicide prevention programs** • **Conflict resolution programs** • **Violence prevention programs** • **Dyslexia treatment programs** • **Dropout reduction programs**	**Dyslexia Intervention** **Social Emotional Learning** **Bullying and Drug Free promotion** **Response to Intervention**	**Campus Principals** **Campus Counselor** **Dyslexia Teachers** **RISE Staff** **Classroom Teachers**	**2020 - 2021 School Year** **Methods observed throughout the school day**	**Positive campus climate**
Integrate technology in instructional and administrative programs	**Technology** **Local Funds** **ESSA Funds**	**Campus Principals** **Classroom Teachers** **Director of Technology**	**2020 - 2021 School Year** **Increase in student technology proficiencies**	**Increased use of technology in the classrooms**
Implement positive behavior interventions and support, including interventions and support that integrate best practices on grief-informed and trauma-informed care	**PBIS - Brahma PRIDE** **RISE** **Local Funds**	**Campus Principals** **Classroom Teachers** **RISE Staff**	**2020 - 2021 School Year** **Students working towards earning PRIDE tickets to earn prizes**	**Positive campus climate**
Provide staff development for professional staff	**Multimedia Resources**	**Campus Principals** **Campus Counselor** **Chief Academic Officer**	**2020 - 2021 School Year** **Professional Development Schedule**	**Staff accumulates CPE Hours**
Provide career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities	**Community Members** **Local Funds** **Guest Presenters**	**Campus Principal** **Community Members**	**2020 - 2021 School Year** **Visitor sign-in**	**Increased student awareness of career opportunities.**

Provide accelerated education opportunities for students that are at-risk	RTI (MTSS)	Campus Principal MTSS Interventionists	2020 - 2021 School Year Progress Monitoring	Improved EOY assessments
Implement a comprehensive school counseling program	SEL	Campus Principals Classroom Teachers Campus Counselor	2020 - 2021 School Year SEL strategies observed throughout the campus	Increased student morale
Provide information to elementary, junior high, and high school students and parents about the following: • Higher education admissions and financial aid opportunities and sources of information • The need for students to make informed curriculum choices to be prepared for success beyond high school	College promotion days	Campus Principals Campus Personnel	2020 - 2021 School Year High percentage of staff participate in college promotion days	Students begin to participate in college promotion days as well.
Provide a program to encourage parental involvement at the campus	PTO (Parent Teacher Organization)	PTO Campus Principals	2020 - 2021 School Year PTO Meetings	Parent involvement in PTO
Elementary and Junior High Campuses				
For elementary and junior high campuses, set goals and objectives for the coordinated health program at the campus	Physical Education through PE	Campus Principals PE Teachers	2020 - 2021 School Year Variety of PE activities	Variety of PE activities throughout the school year

Title I Schoolwide Program Elements

Increase student achievement, involve the school community in the design of the schoolwide plan, and actively engage families in opportunities available at the campus by ensuring compliance with the three elements of the federal Every Student Succeeds Act: Comprehensive Needs Assessment, Campus Improvement Plan, and Parent and Family Engagement activities.

Title I Schoolwide Elements	Steps in Action Plan, and/ or Implementation Method
Element 1: Comprehensive Needs Assessment (CNA)	
The campus conducts a CNA of the entire school that takes into account information on the academic achievement of children, particularly the needs of those children who are failing or at-risk of failing.	CNA Summary on page 6
Element 2: Campus Improvement Plan (CIP)	
The campus develops CIP with the involvement of parents and other members of the community to be served including teachers, principals, other school leaders, paraprofessionals present in the school, and administrators.	Objective 4.1, Action 1
The campus ensures the CIP is available to parents and the community (English and Spanish).	Objective 4.3, Action 1
The campus implements steps in action plan to provide opportunities for all children, including each of the subgroups of students to meet academic standards.	Objective 1.1, Action 2 Objective 1.3, Action 2 Objective 1.4, Action 1
The campus uses methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education.	Objective 1.1, Actions 1, 2, 3 Objective 1.2, Actions 1, 2 Objective 1.3, Actions 1, 2 Objective 1.4, Action 1 Objective 4.2, Action 2
The campus addresses the needs of all children in the school, but particularly the needs of those at risk of not meeting academic standards.	Objective 1.3, Action 1
Element 3: Parent and Family Engagement (PFE)	
The campus jointly develops with parents and family members of participating children a written PFE policy, agreed on by such parents.	PFE on pages 19-20
The campus notifies parents of the policy in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand (English and Spanish).	Objective 4.3, Action 1 Campus Website
The campus makes the PFE policy available to the local community and updates it periodically to meet the changing needs of parents and the school.	PFE on pages 19-20 Objective 4.3 Action 1 Campus website
The campus offers a flexible number of meetings, such as in the morning and evening, to inform parents of the school's participation in a Schoolwide Program, to explain the requirements and the rights of parents to be involved, and to provide family engagement activities as outlined in the PFE policy.	PFE on pages 19-20 Objective 4.1 Actions 1, 2, 3, 4
The campus jointly develops with parents a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and how the school and parents will build and develop a partnership to help children achieve the State's high standards.	School-Parent Compact on pages 21-22

HIGH QUALITY PK PROGRAM REQUIREMENTS

Ensure that students that attend our district PK program enter Kindergarten with the foundational knowledge and skills to be curious, confident, and successful learners.

Steps in Action Plan	Resources	Person Responsible	Time Frame & Formative Assessment	Measurement of Success
Curriculum **Implement a curriculum in PK that addresses:** • **Social & Emotional Development** • **Language and Communication** • **Emergent Literacy Reading** • **Emergent Literacy Writing** • **Mathematics** • **Science** • **Social Studies** • **Fine Arts** • **Physical Development and Health** • **Technology**	**Frogstreet Curriculum**	**Campus Principals** **Pre-K Teachers**	**2020 - 2021 School Year** **9-weeks report cards**	**Student growth in curriculum knowledge**
Student Progress Monitoring **Monitor the progress of PK students in the five primary domains of development:** • **Emergent Literacy--Reading** • **Emergent Literacy--Writing** • **Language and Communication** • **Mathematics** • **Health and Wellness**	**Report Card Assessments**	**Campus Principals** **Pre-K Teachers**	**2020 - 2021 School Year** **Report Card Assessments**	**Final 9-weeks report card reflects knowledge of PK TEKS**
Teacher Qualifications **Employ PK teachers who are appropriately certified to teach PK and who have one of the following additional qualifications that is early childhood education specific:** • **A Child Development Associate (CDA) Credential** • **A Montessori Certification** • **At least eight years of experience teaching in a nationally accredited child care program** • **A degree in early childhood education (ECE), or early childhood special education or a non-early childhood education degree with at least 15 units of ECE-specific coursework** • **Documented completion of the Texas School Ready (TSR) - Comprehensive training program** • **A currently employed PK teacher who completed 150 cumulative hours of documented professional development relevant to early childhood education (half of the professional hours must include interaction with an instructional coach)** • **A currently employed PK teacher who completes 30 hours of documented professional development relevant to early childhood education annually until 150 hours are completed (half of the professional hours must include interaction with an instructional coach)**	**Region VI** **Universities** **Central Office Staff** **Frogstreet Conference**	**Campus Principals** **Chief Talent Officer** **Pre-K Teachers**	**2020 - 2021 School Year** **Select opportunities to attend job fairs** **Addend Frogstreet conference in person or virtually**	**Attend job fairs and recruit highly qualified teachers** **Continuous professional development for highly qualified teachers**

Family Engagement Plan Develop, implement, and make available on the web a Family Engagement Plan with the following six components: • Facilitating family-to-family support • Establishing a network of community resources • Increasing family participation in decision-making • Equipping families with tools to enhance and extend learning • Developing staff skills in evidence-based practices that support families in meeting their children's learning benchmarks • Evaluating family engagement efforts and using evaluations for continuous improvement	Campus website Social Media	Campus Principals Campus Personnel	2020 - 2021 School Year Newsletters Newspaper and social media article parent sign-ins	Increased family engagement throughout the school year
Teach to Student Ratio Attempt to maintain an average ratio in any PK class of not less than one certified teacher or teacher's aide for every 11 students.	Local Funds	Campus Principals	2020 - 2021 School Year Low Teacher to Student ratios	Low Teacher to Student ratios
Program Evaluation Select and implement appropriate methods for evaluating the PK program by measuring student progress and making results of the program evaluation available to parents.	9-weeks report cards	Campus Principals Pre-K Teachers	2020 - 2021 School Year 9-week report card assessments	EOY report card

BELLVILLE INDEPENDENT SCHOOL DISTRICT

O'Bryant Primary

ESSA Parent and Family Engagement Policy

Statement of Purpose

O'Bryant Primary (OBP) is committed to providing quality education to every student in the school. Partnerships with parents, family members, and the community are essential to this goal as neither home nor school can achieve this goal independently. Everyone gains if school and home work together to promote high student achievement. Parents and family members play an important role as their children's first teachers, and their support is critical to their children's success. OBP intends to include parents and family members in all aspects of the school's Title I programs to create a school-home partnership that will promote student success. OBP believes that establishing and maintaining open lines of communication will expand and enhance learning opportunities and create the best learning environment for every child. OBP is a schoolwide Title I campus which allows all students the opportunity to benefit from the programs funded by Title I.

Annual Meeting

OBP will hold an annual meeting in the fall semester at a convenient time to which all parents will be invited and encouraged to attend. The purpose of this meeting is to inform parents of OBP's participation in Title I, the Title I requirements, and the right of parents to be involved.

Opportunities for Parent/Family Involvement

Parents/Families can become involved in their children's education in various ways. OBP values both the at-home contributions of parents/families and those that take place at the school or in the community. Reading to children at home and talking with them at family meals or other family outings are as important as volunteering at school and serving on advisory committees. Many types of parent and family engagement are needed in school-home-community partnerships to help all children succeed. OBP will offer many opportunities for parent and family engagement in the school including, but not limited to the following:

- Invite parents/families to contribute through volunteer programs;
- Invite parents to participate in parent-teacher conferences;
- Invite parents/families to help plan and conduct parties;
- Invite parents/families to participate by attending school meetings at a variety of times;
- Invite parents/families to serve on committees;
- Survey parents/families to get their input about school;
- Invite parents/families to eat meals with their children at school;
- Invite parents/families to join us for school programs;
- Invite parents/families to participate in school activities, classroom activities, and field trips;
- Invite parents/families to join and participate in Parent Teacher Organization activities
- Invite parents/families to participate in Watch D.O.G.S. (Dads of Great Students).

Parent Communication

Parents will receive timely information about school activities through various avenues of communication throughout the school year. OBP will ensure that information related to school and parent/family programs, meetings, and other activities is sent to parents/families in a format and, to the extent practicable, in a language the parents can understand. Websites, newsletters, teacher notes, the school marquee, conferences, personal contacts, phone calls/text messages, emails, and written notices will be used to establish and maintain open lines of communication with parents. Parents will receive daily communication through student daily folders. OBP will offer a flexible number of meetings to parents, such as morning and evening, to accommodate the needs of the parents in order to encourage full parent involvement with their student's academic success. These meetings will be in the form of Parent-Teacher conferences, Title I Annual Meeting, ESL Family FIESTA meetings, and PTO meetings. At these meetings and at other times when requested, parents/families will have opportunities to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children. OBP will welcome and respond to any such suggestions as soon as practicably possible.

Whenever requested and at meetings such as those described above, parents will be informed of the OBP curriculum as established by the TEKS Resource System and any instructional materials utilized by teachers. They will also be provided a description of the forms of academic assessment used at OBP which include teachers administering benchmarks at various times throughout the school year to monitor student performance and to use the data to address instructional interventions and needs. Teachers and staff will provide parents with assistance in how to monitor their children's progress and how to work with the teachers to improve the achievement of their children. Students in third grade will be assessed through state assessment, the STAAR test, during the year, and parents will be notified of those testing days, requirements, and the achievement level of their students on the state academic standards.

Coordinate Services

OBP will coordinate and integrate parent and family engagement strategies, to the extent feasible and appropriate, with other federal, state, and local programs by considering these strategies in the needs assessment of the campus and if necessary, integrating strategies into the Campus Improvement Plan.

Evaluation and Response

Parents and families will be asked for their input on the content and effectiveness of the Title I parent and family engagement programs through an annual evaluation of the Title I program conducted by OBP. OBP will assess the needs of parents and children in the school community using a variety of tools including a survey or questionnaire and including parent suggestions and/or requests. The OBP Site-Based Decision Making Committee which is comprised of school personnel, parents, and community members will meet throughout the year, as necessary, using these findings for the planning, review, and improvement of the OBP Parent and Family Engagement Policy and the Campus Improvement Plan including any reasonable support for parental involvement activities requested by parents. The district and OBP will welcome and receive at any time recommendations about the Title I program. If the Campus Improvement Plan is not satisfactory to parents, OBP will submit any parent comments on the plan when the school makes the plan available to the district. If necessary, workshops or other training will be made available to educators and parents to address these identified needs. Parents will be notified about materials and training provided to help parents work with their children to improve their children's achievement, such as in literacy and technology. OBP, with assistance from the district, will provide training that educates teachers, specialized instruction support personnel, principals and other school leaders, and other staff, with the assistance of parents, in the value and utility of contributions of parents/families, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between the parents and the school.

BELLVILLE INDEPENDENT SCHOOL DISTRICT

O'Bryant Primary

School - Family - Student COMPACT

As a School, we will:

- ❑ Work to help students learn what they need to learn in order to move to the next grade level.
- ❑ Assign homework that goes along with what is being taught in the classroom.
- ❑ Offer special help and enough time to students who progress at different rates.
- ❑ Set firm but fair safety and discipline rules.
- ❑ Work to keep parents informed about their child's progress and offer ways for parents to be involved in their child's education

As a Family, we will:

- ❑ Discuss the importance of properly completing work at school as well as work at home.
- ❑ Keep the line of communication between home and school open by supporting school events, school conferences and resolving conflicts through the proper channels.
- ❑ Explain to our child the consequences of not attending school, disobeying rules and not following procedures.

As a Student, I will:

- ❑ Attend school on time with a positive feeling about myself and with respect for others and their property.
- ❑ Learn and follow the rules made by the school and the teachers.
- ❑ Complete assigned work promptly.

TEACHER: _____

PARENT/GUARDIAN: _____

STUDENT: _____

DATE: _____

BELLVILLE INDEPENDENT SCHOOL DISTRICT

O'Bryant Primary

Escuela - Familia - Estudiante
PACTO ENTRE

Como Escuela, nostros:

- ❑ Trabajaremos para ayudarle al estudiante a aprender lo necesario para que esté listo para el siguiente grado.
- ❑ Asignaremos tareas que tengan que ver con lo que se está enseñando en clase.
- ❑ Ofrecemos ayuda especial y tiempo suficiente para los estudiantes que les sea difícil progresar.
- ❑ Pondremos reglas de disciplina justas y seguras.
- ❑ Trabajaremos para mantener a los padres informados acerca de los grados, resultados de exámenes, y de maneras en que puedan ayudar a su hijo/a.

Como Familia, nostros:

- ❑ Conversaremos acerca de la importancia de completar sus tareas apropiadamente, en casa y en la escuela.
- ❑ Mantendremos una linia de comunicación entre casa y escuela apoyando eventos especiales, conferencias de escuela, y soluciones a conflictos que pueda haber.
- ❑ Le explicaremos a nuestro hijo/a las consecuencias de no atender a la escuela, de desobedecer las reglas, y de no seguir el procedimiento que se le indique.

Como Estudiante, Yo:

- ❑ Estaré a tiempo en la escuela con un sentir positivo de mi mismo y con respeto hacia otros y sus propiedades.
- ❑ Aprender y seguir las reglas que la escuela y las maestras han puesto.
- ❑ Completare mis tareas con prontitud.

MAESTRA: _____

PADRE/TUTOR: _____

ESTUDIANTE: _____

FECHA: _____

BELLVILLE INDEPENDENT SCHOOL DISTRICT

STUDENT CODE OF CONDUCT 2020-2021

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BELLVILLE INDEPENDENT SCHOOL DISTRICT
2020-2021 STUDENT CODE OF CONDUCT

ACCEPTABLE USE POLICY

1. Users shall not erase, rename, or make unusable anyone else's computer files.
2. Users shall not let other persons use their name, logon, password, or files for any reason.
3. Users shall not use or try to discover another user's password.
4. Users shall not use Bellville ISD's computers or networks for any non-instructional or non-administrative purpose (e.g., games or activities for personal profit).
5. Users shall not use a computer for unlawful purposes, such as the illegal copying or installation of software.
6. Users shall not copy, change, or transfer any software or documentation provided by Bellville ISD, teachers, or another student without permission from the campus principal.
7. Users shall not write, produce, generate, copy, propagate, or attempt to introduce any computer code designed to self-replicate, damage, or otherwise hinder the performance of any computer's memory, file system, or software. Such software is known as, among other names, a bug, virus, worm, or Trojan Horse.
8. Users shall not deliberately use the computer, the Internet, or other electronic communications to threaten, annoy, impersonate or harass students, employees, or volunteers with language or images. Users shall not deliberately access or create any obscene or objectionable information, language, or images. This conduct is punishable if it occurs off school property if the conduct causes a substantial disruption to the educational environment.
9. Users shall not intentionally damage the system, damage information belonging to others, misuse system resources, or allow others to misuse system resources.
10. Users shall not tamper with computers, networks, printers, or other associated equipment except as directed by the teacher or administrator.
11. Users shall not take home technology equipment (hardware or software) without written permission of the teacher and evidence of appropriate insurance.
12. Users shall not violate the school district's Internet use policy.
13. Users shall not attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
14. Users shall not attempt to alter, destroy, or disable district technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks connected to the District's system, including off school property if the conduct causes a substantial disruption to the educational environment.
15. Users shall not send, post, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," on school property or at a school-related activity; on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; or, off school property it (1) interferes with a student's educational opportunities; or (B) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

16. Users shall not use e-mail, websites, or other electronic applications to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment.
17. Electronic communications (e-mail, blogs, wikis, and other communications within these tools) using District-owned computers or devices during the instructional day are not private and may be monitored by District staff.

ACCESSIBILITY

If you have difficulty accessing the information in this document because of disability, please contact Dr. Megan Pape, Director of Special Education/504, at (979) 865-3133 or via email at mpape@bellvillebrahmas.org.

ATTENDANCE

Every child who resides in this District who is as much as six years of age, or who is less than six years of age and has previously been enrolled in first grade, and who has not reached the age of eighteen (18), shall be required to attend a public school in the District.

Regular attendance and punctuality are required of every student. Acceptable excuses for absences and tardies include personal illness, sickness or death in the immediate family, quarantine, weather or road conditions making travel dangerous, required legal business approved in advance by the principal, religious holy days (if, before the absence, the parent, guardian, or person having custody or lawful control of the student submits a written request for the excused absence), a temporary absence resulting from health care professionals if the student commences classes or returns to school on the day of the appointment, or any unusual cause acceptable to the principal or the superintendent. No student is permitted to leave the school campus during school hours without an excuse, in writing or by telephone, from the parent or guardian. These excuses must be approved by the principal or person designated by the principal or District. Once a student arrives on campus before regular school hours, he/she is expected to remain on campus unless permission to leave has been granted by an administrator.

Attendance For Credit

Board policy and State law provide that no student shall be given credit for a class or promoted to the next grade if he has not been in attendance at least 90% of the days the class is offered. A student and the student's parent or guardian shall be given written notice prior to and at such time when a student's attendance in any class drops below 90% of the days the class is offered. A student who has an "excused" absence is not in violation of the compulsory attendance law but can still be denied credit for a class if those excused absences comprise more than 10% of the days instruction is offered. Written documentation of a student's absence must be submitted by a parent/guardian within five days after the date of the absence for the absence to be considered to be excused. When a student's attendance drops below 90% of the days the class is offered, the student, parent, or representative may request award credit by submitting a written petition to the appropriate attendance committee. The attendance committee shall review the student's entire attendance record and the reasons for absences, and shall determine whether to award credit. Petitions may be filled at any time the student receives notice, but in any event, no

later than 30 calendar days after the last day of classes. An attendance committee appointed by the Board may give credit if there were extenuating circumstances for the absences.

"Extenuating circumstances" are the following:

1. Board-approved extracurricular activity or public performance subject to limitations in FDD (LEGAL).
2. Required screening, diagnosis, and treatment for Medicaid-eligible students.
3. Documented health care appointment, if the student begins classes or returns to school on the same day as the appointment.
4. Temporary absence resulting from any cause acceptable to the teacher, principal, or Superintendent.
5. Juvenile court proceeding documented by a probation officer.
6. Absence required by state or local welfare authorities.
7. Family emergency or unforeseen or unavoidable instance requiring immediate attention.
8. Approved college visitation.

Absences for which the student has shown extenuating circumstances and completed routine make-up work shall be considered days of attendance for computing the required percentage of days of attendance.

A student may miss a class in a course only thirteen times in a year for participation in extracurricular activities; absences for participation for more than ten days could result in loss of credit.

CAMPUS BEHAVIOR COORDINATOR

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The campus behavior coordinator on each of the campuses shall be the Principal or the Assistant Principal. The campus behavior coordinators is primarily responsible for maintaining student discipline. Contact information for campus behavior coordinators primarily responsible for student discipline is available in the Student Handbook at http://www.bellvilleisd.org/parent__student/for_parents and below:

O'Bryant Primary: 979-865-5907
Principal Kandis Krueger, kkrueger@bellvillebrahmas.org
Assistant Principal Aaron Capps, acapps@bellvillebrahmas.org

West End Elementary: 979-357-2595
Principal Dr. Tony Hancock, thancock@bellvillebrahmas.org

O'Bryant Intermediate: 979-865-3671
Principal Marcus McLemore, mmclemore@
Assistant Principal Sean McEnerney, smcenerney@bellvillebrahmas.org

Bellville Junior High: 979-865-5966
Principal Daniel Symm, dsymm@bellvillebrahmas.org

Assistant Principal Emily Barrera, ebarrera@bellvillebrahmas.org

Bellville High School: 979-865-3681
Principal Casey Hollomon, chollomon@bellvillebrahmas.org
Assistant Principal James Dristas, jdristas@bellvillebrahmas.org
Assistant Principal Amy Avant, aavant@bellvillebrahmas.org

CELLULAR TELEPHONES/PORTABLE ELECTRONIC OR TELECOMMUNICATION DEVICES
Policy FNCY (LEGAL) and (LOCAL)

Telecommunication devices are those that emit an audible signal, vibrate, display a message, or otherwise summon or deliver a communication to the possessor. [Telecommunication devices are defined as items such as, but not limited to, cell phones, smart phones, iPhones, Blackberries, electronic readers, and laptops with the capability of sending and receiving messages or information, and any related accessories (including but not limited to wires, headphones, and ear clips)].

Except as provided below under "BYOD Policy," a student shall not possess a telecommunication device on school property or while attending a school sponsored or school related activity on or off school property, unless the student is in attendance as an active member of a volunteer firefighting organization or a volunteer emergency medical services organization. A school district employee shall confiscate the paging device.

The district will contact the student's parents and the company whose name and address or telephone number appears on the device with intent to dispose of the device within two weeks after the conclusion of the regular school year. In order for the device to be released to the owner, a $15.00 administrative fee will be assessed before it will be returned.

A.

BYOD POLICY

Bellville Independent School District is committed to assisting students and staff in creating a 21st century learning environment. The District has a BYOD (Bring Your Own Device) policy at Bellville High School which will assist our district in reaching this goal. We will now be incorporating the use of such items as laptops, iPads, tablets, netbooks and cell phones with browsing capabilities for educational purposes only. For purposes of BYOD, "Device" means a privately owned wireless and/or portable electronic hand held equipment that includes, but is not limited to, existing and emerging mobile communication systems and smart technologies, portable internet devices, Personal Digital Assistants (PDAs), iPads, tablets, smart phones, hand held entertainment systems or portable information technology systems that can be used for word processing, wireless Internet access, image capture/recording, sound recording and information transmitting/receiving/storing, etc. Students will follow the BYOD Student Guidelines.

Students may bring their own technology devices and utilize personal electronic communication devices at school in the classroom when the teacher deems them appropriate for educational purposes. **Under no circumstances should telecommunication devices be used to take photos/videos/audio in any school facility**

other than for instructional purposes under the direction of a teacher or at an event open to the public. All devices must remain off and put away unless being used within a lesson during class time. The same procedures and school rules apply to using students' cell phone and other electronic devices during class. If students are participating in the BYOD program, the students' teacher will monitor and give permission for them to use their device at certain times in class. The students are only permitted to use their mobile device for programs, websites, and tools specified by their teacher.

If the students' teacher finds them using their mobile device for off-task activities, then they may lose their privilege to use their mobile device at their teacher's discretion. Students and parents/guardians participating in BYOD must adhere to the Student Code of Conduct, as well as all Board policies, particularly the Internet Acceptable Use and Internet Safety Policies.

If an administrator suspects that a device may contain photos/ videos/audio taken at school or inappropriate photos/videos/ audio, the photos/videos/audio will be reviewed in the presence of the student or parent/guardian prior to the device being returned to the student. Students will be required to delete school-related photos/videos/audio that were taken in violation of these guidelines. Additionally, police will be contacted if an administrator has reason to believe that a photo/videos/audio might be a violation of law. Likewise, if an administrator suspects that a telecommunication device was used in violation of these guidelines and/or for cheating, the administrator may review the call history and/or text messages in the presence of the student or parent/guardian prior to the device being returned to the student. Violation of this policy may also result in the device being confiscated. A $15.00 administrative fee will be assessed each time the phone is confiscated. Parent must pick up phone from a campus administrator. **Continued violation of this policy may result in disciplinary action, as deemed appropriate by the campus administrator.**

Responsibility to keep the device secure rests with the individual owner. **The School System, or its staff or employees, is not liable for any device stolen or damaged on campus.** If a device is stolen or damaged, it will be handled through the administrative office similar to other personal artifacts that are impacted in similar situations.

CONFERENCES

A principal or administrative designee shall promptly conduct one or more conferences with a student's parent(s)/guardian(s) when:

1. After appropriate documentation, the teacher officially and formally removes a student from the classroom.
2. The student is assigned to a disciplinary alternative education program.

These conferences will generally be conducted in person, but where impractical, may be conducted by telephone. If these methods fail, the conference may be by letter. The district shall document its attempts to schedule and conduct required parental conferences.

Teachers or other school employees (principal, assistant principal, vice-principal, or counselor) may request a conference with a student's parent(s) whenever the teacher or employee (principal, assistant principal, vice-principal, or counselor) perceives the need for parental cooperation in enforcing the student code of conduct.

Parents/guardians may request a conference with the student's teachers, counselor, or administrator when there is a concern about the student's educational progress. These conferences should be scheduled in advance.

CORPORAL PUNISHMENT

Corporal punishment is permitted in order to preserve an effective educational environment, free from disruption, unless the student's parent or guardian has provided a signed statement prohibiting its use. Corporal punishment shall be reasonable and moderate and may not be administered maliciously or for the purpose of revenge. Such factors as the size, age, and physical, mental, and emotional condition of the student; the type of instrument to be used; the amount of force to be used; and the part of the body to be struck shall be considered before administering any corporal punishment.

A disciplinary record shall be maintained and shall contain the name of the student, the type of misconduct, any previous disciplinary actions, the type of corporal punishment administered, the names of witnesses present and the date and time of the punishment. Disciplinary records shall be made available to parents or the student, whichever is appropriate.

Corporal punishment should be used sparingly, cautiously, and with the best interest of the student in mind. However, when corporal punishment is to be administered, the following procedures are to be followed: corporal punishment can only be done with the approval of the Superintendent, corporal punishment will be administered by the school principal, assistant principal, or other professional designated by the principal in the presence of one other District professional employee and in a designated place out of view of other students.

When administered, respect for the student is foremost, and punishment will be done in a private place. The student must be made aware of why he/she is to receive corporal punishment and should have the opportunity to say if there is any family or medical reason why he/she should not receive said punishment.

The principal is responsible for determining that the adult, who is administering the corporal punishment, whether it is himself/herself or another adult, is doing so in a respectful manner and without any emotional involvement.

DISCIPLINARY ACTIONS REGARDING STUDENTS WITH DISABILITIES

The discipline of students with disabilities is subject to state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, the district shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF(LEGAL).

In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists (see glossary) until an ARD committee meeting has been held to review the conduct. The Discipline Management Plan and the Student Code of Conduct apply to all students, including a student with disabilities.

In deciding whether to order suspension, DAEP placement or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS

The district shall make reasonable efforts to provide for the continuing education of a student removed to an alternative education program. A student placed in an alternative education program is prohibited from attending or participating in building sponsored or school-related activities.

Nature of a Disciplinary Alternative Education Program

A.

1. Is provided in a setting other than a student's regular classroom;
2. Is located on or off a regular school campus;
3. Provides for the students who are assigned to the disciplinary alternative education program to be separated from students who are not assigned to the program;
4. Focuses on English language arts, mathematics, science, history, and self discipline;
5. Provides for students' educational and behavioral needs;
6. Provides for supervision and counseling;
7. Provides a student removed to a disciplinary alternative education program an opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation before the beginning of the next school year. The school district may provide the student an opportunity to complete coursework through any method available, including a correspondence course, distance learning, or summer school. The district may not charge the student for a course provided under this subsection.
8. May provide for a student's transfer to
   a) a different campus;
   b) a school community guidance center; or
   c) a community based alternative school;
9. May provide a disciplinary alternative education program jointly with one or more districts.
10. Is not required to provide a course necessary to fulfill a student's high school graduation requirement. However, the parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete foundation curriculum course required for graduation, at no cost to the student. The notice shall include information regarding all available methods for completing the coursework.
11. A student younger than six (6) years of age may not be removed from class and placed in the Alternative Learning Center.
12. An elementary school student may not be placed in the Alternative Learning Center with any other student who is not an elementary school student.

Types of Alternative Education Programs

1. Detention halls (before or after school, or at lunch)
2. In-building suspension
3. Saturday detention
4. Alternative Learning Center

B.

Disciplinary Alternative Education Program (DAEP) Requirements

Conference

C.

1.

a) A conference shall be held not later than the third class day after the day on which a student is removed from class by the teacher [TEC § 37.002(b)] or by the campus behavior coordinator or other appropriate administrator [TEC § 37.006], the student's parent or guardian, the teacher removing the student (if any), and the student.
b) The student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal to the DAEP, and an opportunity to respond to the reasons for the removal.
c) Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the campus behavior coordinator or other appropriate administrator shall order the placement of the student as provided in § 37.002 or § 37.006 of the Texas Education Code, as applicable, for a period consistent with this Student Code of Conduct.
d) The decision of the Board's designee is final and may not be appealed
e) Before a Board's designee places a student in a disciplinary alternative education program for a period that extends beyond the end of the school year, the Board's designee must determine that:
    i. the student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or to another individual; or
    ii. the student has engaged in serious or persistent misbehavior that violates the district's Student Code of Conduct.
f) A student placed in a disciplinary alternative education program in another district that enrolls in Bellville ISD before the expiration of the period of placement will continue disciplinary alternative education program placement until the term of placement expires. Bellville ISD may also place a student in a disciplinary alternative education program if
    i. the student was placed in a disciplinary alternative education program by an open-enrollment charter school under section 12.131 and the charter school provides to the district a copy of the placement order; or
    ii. the student was placed in a disciplinary alternative education program by a school district in another state and
        (1) the out-of-state district provides to the district a copy of the placement order; and
        (2) the grounds for the placement by the out-of-state district are grounds for placement in Bellville ISD.

g) If a student was placed in a disciplinary alternative education program by a school district in another state for a period that exceeds one year and if that placement is continued, Bellville ISD shall reduce the period of the placement so that the aggregate period does not exceed one year unless, after a review, the district determines that the student is a threat to the safety of other students or to district employees.

h) A student placed in an alternative education program shall be provided a review of the student's status including a review of the student's academic status by the Board's designee at intervals not to exceed 120 days. In the case of a high school student, the Board's designee, with the student's parent or guardian, shall review the student's progress toward graduation and establish a specific graduation plan for the student. The District is not required to provide in the District's DAEP a course not specified under Texas Education Code § 37.008. At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. To assess a student's academic growth in the District DAEP, the District shall administer to a student placed in a program for a period of 90 school days or longer an assessment instrument approved by the commissioner for that purpose.

i) The decision of the Board's designee to remove a student to an alternative education program is not appealable. In determining the length of assignment for the student, the principal, or assistant principal may consider the seriousness of the offense, the discipline record of the student, the age of the student, the effect of the misconduct on the school environment, and/or previous assignments of other students for similar misconduct. Discipline assignments will not exceed one calendar year absent a finding that the student is a threat to the safety of other students or to district employees.

j) For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the placement in the program will continue through graduation, and the student will not be allowed to participate in the graduation ceremony and related graduation activities, unless otherwise specified in the DAEP placement order.

k) If a student withdraws from the district before an order for placement in a disciplinary alternative education program is entered, the principal or Board, as appropriate, may complete the proceedings and enter an order. If the student subsequently enrolls in the district during the same or subsequent school year, the district may enforce the order at that time, except for any period of the placement that has been served by the student on enrollment in another district that honored the order. If the principal or Board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order. If, during the term of a placement ordered, a student engages in additional conduct for which placement in a disciplinary alternative education program or expulsion is required or permitted, additional proceedings may be conducted regarding that conduct and the principal or Board, as appropriate, may enter an additional order as a result of those proceedings.

l) Regarding DAEP placements, if the Superintendent or the Superintendent's designee receives notice under Article 15.27(g), Code of Criminal Procedure, i.e. the office of the prosecuting attorney or the office or officer designated by the

juvenile court notifies the District that prosecution of the student's case was referred for lack of prosecutorial merit or insufficient evidence; or the court or jury found the student not guilty or made a finding that the student did not engage in delinquent conduct or conduct indirectly aimed for supervision and the case is dismissed with prejudice; the Superintendent or designee shall review the student's placement in the DAEP. The student may not be returned to the regular classroom pending the review.

m) The Superintendent or designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the Superintendent or designee receives notice from the office or official designated by the court. After reviewing the notice and receiving information from the student's parent or guardian, the Superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

n) The student or the student's parent or guardian may appeal the Superintendent's decision described above to the Board of Trustees. The student may not be returned to the regular classroom pending the appeal. The Board shall, at the next scheduled Board meeting, review the notice provided under Article 15.27(g) of the Code of Criminal Procedure, and receive information from the student, the student's parent or guardian, and the Superintendent or designee and confirm or reverse the decision described above. If the Board confirms the decision of the Superintendent or designee, the Board shall inform the student and the student's parent or guardian of the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending an appeal to the Commissioner. This appeal process does not apply to placement to the DAEP made in accordance with § 37.006(a), but only to off campus felony removals described above.

2.

Placement Review

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the campus behavior coordinator or the board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the

3. student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Appeals Procedures for DAEP Assignments

a) In order to appeal, the student or his/her parent or guardian must notify the campus administrator in writing of the desire to do so within two (2) school days from the date he/she or they were informed of the decision for the placement in a DAEP. If no appeal is taken within two (2) school days, the decision of DAEP placement shall be final.

b) Any notice of appeal shall contain the student's name, the date of issuance of the decision under appeal, the name of the official whose decision is under appeal, the aspects of the decision which the student wishes to appeal, and the grounds for such

appeal. If the student or parent will be represented in a conference at any level by an attorney, the District must be notified in advance of the conference so that the administration can obtain equal representation. Failure to do so will result in the need to reschedule the conference.

c) The Board designates the Superintendent or the Superintendent's designee to hear appeals of DAEP assignments.
d) In the event of an appeal, the campus administrator who received the appeal request shall notify the Superintendent or Superintendent's designee who shall arrange a time for hearing the appeal. The Superintendent or the Superintendent's designee shall notify the parent or guardian of the time and place of the hearing. The hearing shall be held within ten (10) school days of the date of filing the appeal, unless the parent or guardian agrees to an extension.
e) Pending the appeal, the student shall be assigned to and shall attend the DAEP.
f) At the hearing of the appeal, the Superintendent or Superintendent's designee shall confer with the campus administration and the student and his/her parent or guardian, review the record, and determine whether the DAEP placement should be sustained or reversed, or if the period of time of the assignment should be modified.
g) The student's parent or guardian shall be notified in writing within five (5) school days of the date of the appeal hearing of the decision of the Superintendent or the Superintendent's designee.
h) The decision of the Board's designee to place a student in a disciplinary alternative education program is final and not appealable.

4. Transition Services

In accordance with law and district procedures, campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP or JJAEP. See Policies FOCA (LEGAL) and FODA (LEGAL) for more information.

D.

1.

Emergency DAEP Placement and/or Emergency Expulsion

Emergency Placement

The principal, campus behavior coordinator, or appropriate administrator may order a student to be immediately placed in an alternative education program if it is reasonably believed that the student's behavior is so unruly, disruptive, or abusive that it interferes with:

a) A teacher's ability to communicate effectively with students in a class;
b) The ability of the student's classmates to learn;
c) The operation of the school or school sponsored activity; or
d) If the appropriate administrator reasonably believes that eminent harm is likely.

At the time of the emergency placement the student shall be given oral notice of the reasons for emergency placement in a DAEP. The reason must be a reason for which placement in a disciplinary alternative education program may be made on a nonemergency basis.

Within a reasonable time, but not later than the 10th day after the date of the placement, the student will be afforded appropriate due process as outlined in this code. The principal, campus behavior coordinator, or appropriate administrator shall not be liable for civil damages for an emergency placement.

Emergency Expulsion

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. See Tex. Educ. Code § 37.019. The reason must be a reason for which placement in a disciplinary
2. alternative education program or expulsion may be made on a nonemergency basis. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

Placement and/or Expulsion For Serious Offenses

E. This section includes two categories of serious offenses for which the Texas Education Code provides unique procedures and specific consequences.

Registered Sex Offenders

1. Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the district must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement will be in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the placement may be in a DAEP or JJAEP for one semester or the placement may be in a regular classroom. The placement may not be in the regular classroom if the Board or its designee determines that the student's presence:

a) Threatens the safety of other students or teachers;
b) Will be detrimental to the educational process; or
c) Is not in the best interests of the district's students.

Review Committee: At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the District shall convene a committee, in accordance with state law, to review the student's placement. The committee will recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the Board or its designee must follow the committee's recommendation.

The placement review of a student with a disability who receives special education services must be made by the ARD committee.

If a student enrolls in the District during a mandatory placement as a registered sex offender, the District may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.

A student or the student's parent may appeal the placement by requesting a conference between the Board or its designee, the student, and the student's parent. The conference is limited to the factual questions of whether the student is required to register as a sex offender. Any decision of the Board or its designee under this section is final and may not be appealed.

Certain Felonies

2. Regardless of whether placement or expulsion is required or permitted by one of the reasons in the Mandatory Removal or Expulsion Offenses, in accordance with the Texas Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the Board or its designee makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 of the Penal Code. The student must:

a) Have received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
b) Have been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
c) Have been charged with engaging in conduct defined as a Title 5 felony offense;
d) Have been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
e) Have received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

The District may expel the student and order placement under these circumstances regardless of:

a) The date on which the student's conduct occurred,
b) The location at which the conduct occurred;
c) Whether the conduct occurred while the student was enrolled in the District; or
d) Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

The student must first have a hearing before the Board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

a) Threatens the safety of other students or teachers;
b) Will be detrimental to the educational process; or

c) Is not in the best interests of the district's students.

Any decision of the Board or the Board's designee under this section is final and may not be appealed.

The student is subject to the placement until:

a) The student graduates from high school;
b) The charges are dismissed or reduced to a misdemeanor offense; or
c) The student completes the term of the placement or is assigned to another program.

Placement Review

3. A student placed in a DAEP or JJAEP under these circumstances is entitled to a review of his or her status, including academic status, by the campus behavior coordinator or board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus.

Newly Enrolled Students

4. A student who enrolls in the District before completing a placement under this section from another school district must complete the term of the placement.

DISCIPLINARY APPEALS

Questions from parents regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG (LEGAL). A copy of the policy may be obtained from the principal's office, the central administration office, or through Policy On Line at the following address: https://pol.tasb.org/Home/Index/143. The District shall not delay a disciplinary consequence while a student or parent pursues a grievance.

Any notice of appeal shall contain the student's name, the date of issuance of the decision under appeal, the name of the official whose decision is under appeal, the aspects of the decision which the student wishes to appeal, and the grounds for such appeal. If the student or parent will be represented in a conference at any level by an attorney, the District must be notified in advance of the conference so that the administration can obtain equal representation. Failure to do so will result in the need to reschedule the conference.

DISRUPTIONS

Discipline and order shall be maintained during school hours and at school events.

No person may willfully or recklessly engage in disruptive activity or disrupt a lawful assembly on the campus or property of any public school. "Disruptive activity" is defined by the Texas Education Code, Section 37.123 as:

1. Obstructing or restraining the passage of a person in an exit, entrance, or hallway of any building without the authorization of the administration of the school.
2. Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity.
3. Preventing or attempting to prevent by force or violence or the threat of force or violence any lawful assembly authorized by the school administration so that a person attempting to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.
5. Obstructing or restraining the passage of any person at an exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person from said property or campus without the authorization of the administration of the school.

These provisions shall not be construed to infringe upon any rights of free speech or expression guaranteed by the Constitutions of the United States or of this state. Conduct by students either in or out of class which for any reason — whether because of time, place, or manner of behavior — materially disrupts classwork or involves substantial disorder or invasion of the rights of others is prohibited.

A. **Disruption of Classes**

For purposes of this rule, "school property" shall include the public school campuses or school grounds or buildings used by the District schools for assemblies or other school-related activities, and "public property" includes any street, highway, alley, public park, or sidewalk. No person shall be permitted, on school property or on public property within 500 feet of school property, to intentionally disrupt, alone or in concert with others, the conduct of classes or other school activities. Conduct which disrupts the educational activities of a school includes:

1. Emissions by means of noise of an intensity that prevents or hinders classroom instruction;
2. Enticement or attempted enticement of students away from classes or other school activities that students are required to attend;
3. Prevention or attempted prevention of students from attending classes or other school activities that students are required to attend; and

B.
4. Entrance into a classroom without consent of either the principal or the teacher and either through acts of misconduct and/or use of loud or profane language causing disruption of class activities. (TEC § 37.124)

Disruption of Transportation

Any person other than a primary or secondary grade student who intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school on a vehicle owned or operated by the District or to or from activities sponsored by a school on a vehicle owned and/or operated by the District shall be guilty of a misdemeanor. It is an

exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. (TEC § 37.126)

Disruption by False Alarm or Terroristic Threat

A person commits an offense if the person engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code.

C.

1. An offense under Section 42.06 of the Penal Code is a state jail felony.
2. An offense under Section 22.07 of the Penal code may range from a Class B misdemeanor to a third degree felony, depending on the conduct.

Disruption by Exhibition of Firearms

D. A person commits an offense if the person intentionally exhibits, uses, or threatens to exhibit or use a firearm in a manner intended to cause alarm or personal injury to another person, or to damage school property, including a parking lot, parking garage, or parking area owned by a school or portion of a campus or of a school bus being used to transport children to or from school sponsored activities of a private or public school. (TEC § 37.125)

1. An offense under this section is a third degree felony.

DRESS AND GROOMING

Acceptable dress and grooming at school, or while representing the school, shall be neat, clean, and appropriate for the school situation. Student's dress and grooming that create a hazard to the student's safety and/or safety of others will not be allowed. All students are expected to dress in a manner that is appropriate for the age of the child and for the activities in which he/she participates.

Appropriate dress and grooming shall let students be free from distraction of other students and/or the learning process. Since it is impractical to list every possibility of dress and grooming, the principal or assistant principal shall determine appropriateness of dress. Final decision relating to appropriate dress will reflect concern for health and safety of students and the influence of specific dress or grooming on the overall educational climate of the school.

Clarification regarding apparel should be obtained from the principal or assistant principal prior to wearing it to school. Campus administrators are authorized to determine the suitability of student attire and grooming.

The guidelines are reviewed periodically to ensure they continue to reflect community expectations while permitting individual choices and recognizing acceptable current fashions. However, extreme styles shall be recognized as being inappropriate for school wear.

These regulations are applicable to the conduct of students while in attendance at school, while on school property, or at school-sponsored activities. These regulations also apply to student behavior at other times that impairs, interferes with, or obstructs the missions, processes, or functions of the district.

District-Wide Dress Code Policies:

A. Standards For Attire

1.
a) Appropriate undergarments will be worn at all times. (Shorts are to be worn under skirts and dresses at the elementary level.)
b) students back, chest, backside, stomach, and top of shoulders must be covered.
c) clothing shall be of appropriate size, length, and fitting to cover undergarments when the student is standing, sitting, stooping, or bending. Oversized clothing and outerwear, such as trench coats (or other long coats that resemble the style of a trench coat) are not permitted.
d) Pants/shorts must be worn in a secured manner at the waist and shall not "sag." They are to fit the student in an acceptable and appropriate manner.
e) Form-fitting, stretch clothing such as biking shorts, bodysuits, leotards, tights, leggings, yoga pants, etc., shall not be worn except when worn appropriately as an undergarment beneath a garment that extends at or below mid-thigh.
f) Shorts/skirts/dresses/slits in dresses/skirts should extend to mid-thigh or below while standing upright. Shorts should have no less than a 4 inch in-seam. (Athletic shorts are allowable at the elementary level.)
g) Appropriate footwear is required. Appropriate shoes are required for PE and/or any other student activity as determined by the campus administrator.

2. Standards for Grooming

a) Hair shall be clean, neat, and well-groomed. Boys' hairstyles may not be worn in a ponytail or bun and must be trimmed to the base of the collar, base of the earlobe, and kept clean, neatly trimmed, and combed out of the eyes.
b) Extreme hairstyles or non-natural colors that are distracting to the learning environment are not allowed.
c) Students must be clean shaven.
d) Visible tattoos, piercing of the body, and body painting are not permitted at school or while representing the school. Only female students are permitted to wear earrings.

3. Students May Not Wear

a) Sheer or see-through clothing and visible spaghetti straps are not allowable.
b) Revealing or low-cut apparel is not acceptable, including backless garments.
c) Pajamas/Sleepwear of any kind is not allowable.
d) Undergarments are not to be visible in any way.
e) Hats, wigs, and head-coverings of any kind are not to be worn within school buildings except in the interest of religious practices, safety, cleanliness, for medical reasons, or with the permission of the principal.
f) Shoes with wheels are not permitted. House shoes, slippers, and other similar soft-soled footwear are not acceptable for school.
g) Due to the slippery nature of outdoor walkways and recess activities, flip flops and athletic slides are discouraged at the elementary level.

h) Pants/shorts/skirts with holes, frays, and/or distressed are not permitted on all campuses. Administrators will use their discretion on holes caused by wear at the elementary level.
i) Clothing that depicts or references alcohol, drugs, tobacco or any other substance prohibited under policy FNCF (LEGAL), weapons, nudity, gang affiliation, death, suicide, violence, vulgar or obscene language or images, and/or insults to race, religion, gender, or ethnicity, or other emblems or writing that may be expected to cause a material or substantial disruption of, or interference with, normal school operations is prohibited.

Any dress or grooming prohibited by this code or that, in the principal's judgment, may reasonably be expected to interfere with normal school operations are not allowed.

If the principal determines that a student's clothing or grooming violates the District's dress code, the student shall be given an opportunity to correct the problem at school or in some cases the parent may be given the option to correct the problem. If the problem is not corrected, the student shall be assigned to in-school-suspension for the remainder of the day or until the problem is corrected. Repeated offenses will result in more serious disciplinary action. An exception will be made for students who, as a matter of their sincerely held religious belief, wear religious head wear or clothing, including but not limited to the Sikh dastaar (turban), the Muslim hijab (head scarf), or the Jewish yarmulke (skull cap).

If the principal or assistant principal, in cooperation with the sponsor, coach, or other person in charge of any extracurricular activity, may regulate the dress and grooming of students who participate in the activity. Students who violate these standards may be removed or excluded from the activity for a period determined by the principal or sponsor and may be subject to other disciplinary action.

DRUG/ALCOHOL USE

No student shall possess, use, transmit, or attempt to possess, use, or transmit, sale or attempt to sale, or be under the influence of any of the following substances, without regard to amount, on school premises during any school term on or off school premises at a school related activity, function, or event:

1. Any controlled substance or dangerous drug as defined by the Texas Health and Safety Code, Section 481.002, without regard to amount, including but not limited to marijuana, any narcotic, drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision.
2. Alcohol or any alcoholic beverage.
3. Any abusable volatile chemical listed under sections 485.031 through 485.034 of the Texas Health and Safety Code
4. Any other intoxicant, or mood changing, mind altering, or behavior altering drug.
5. Drug paraphernalia as defined in Texas' Health and Safety Code, Section 481.002.

A student who appropriately uses a drug authorized by a licensed physician through a prescription specifically for that student's use shall not be considered to have violated this policy. Students who use prescription drugs on school property shall give the prescription medication, in the original container and properly labeled, to the school nurse when they arrive at school with a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.

Students who violate this policy shall be subject to disciplinary action and criminal prosecution.

Cars, lockers, common areas and classrooms may be searched for alcohol and drugs in accordance with Board Policy.

District personnel may administer a "breathalyzer test" in accordance with District's Student Code of Conduct and Drug and Alcohol Abuse Prevention Policy upon request by authorized school personnel, which is based on reasonable cause to believe that a student has violated this section.

Refusal to submit to a breathalyzer test that is requested based on reasonable cause is an offense punishable to the same degree as prohibited alcohol use.

EJECTION OR EXCLUSION FROM SCHOOL PROPERTY

Pursuant to Texas Education Code § 37.105, a school administrator or peace officer shall have authority to refuse entry or eject a person from District property if the person refuses to leave peaceably upon request and either:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner inappropriate for the school setting, an administrator or officer issues the individual a verbal warning, and the individual persists in the behavior.

At the time an individual is ejected or excluded, the school administrator or peace officer will provide the individual a written explanation of the appeal process. Ejection or exclusion may not last more than two years, and if the individual is a parent, the district must accommodate the parent to ensure parental participation in an ARD or 504 committee meeting.

The school administrator or peace officer shall maintain a written log of all verbal warnings issued to include the individual's name, the date, and a brief description of the inappropriate behavior.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with FNG (LOCAL) or GF (LOCAL), as appropriate. However, the timelines for the district's grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 days, unless the complaint is resolved before a board hearing.

EXPULSION

Length of expulsion

1. The length of the expulsion shall be based on the seriousness of the offense, the discipline record of the student, the age and grade level of the student, the student's attitude, the effect of the misconduct on the school environment, and all applicable

statutory requirements. The duration of a student's expulsion shall be determined on a case-by-case basis.

2. Discipline assignments will not exceed one calendar year, unless, after review, the District determines that the student is a threat to the safety of other students or to District employees, or extended expulsion is in the best interest of the student.
3. If a student is expelled for bringing a firearm, as defined by 18 U.S.C. § 921, the student must be expelled for a period of at least one year. However, the superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis. A student under age 10 shall be expelled for a federal firearm violation, but will be provided educational services in an Alternative Education Program.
4. A student who, before the date on which a juvenile justice alternative education program for the county in which the student resides begins operation, engages in conduct requiring mandatory expulsion shall be expelled for a period not to exceed one year.

Newly Enrolled Students

B.

1. The District shall decide on a case-by-case basis the placement of a newly enrolled student in Bellville Independent School District who has been expelled from another school district or open-enrollment charter school.
2. The expulsion of a student who was expelled by a school district in another state will be continued if:
   b) the out-of-state district provides to the district a copy of the expulsion order; and
   c) the grounds for the expulsion are also grounds for expulsion in Bellville ISD.
   d) If a student was expelled by a school district in another state for a period that exceeds one year, Bellville ISD shall reduce the period of the expulsion or placement so that the aggregate period does not exceed one year, unless, after a review, the district determines that:
      i. the student is a threat to the safety of other students or to district employees; or
      ii. extended placement is in the best interest of the student.
3. If the student enrolls in another school district before the expiration of the period of expulsion, a copy of the expulsion order shall be provided to that district at the same time other student records are provided.

C.

Withdrawal During Process

If a student withdraws from the district before an order for expulsion is entered, the principal or Board, as appropriate, may complete the proceedings and enter an order. If the student then re-enrolls in the district during the same or subsequent school year, the district may enforce the order at that time, except for any period of the expulsion that has been served by the student on enrollment in another district that honored the order. If the principal or Board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order.

D.

Additional Misconduct

If, during the term of expulsion ordered, a student engages in additional conduct for which expulsion is required or permitted, additional proceedings may be conducted regarding that

conduct and the principal or Board, as appropriate, may enter an additional order as a result of those proceedings.

Restrictions During Expulsion

E. Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion. No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

Procedures for Expulsion Hearing

F.
1. The student may only be expelled by written order setting the term of expulsion.
2. Before the expulsion, the Board's designee must provide the student a full and fair hearing at which the student is afforded due process which shall include the following:
   a) prior notice of the charges and the proposed sanctions as to afford a reasonable opportunity for preparation;
   b) right to representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,
   c) opportunity to testify and present evidence and witness(es) in his or her defense;
   d) opportunity to examine the evidence presented by the school administration and to question the administration's witness.
3. The Board designates the campus principal, campus behavior coordinator or other appropriate administrator to conduct the expulsion hearing. The individual designated by the Board shall issue a written expulsion decision within three (3) school days following the hearing.
4. The student's parent shall be invited in writing to attend the hearing. After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends.
5. Until a hearing can be held, the campus behavior coordinator or other administrator may place the student in:
   - Another appropriate classroom.
   - In-school suspension.
   - Out-of-school suspension.
   - DAEP.
6. Before ordering the expulsion, the principal, campus behavior coordinator, or other appropriate administrator shall take into consideration self-defense (see glossary), intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, a disability that substantially impairs the student's capability to appreciate the wrongfulness of the student's conduct, a student's status in the conservatorship of the Department of Family and Protective Services (foster care), or a student's status as homeless.
7. Not later than the third school day after the hearing, the principal, campus behavior coordinator, or other appropriate administrator shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

8. If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order shall give notice of the inconsistency.
9. If the decision to expel a student is made by the Board's designee, the decision may be appealed through the district's appeals process to the Board.

Board Review of Expulsion

G.

1. After the due process hearing, the expelled student or his/her parent or guardian may request that the Board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven (7) school days after receipt of the written decision.
2. Any notice of appeal shall contain the student's name, the date of issuance of the decision under appeal, the name of the official whose decision is under appeal, the aspects of the decision which the student wishes to appeal, and the grounds for such appeal.
3. The Superintendent or superintendent's designee must provide the student or parent written notice of the date, time, and location of the meeting at which the Board will review the decision. The hearing shall be held within ten (10) school days of the date of filing the appeal, unless the parent or guardian agrees to an extension.
4. The Board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the Board's designee.
5. The Board shall hear statements made by the parties at the review and shall base its decision on evidence reflected in the record and any statements made by the parties at the review. The Board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.
6. Pending the Superintendent or Superintendent Designee appeal, the student shall be assigned to and shall attend the DAEP.
7. Parental questions or complaints regarding ancillary issues related to disciplinary measures should be addressed informally with the teacher or campus administration, as appropriate or in accordance with Board Policy FNG (LOCAL). This process, however, may not be used to overturn a disciplinary assignment.

EXTRACURRICULAR ACTIVITIES, CLUBS, AND ORGANIZATIONS

Student clubs and performing groups such as, but not limited to, band, choir, cheerleading, and drill and athletic teams may establish standards of behavior – including consequences for misbehavior – that are stricter than those for students in general. If a violation is also a violation of school rules, the consequences specified by the Student Code of Conduct or by local policy will apply in addition to any consequences specified by the organization(s). All standards of behavior and any related consequences established or specified by the applicable organization(s) are adopted and incorporated herein.

GANG-FREE SCHOOL ZONE

Bellville ISD is a Gang-Free School Zone, under Penal Code section 71.028. This section establishes Gang-Free School Zones and provided for enhanced punishment for gang-related

criminal activity occurring in, on, or within 1,000 feet of any real property that is owned, rented, or leased by a school or school board. Under the act punishment for certain offenses is increased to the punishment prescribed for the next highest category of offense if the actor is 17 years of age or older and it is shown beyond a reasonable doubt on the trial of the offense that the actor committed the offense at a location that was owned, rented, or leased by a school or school board.

INVESTIGATIVE PROCESS

When an office discipline referral form is submitted, the administrator follows an investigative process. This process includes the following steps:

1. The student will have the opportunity to provide a written or dictated statement on the appropriate incident report.
2. If there is a discrepancy between the discipline office referral form and the student's incident report or for other investigative purposes, witness statements are collected from those who observed the incident and agree to provide information about what they observed.
3. Administrators collect and review pertinent student information such as special education/504 status and discipline history.
4. Administrators shall take into consideration whether any of the following mitigating factors were involved in the incident:
   a) Self-defense (see glossary),
   b) Intent or lack of intent at the time the student engaged in the conduct,
   c) The student's disciplinary history,
   d) A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
   e) A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
   f) A student's status as homeless.
5. Administrators consider police involvement and/or information furnished under Article 15.27, Code of Criminal Procedure, if criminal activity was involved.
6. A decision regarding consequences is then determined pursuant to *Student Code of Conduct*.
7. Administrators notify the parent and other pertinent individuals following the investigation; however behavior of other students involved in an incident cannot be shared due to the Family Educational Rights and Privacy Act (FERPA).

Within 24 hours of concluding the investigation and rendering a decision, all documentation relating to the student's discipline referral will be entered into the school data systems.

MOTOR VEHICLE PRIVILEGES

Students who drive motor vehicles to school are required to park on school property. Students who drive vehicles to school must purchase and display a current parking decal. Students who are parked improperly, illegally, and/or do not display the proper identification are subject to disciplinary action. Vehicles parked improperly or illegally on school property may be towed at

owner's expense. Vehicles parked off school property may be towed at the property owner's discretion.

Student drivers are expected to operate vehicles in a safe manner at all times and not in any way to make themselves noticed by the way they drive except by courteous and responsible behavior.

A student has full responsibility for the security of his/her vehicle and should make certain that it is locked and that the keys are not given to others. Schools are not responsible for vandalism to or burglary of items contained in motor vehicles parked on school property.

NONDISCRIMINATION UNDER TITLES II (ADA), VI, AND IX AND 504

Bellville ISD does not discriminate on the basis of sex, disability, race, religion, color, gender, age, or national origin, in providing educational services and/or activities, including career and technical programs, nor in its employment practices in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended. Inquiries/complaints concerning the application of Title IX and its implementing regulations may be referred to the District's Title IX Coordinator, Dr. Nicole Poenitzsch, at 518 South Mathews, Bellville, TX 77418, (979) 865-3133, or the Office of Civil Rights. Dr. Poenitzsch may also be reached via email at npoenitzsch@bellvillebrahmas.org. Dr. Megan Pape, Director of Special Education/504, has been designated to coordinate compliance with the nondiscrimination requirements of Section 504 of the Rehabilitation Act of 1973. Inquiries/complaints concerning 504 may be referred to Dr. Pape at 518 South Mathews, Bellville, TX 77418, (979) 865-3133. Dr. Pape may also be reached via email at mpape@bellvillebrahmas.org.

Bellville ISD does not discriminate on the basis of disability by denying access to the benefits of District services, programs, or activities. To request information about the applicability of Title II of the Americans with Disabilities Act (ADA), interested persons should contact Dr. Nicole Poenitzsch, Superintendent of Schools.

NOTIFICATION

There is no legal right on the part of a parent to be notified or to be present when students are in conversation with or being questioned by school officials concerning school-related behaviors or concerns. Unless under arrest, students are not legally entitled to be read their rights ("Miranda Warnings") when being questioned by school officials concerning school-related behaviors or concerns.

The appropriate administrator/campus behavior coordinator shall promptly notify a student's parent by phone or in writing person of any violation that may result in a detention outside of regular school hours, in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The designated administrator/campus behavior coordinator shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the administrator/campus behavior coordinator shall send written notification by U.S. Mail. If the administrator/campus

behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice. Notification will be made within three school days after the administrator becomes aware of the violation. Before the principal or appropriate administrator assigns a student under 18 to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

Questioning of Students by Outside Authorities: When law enforcement officers or other lawful authorities such as CPS wish to question or interview a student at school, the principal or designee will cooperate fully regarding the conditions of the interview, if the questioning or interview is part of a child abuse investigation. In other circumstances:

1. The principal shall verify and record the identity of the officer or other authority and request an explanation of the need to question or interview the student at school;
2. **The principal ordinarily shall make reasonable efforts to notify the student's parents or other person having lawful control of the student. If the interviewer raises what the principal considers to be a valid objection to the notification, parents will not be notified. Failure or inability to notify the parents or other persons having lawful control of the student will not ordinarily prevent or delay questioning by law enforcement officials;**
3. The principal or a designee ordinarily shall be present during the questioning or interview. If the interviewer raises what the principal considers to be a valid objection to a third party's presence, the interview shall be conducted without that person's presence; such as in a case including a criminal investigation;
4. It is the police officer's responsibility to inform the student of his/her rights (Miranda Warning) when required by law. Once a police officer begins questioning a student, all responsibility for such questioning rests with the police officer.

Bellville ISD will not impede the questioning of a student by a law enforcement officer who has a subpoena, court order, warrant, or directive to apprehend, or who is willing to take the child into custody and remove the child from campus for investigation regarding a non-school-related matter under Texas Family Code 52.01. In case of removal from the campus, the law enforcement officer will be requested to follow campus procedures for checking the student out of school. However, absent one of these provisions, school personnel will request that, prior to allowing an interview for non-school-related matters, parental permission must be obtained.

OFFENSES AND CONSEQUENCES

Discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative practices. Discipline shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

In deciding whether to order suspension, removal to a DAEP or expulsion--regardless of whether the decision concerns a mandatory or discretionary action under the Texas Education Code--the District will take into consideration:

1. self-defense;
2. intent or lack of intent at the time the student engaged in the conduct;
3. the student's disciplinary history;
4. a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or
6. A student's status as homeless.

If appropriate, the District shall also consider the student's age, attitude, the seriousness of the offense, and the potential effect of the misconduct on the school environment. These disciplinary actions apply equally to all students, except as provided under Board Policy and legal requirements related to students with disabilities.

In considering self-defense, self-defense may be considered as a mitigating circumstance only when the student has a reasonable belief that the student's response is immediately necessary to protect himself/herself against the other's use or attempted use of improper force that could result in serious bodily injury. Reasonable belief in the school setting means a belief that would be held by the campus behavior coordinator or other appropriate administrator in the same circumstances as the actor. Each student is responsible for making every effort to avoid the use of any force and is expected to remove himself or herself from the situation if at all possible. The District does not condone or authorize students to use force against another individual, even if that individual provokes or instigates a fight or altercation.

A student's parent or guardian will be notified in writing of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion.

This section of the Discipline Management Plan provides a description of a wide range of behaviors considered to be misconduct. The behaviors described here are representative of the misconduct which most frequently causes disruption of the education process. The list does not include all types of misconduct included in Board Policy and Administrative Procedures. The student who commits an act of misconduct which is not listed will be subject to the disciplinary authority of the campus staff.

A.

Class A Offenses: Most Serious Offenses

MANDATORY EXPULSION

A student age 10 or older shall be expelled from school for any of the following offenses if committed on school property or while attending a school-sponsored or school related activity on or off of school property:

1. Unlawfully carrying weapons under 46.02, Penal Code; or using or possessing a prohibited weapon as defined in Section 46.05, Penal Code. See Policy FNCG (LEGAL).
2. Engaging in conduct that contains the elements of the offense of aggravated assault as defined in Section 22.02, Penal Code; sexual assault as defined in Section

22.011, Penal Code; aggravated sexual assault as defined in Section 22.021, Penal Code.

3. Engaging in conduct that contains the elements of the offense of arson under Section 28.02, Penal Code.
4. Engaging in conduct that contains the elements of murder as defined in Section 19.02, Penal Code; capital murder as defined in Section 19.03, Penal Code; criminal attempt to commit murder or capital murder as defined in Section 15.01, Penal Code.
5. Engaging in conduct that contains the elements of indecency with a child as defined in Section 21.11, Penal Code or continuous abuse of a young child or children.
6. Engaging in conduct that contains the elements of aggravated kidnapping as defined in Section 22.04, Penal Code.
7. Engaging in conduct that contains the elements of aggravated robbery under Penal Code Section 29.03.
8. Engaging in conduct that contains the elements of manslaughter under Penal Code Section 19.04
9. Engaging in conduct that contains the elements of criminally negligent homicide under Penal Code Section 19.05.
10. Engaging in conduct that constitutes continuous sexual abuse of a young child or children under Penal Code Section 21.02.
11. Selling, giving, delivering, possessing, using, or being under the influence of marijuana or a controlled substance as defined by Chapter 481, et seq. of the Texas Health and Safety Code, or by 21 United States Code (U.S.C.) Section 801 et seq; a dangerous drug, as defined by Chapter 483 et seq., Texas Health and Safety Code if the conduct as punishable as a felony. Students are advised that if "reasonable suspicion" exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation. If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
12. Selling, giving, delivering, possessing, using, or being under the influence of an alcoholic beverage as defined by Section 1.04, Alcoholic Beverage Code; committing a serious act or offense while under the influence of alcohol if the offense is punishable as a felony. Students are advised that if "reasonable suspicion" exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation, including, but not limited to, a "breathalyzer test". If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
13. Engaging in conduct that contains the elements of the offense of criminal mischief under Section 28.03, Penal Code, if the offense is punishable as a felony under that section.

A student shall be expelled for the following offense if committed on school property or while attending a school-sponsored or school related activity on or off school property:

1. Bringing to school, or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by 18 U.S.C., Section 921.

A student shall be expelled for the following offense, regardless of location, for:

1. Engaging in retaliation against a school employee, board member or volunteer combined with one of the above-listed mandatory expulsion offenses, with the exception of the federal firearm offense

Note: Mandatory expulsion under the federal Gun-Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to a student's use, exhibition, or possession of a firearm that occurs (a) at an approved target range facility that is not located on a school campus; and (b) while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department. This paragraph does not authorize a student to bring a firearm on school property to participate in or prepare for a school-sponsored shooting sports competition or a shooting sports educational activity.

If a student under the age of 10 engages in any of these behaviors, the student shall not be expelled, but shall be placed in a DAEP. A student under age 6 shall not be placed in DAEP unless the student commits the federal firearm offense.

DISCRETIONARY EXPULSION

At the District's discretion, a student age 10 or older may be expelled for any of the following offenses, if committed while on school property or within 300 feet of school property as measured from any point on the school's real boundary line, or while attending a school-sponsored or school-related activity on or off school property:

1. Engaging in documented serious misbehavior that violates the district's student code of conduct, despite documented behavioral interventions while placed in a disciplinary alternative education program. For purposes of discretionary expulsion from a DAEP, serious misbehavior means: deliberate violent behavior that poses a direct threat to the health or safety of others; extortion, meaning the gaining of money or other property by force or threat; conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or conduct that constitutes the offense of:
   a) Public lewdness under Section 21.07, Penal Code;
   b) Indecent exposure under Section 21.08; Penal Code;
   c) Criminal mischief under Section 28.03, Penal Code;
   d) Hazing under Section 37.152; or
   e) Harassment under Section 42.07(a) (1), Penal Code, of a student or district employee.
2. Criminal mischief, if punishable as a felony whether committed on or off school property or at a school related event. *TPC § 28.03; TEC 37.007(C).*
3. Engaging in "bullying" that encourages a student to commit or attempt to commit suicide; inciting violence against a student through group bullying; or releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent. A student is also subject to discipline under this section if the bullying occurs on a publicly or privately owned school bus or

vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity. *TEC §§ 37.0832; 37.0052*

4. The use, gift, sales, delivery, possession, or being under the influence of alcohol, marijuana, other controlled substances, dangerous drugs, or abusable volatile chemicals even if not a felony. Students are advised that if "reasonable suspicion" exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation, including, but not limited to, a "breathalyzer test". If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
5. Engaging in conduct that contains the elements of assault as described in Section 22.01 (a)(1), Penal Code, against a school district employee, board member or a volunteer. *See TEC 37.006(a)(2)(B)*
6. Engaging in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06 of the Penal Code, or terroristic threat under Section 22.07 of the Penal Code.
7. Engaging in conduct that contains the elements of the offense of deadly conduct under Penal Code Section 22.05.
8. Engaging in expellable conduct under TEC 37.007(a) (mandatory expellable offenses) or possesses a firearm, as defined by 18 U.S.C. Section 921 within 300 feet of school property as measured from any point on the school's real boundary line.
9. Engaging in expellable conduct under TEC 37.007(a) (2) (A) or (C) (aggravated assault, sexual assault, murder, etc.) or the offense of aggravated robbery under Penal Code Section 29.03, against another student, without regard to whether the conduct occurs on or off of school property or while attending a school sponsored or school-related activity on or off school property.
10. Engaging in the elements of one of the following offenses against another student, without regard to where the conduct occurs: aggravated assault, sexual assault, murder, capital murder, criminal attempt to commit murder or capital murder, aggravated robbery, breach of computer security.
11. Engaging in the following conduct within 300 feet of school property, as measured from any point on the school's real property boundary line: aggravated assault, sexual assault, or aggravated sexual assault; arson; murder, capital murder, or criminal attempt to commit murder or capital murder; indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery; continuous sexual abuse of a young child or children; felony drug or alcohol related offense; unlawfully carrying on or about the student's person a handgun, or a location-restricted knife; possessing, manufacturing, transporting, repairing, or selling a prohibited weapon (as defined by state law); or possession of a firearm (as defined by federal law).

At the District's discretion, a student age 10 or older may be expelled based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school related activity if it constitutes cyberbullying that: (A) interferes with a student's educational opportunities; or (B) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Consequence(s): **Students age 10 or older guilty of the Most Serious Discipline Offenses** may be expelled for up to one year if the student committed the offense on school

property or while attending a school-sponsored or school related activity on or off school property. Students under the age of 10 guilty of the Most Serious Discipline Offenses shall be placed in an Alternative Education Program. Students guilty of the federal firearm offense shall be expelled for one calendar year as required by Federal Law. After a period of expulsion, the District may assign a student to an alternative education program upon return to school. A student under age 10 shall be expelled for a federal firearm violation, but the student will be provided educational services in an Alternative Education Program.

Class B Offenses: Critical/Serious Offenses

MANDATORY REMOVAL TO AN ALTERNATIVE EDUCATION PROGRAM

B. A student must be placed in an Alternative Education Program if the student:

1. Engages in conduct that involves a public school that contains the elements of a false alarm or report (including a bomb threat) or a terrorist threat as defined in TPC § 22.07. *See TEC § 37.006(a)(1).*
2. Commits any of the following offenses on school property, within 300 feet of school property, or while attending a school-sponsored or school related activity on or off school property.
   a) Engages in conduct punishable as a felony. *See TEC § 37.006(a)(2)(A).*
   b) Engages in conduct that contains the elements of the offense of assault as defined in Section 22.01 (a)(1), Penal Code.
   c) Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana or a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for "under the influence.") Students are advised that if "reasonable suspicion" exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation. If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
   d) Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony. (School-related felony offenses are addressed in the expulsion section in this Student Code of Conduct.). Students are advised that if "reasonable suspicion" exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation, including, but not limited to, a "breathalyzer test." If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
   e) Behaves in a manner that contains the elements of an offense related to an abusable volatile chemical under sections 485.031 through 485.034 of the Texas Health and Safety Code.
   f) Engages in conduct that contains the elements of the offense of public lewdness under Section 21.07 of the Penal Code, or indecent exposure as defined in Section 21.08 of the Penal Code.

g) Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).

3. Engages in expellable conduct and is between six and nine years of age.
4. Commits a federal firearms violation and is younger than six years of age.
5. Possesses, promotes, or accesses with an intent to view, visual material that depicts lewd exhibition of the genital or pubic area of a child, appeals to a prurient interest in sex, and has no serious literary, artistic, political or scientific value. "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise or to offer or agree to do any of the above. *TEC § 37.006(a)(2)(A); TPC § 43.262.*
6. Engages in sexual harassment (including gender-based harassment or sexual abuse), defined as any unwanted physical, verbal, or visual sexual advances; requests for sexual favors; and other sexually-oriented conduct, which is offensive or objectionable to the recipient, including, but not limited to: epithets; derogatory or suggestive comments, slurs, or gestures; and offensive posters, cartoons, pictures, or drawings.
7. Engages in dating violence. Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. *TEC Sec. 37.0831(b)(2).*
8. Except as provide above under "Discretionary Expulsion" (TEC § 37.007(d)), engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property as defined in Section 36.06 of the Penal Code.
9. Willfully engages in disruptive activity or disrupts a lawful assembly on the campus or district property. A lawful assembly or school-related activity is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.
10. Engages in conduct that includes the elements of false alarm or report under Section 42.06 of the Penal Code.
11. Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see glossary) of the Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
    a) The student receives deferred prosecution (see glossary),
    b) A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
    c) The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

DISCRETIONARY REMOVAL TO AN ALTERNATIVE EDUCATION PROGRAM

The Board, the Board's designee or any appropriate administrator may place a student in an Alternative Education Program who is found to have been:

1. Involved in gang activity, including participating as a member of pledge, or soliciting another person to become a pledge or member of a gang;

2. Engaging in conduct that contains the elements of the offense of assault under Section 22.01(a)(2) or (a)(3) of the Penal Code;
3. Engaging in conduct related to placing graffiti on school property;
4. Engaging in "bullying" that encourages a student to commit or attempt to commit suicide; inciting violence against a student through group bullying; or releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent. A student is also subject to discipline under this section if the bullying occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity (*TEC §§ 37.0832, 37.0052*);
5. A student may also be removed from class and placed in an alternative education program based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school related activity if it constitutes cyberbullying that: (A) interferes with a student's educational opportunities; or (B) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.
6. A student may also be removed from class and placed in an alternative education program based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school related activity if:
    a. the Superintendent or the Superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in Title 5, Penal Code, listed above; and
    b. the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, the Superintendent or the Superintendent's designee may consider all available information, including the information furnished under Article 15.27, Code of Criminal Procedure.

Consequence(s): Students guilty of Critical/Serious Discipline Offenses shall or may be removed to the Disciplinary Alternative Education Center or to another Alternative Education Program. The length of removal will depend on the offense and the circumstances under which it was committed. The duration of a student's placed shall be based on the seriousness of the offense, the student's age and grade level, the frequency of the misconduct, the student's attitude, and statutory requirements. Students placed in a Disciplinary Alternative Education Program shall not attend or participate in any school sponsored or school related activity. Students guilty of a second Critical/Serious Offense or other violation(s) of the Student Code of Conduct while assigned to the Alternative Education Center or other Alternative Education Program may be expelled. A campus behavior coordinator or other appropriate administrator may remove a student to a disciplinary alternative education program for off-campus conduct for which removal is required under this section even if the campus behavior coordinator or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

Students must complete the assigned alternative education program before returning to the sending campus.

Class C Offenses: Significant Offenses

C.

1. Possessing or using drug paraphernalia, as drug paraphernalia is defined by the Texas Controlled Substances Act (Article 4476 15, Vernon's Texas Civil Statutes).
2. Selling, distributing, possessing, or using substances or items portrayed as being drugs (without regard to amount), drug paraphernalia or alcohol. Students are advised that if "reasonable suspicion" exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation. If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
3. Using or possessing any instrument including, but not limited to, any weapon, knife, or gun which does not fit the Penal Code definition under Most Serious Offenses (example: pocket knife or fake gun), fireworks, ammunition, and instruments of the martial arts that might reasonably cause bodily harm, but has not been used as threat of bodily harm.
4. Engaging in conduct that contains the elements of the offense of assault as defined in Section 22.01 (a)(2) or (a)(3), Penal Code.
5. Extorting or attempting extortion through use of threat or force.
6. Committing theft, robbery or burglary or attempting to commit such act(s).
7. Committing sexual acts that do not qualify as public lewdness or indecent exposure.
8. Tampering with, changing or altering records or documents of the District by any method including, but not limited to, computer access or other electronic means.
9. Damaging and/or destroying and/or altering school computer hardware and/or software by any method including, but not limited to, the use of computer software viruses or other electronic means.
10. Planning and/or organizing and/or instigating and/or participating in an activity that causes substantial disruption of the education program including, but not limited to, gang/cult activity.
11. Vandalizing property including, but not limited to, the use of computer software viruses or other electronic means.
12. Use or possession of substances/objects readily capable of causing bodily harm and/or property damage (matches, lighters, firecrackers, gasoline, lighter fluid, fire extinguisher, stink bomb).
13. Making a transient threat: a threat that communicates an intent to harm others or damage property, although is determined to not be substantive.
14. Fighting or otherwise exhibiting unacceptable physical contact.
15. Sexual harassment or dating violence.
16. Exhibiting serious or persistent misbehavior (see Glossary).
17. Use of computers or computer software or the Internet to obtain, view, download or possess pornography or obscene or inappropriate pictures, video, documents, audio, or other electronic information or to participate in non-school related chat room discussions over the Internet.
18. Disruptive activity including, but not limited to, interfering with the movement of people in an exit, an entrance, or a hallway of a District building without

authorization of an administrator; interfering with an authorized activity by seizing control of all or part of a building; using force, violence or threats to prevent participation in an authorized assembly; using force, violence or threats to cause disruption during an assembly; interfering with the transportation of students in District vehicles.

19. Making hit lists.
20. Hazing: any willful act done by a student either individually or with others to another student for the purpose of subjecting the other student to indignity, humiliation, intimidation, physical abuse, or threats of abuse, social ostracism, shame, or disgrace. No student shall engage in any form of hazing, nor shall any student encourage or assist any other person in hazing. Students shall have prior written approval from the principal for any type of "initiation rites" of a school club or organization.

21. Use, possession, or distribution of tobacco products, including but not limited to cigarettes, vapor cigarettes, electronic cigarettes (including any component, part, or accessory for an e-cigarette device), cigars, pipes, snuff, or chewing tobacco

Consequence(s):

Students guilty of Significant Discipline Offenses:

1. May be suspended (maximum three days per offense) and/or assigned to in-building suspension (IBS);and up to the remainder of the school year unless the misconduct occurred during the last six weeks of the school year, in which case the student may be placed in IBS at the beginning of the next school year.
2. Students guilty of Significant Discipline Offenses may also be assigned to the Alternative Education Program.
3. A second Significant Discipline Offense or succeeding violations of the student code of conduct may lead to expulsion.

D.

Class D Offenses: Other Offenses

1. Disruption of school activities including, but not limited to, boycotts or sit ins and the posting or distribution of unauthorized communicative materials.
2. Lying or giving of false information either verbally or in writing to a school staff member.
3. Defiance/disrespect of authority of the teacher, principal, bus driver, supervisor, or other.
4. Directing profanity, vulgar language, obscene gestures or verbal abuse (name calling, ethnic/racial slurs) towards other students or school personnel.
5. Gambling.
6. Tardiness or truancy.
7. Littering of school grounds.
8. Trespassing or loitering in unauthorized areas.
9. Inappropriate use of a telecommunications/electronic device.

10. Dress/grooming code violations.
11. Failure to abide by rules and regulations at extracurricular and/or co-curricular activities (including but not limited to fighting, running, throwing objects from stands, etc.).
12. Failure to comply with the reasonable request(s) of any school staff member, including failure to identify self upon request.
13. Selling or soliciting for sale any merchandise on the school campus without the authorization of the school authorities.
14. Behavior symptomatic of or associated with gangs or cults, or participating in illegal campus organizations (i.e., fraternity, sorority, or secret society).
15. Chewing gum, eating, drinking in unauthorized areas.
16. Running or making excessive noise in the halls.
17. Unauthorized or disruptive behavior in classrooms, hallways and campus walkways.
18. Coming to class without necessary supplies (i.e., paper, pen, book, gym clothes, homework).
19. Parking or bike-riding or skateboarding violations.
20. Possession of video games, radios, portable CD players, portable cassette players, portable DVD players, etc.
21. Inappropriate public display of affection.
22. Cheating (giving or receiving answer) or copying the work of another student.
23. Violation of the District Internet Use policy.
24. Possession or use of laser pointers or similar device. Laser pointers will be confiscated.

Consequence(s):

Students guilty of:

1. **A first Class D Offense** may receive any of the discipline management techniques, appropriate for the situation as determined by the school administrator including, but not limited to, the following:
   a) Conference: teacher, student, counselor, parent or administrator (as appropriate), including verbal and/or non verbal correction or warning
   b) Temporary confiscation of items that disrupt the education process
   c) "Time out" or "Cooling off" period
   d) Assignment to teacher detention
   e) Contact with parent/guardian
   f) Withdrawal of privileges including, but not limited to, extra-curricular activities, and honorary positions)
   g) Assigned school duties other than class tasks
   h) Restitution or restoration, as applicable
   i) Lunch detention
   j) Referral to Administrator, school auxiliary staff, social worker, outside professional, or outside agency
   k) Removal to an alternative education program
   l) Assignment to in school suspension program

m) Confiscation and forfeiture of property to school district
n) Corporal punishment (is permitted in order to preserve an effective educational environment, free from disruption, unless the student's parent or guardian has provided a signed statement prohibiting its use.)

2. **A second Class D Offense:**
   a) May result in suspension (maximum three days per offense)
   b) An additional assignment to in building suspension up to the remainder of the semester, unless the misconduct occurred during the last six-weeks of the semester, in which case the student may be considered for assignment to an in building suspension until the end of the following semester.
3. **Multiple Class D Offenses** may result in assignment to the Alternative Education Program or expulsion.

OTHER VIOLATIONS

In addition to the specific offenses proscribed by the Code of Conduct, students are prohibited from other acts of misbehavior such as, but not limited to, the following:

1. Cheating (giving or receiving answers) or copying the work of another student
2. Throwing objects that can cause bodily injury or damage property
3. Leaving school grounds when not permitted to do so
4. Directing profanity, vulgar language or using obscene gestures towards students or school personnel
5. Substantially interfering with classes or school activities, i.e. through boycotts, sit ins, or trespassing
6. Failing to comply with lawful directives issued by school personnel and/or school policies, rules and/or regulations
7. Committing robbery, theft, or arson
8. Engaging in misconduct, as defined by school district policies or regulations, on school buses
9. Fighting
10. Hazing
11. Damaging or vandalizing property owned by others
12. Defacing or damaging school property – including textbooks, furniture, and other equipment – with graffiti or by other means
13. Discharging a fire extinguisher without valid cause
14. Inappropriately pulling a fire alarm
15. Possessing or using:
    a) fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device
    b) razors, switchblades, box cutters, chains, or any other object used in a way that threatens or inflicts bodily injury to another person
    c) a "look-alike" weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon
    d) air guns, BB guns, or stun guns
    e) Ammunition
    f) A hand instrument designed to cut or stab another by being thrown

g) knuckles
h) a club
i) a pocket knife or other small knife
j) mace or pepper spray
k) A firearm
l) an improvised explosive device
m) Tobacco products; cigarettes; e-cigarettes; and any component, part, or accessory for an e-cigarette device
n) matches or a lighter
o) published or electronic material that is designed to promote or encourage illegal behavior or could threaten school safety
p) pornographic material
q) a laser pointer for other than an approved use
r) articles not generally considered to be weapons, including school supplies, when the principal or other campus administrator determines that a danger exists

16. Gambling
17. Making bomb threats
18. Making false threats, hoaxes or accusations regarding school safety
19. Committing extortion, coercion, blackmail, i.e. obtaining money or other objects of value from an unwilling person, or forcing an individual to act through the use of force or threat of force
20. Engaging in verbal abuse, i.e. name calling, ethnic or racial slurs, or derogatory statements addressed publicly to others which may precipitate substantial disruption of the school program or incite violence
21. Engaging in inappropriate sexual contact disruptive to other students or the school environment
22. Engaging in any other conduct that disrupts the school environment or education process and that meets the criteria for serious or persistent misbehavior (see Glossary)
23. Engaging in any conduct punishable as felony, on or off school property
24. Engaging in conduct that constitutes sexual harassment or sexual abuse whether the conduct is by work, gesture, or any other sexual conduct, including requests for sexual favors
25. Inappropriate or indecent exposure of a student's private body parts
26. Possessing, selling, using or abusing look-alike drugs or items attempted to be passed off as drugs and contraband
27. Possessing or selling seeds or pieces of marijuana in less than a usable amount
28. Possessing, using, giving, or selling paraphernalia related to any prohibited substance
29. Abusing the students own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug on school property or at a school-related event.
30. Abusing over-the-counter drugs.
31. Being under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties
32. Having or taking prescription drugs or over-the-counter drugs at school other than provided by District policy

33. Violating computer or internet use policies, rules, or agreements signed by the student, and/or agreement signed by the student's parent or guardian
34. Attempting to access or circumvent passwords or other security-related information of the District, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment
35. Attempting to alter, destroy, or disable District computer equipment, District data, the data of others, or other networks connected to the District's system, including off school property if the conduct causes a substantial disruption to the educational environment
36. Using the Internet or other electronic communications to threaten District students, employees, board members or volunteers, including off school property if the conduct causes a substantial disruption to the educational program
37. Attempting to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment
38. Sending or posting messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including off school property if the conduct causes a substantial disruption to the educational environment
39. Engaging in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property
40. Falsifying records, passes, or other school-related documents
41. Violating dress and grooming standards as communicated in the student handbook
42. Violating extracurricular standards of behavior
43. Repeatedly violating other communicated campus or classroom standards of behavior
44. School officials may also prohibit by policy other conduct which is likely to result in substantial disorder or invasion of the rights of others

Consequences for the aforementioned misbehavior include up to any of those outlined in this Student Code of Conduct including, within the discretion of the campus discipline personnel/campus behavior coordinator, assignment to a disciplinary alternative education program or expulsion.

The District may impose campus or classroom rules in addition to those found in the Code. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code.

PROHIBITED AVERSIVE TECHNIQUES

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the reoccurrence of a behavior by intentionally inflicting significant physical or emotional discomfort or pain. Aversive techniques include:

1. Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO (LOCAL).]
2. Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
3. Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.

4. Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
5. Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
6. Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
7. Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
8. Restricting the student's circulation.
9. Securing the student to a stationary object while the student is standing or sitting.
10. Inhibiting, reducing, or hindering the student's ability to communicate.
11. Using chemical restraints.
12. Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student by the use of physical barriers.
13. Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

PROHIBITED CONDUCT

A. **Assaults and Aggravated Assaults**

Students are prohibited from assaulting anyone on school property, within 300 feet of school property or at any school related event or activity. *TEC Sec. 37.006(a)(2)(B); Penal Code 22.01.*

B. **Audio Recording**

C. Using any device or technology to record the voice of another in any way that disrupts the educational environment, invades the privacy of others, or records without the prior consent of the individual is prohibited.

Bicycle/Skateboards/Rollerblades/Scooters/Wheelies

D. Students who ride bicycles/scooters or walk to/from school must obey all traffic laws, crossing guards, and other adults. Students must walk bicycles/scooters while on campus. Bicycles and scooters should be secured with a lock at the bike racks. Under no circumstances should these be brought inside the school building. Students who ride bicycles that are parked in places not designated for bicycle parking, are ridden during the school day, or are ridden on sidewalks are subject to disciplinary action. Schools are not responsible for lost or stolen bicycles or scooters. Skateboards, scooters, roller blades, skates, and wheelies are prohibited from use at all times on all Bellville ISD campuses.

Bullying and Cyber-Bullying

Bullying and Cyber-bullying is prohibited and subject to disciplinary consequences in accordance with this *Student Code of Conduct* if the conduct:

1. occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; **or**
3. occurs off school property or outside of a school-sponsored or school-related activity if it constitutes cyberbullying that: (A) interferes with a student's educational opportunities; or (B) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity. *TEC Sec. 37.0832, TEC Sec. 37.0052.*

In addition to any disciplinary action, phones and other communication devices may be confiscated and/or searched and students should be aware that any images suspected to violate criminal laws will be referred to law enforcement authorities.

Dating Violence and Sexual Harassment

E. The District believes that every student has the right to attend school and school-related activities free from all forms of discrimination on the basis of sex, including sexual harassment. The District considers sexual harassment of students to be serious and will consider the full range of discipline options up to and including placement in the District's DAEP, according to the nature of the offense.

Sexual harassment is defined as any unwanted physical, verbal, or visual sexual advances, requests for sexual favors, or other sexually-oriented conduct, which is offensive or objectionable to the recipient, including, but not limited to: epithets; derogatory or suggestive comments, slurs, or gestures; and offensive posters, cartoons, pictures, or drawings.

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

All students are expected:

F.

1. to treat one another courteously, with respect for the other person's feelings;
2. to avoid any behaviors known to be offensive; and
3. to stop these behaviors when asked or told to stop.

Harassment

Engaging in harassing behavior, including conduct that threatens to cause harm or bodily injury to another student, subjects another student to physical confinement or restraint, or

maliciously and substantially harms another student's physical or emotional health or safety is strictly prohibited.

Hazing

Hazing (see glossary) is prohibited by students on or off campus.

G. Students shall have prior approval from the Principal or designee for any type of "initiation rites" of a school club or organization.

Hit list

Making hit lists (verbal or written) is prohibited by students on or off campus.

H. Hit list means a list of people targeted to be harmed using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

Sexual Harassment/Sexual Abuse/Gender-Based Harassment

I. Students shall not engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, board member, or volunteer. Any unwanted and unwelcome verbal or physical contact of a sexual nature directed toward another student, a district employee, volunteer or board member is strictly prohibited. All students are expected to treat other students, district employees, volunteers and board members with courtesy and respect; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop. Any student violation of this paragraph will result in appropriate disciplinary action.

J.

Terroristic Threat

Terroristic threat is defined in the Penal Code, § 22.07 as threatening to commit any offense involving violence to any person or property with intent to

1. cause a reaction of any type to the threat by an official or volunteer agency organized to deal with emergencies;
2. place any person in fear of imminent serious bodily injury;
3. prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
5. place the public or a substantial group of the public in fear of serious bodily injury; or
6. influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the District).

PUBLICATIONS

The distribution of the school newspaper, yearbook, and similar publications is encouraged on a school campus. In addition to school sponsored publications, students are entitled to express in writing their opinions and may distribute handwritten, duplicated, or printed material on school premises or at school sponsored activities at other locations in accordance with the following conditions:

1. The distribution of the following is prohibited on the grounds of any school or any school building or at any school sponsored activity at other locations:
   a) Material consisting wholly or primarily of commercial advertising
   b) Materials which are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience
   c) Materials that violate the intellectual property rights, privacy rights, or other rights of another person
   d) Materials containing defamatory statements about public figures or others
   e) Materials which endorse actions endangering the health or safety of students
   f) Material advocating illegal action or disobedience to the published Code of Student Conduct
   g) Hate literature or similar publications that scurrilously attack ethnic, religious, or racial groups or contain content aimed at creating hostility and violence; and the materials would materially and substantially interfere with school activities or the rights of others
   h) Any other material if the Principal has convincing and credible evidence that the distribution of the written material will:
      i. materially and substantially interferes with school activities;
      ii. materially and substantially interferes with the rights of other students or teachers; or
      iii. the District can demonstrate reasonable cause to believe that the expression would engender such material and substantial interference.
2. The distribution of other material shall be in accordance with School Board Policies FMA and FNAA and campus rules and regulations.

The District's educators shall exercise editorial control over style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns.

PURPOSE

The Student Code of Conduct ("Code") is the district's response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

The law requires the district to define misconduct that may – or must – result in a range of specific disciplinary consequences including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school.

Students are expected to follow the rules and regulations established by the school district, the school, and the classroom teacher. Students are expected to conduct themselves in a manner that is neither disruptive nor disrespectful and which does not violate the rights of others. This means that the student should become familiar with and observe the laws, policies, rules, and regulations that concern student conduct. In general, the student is expected to behave in a manner that permits uninterrupted learning to take place. Students are expected to cooperate with and assist the school staff in maintaining safety, order, and discipline.

Because the Student Code of Conduct is adopted by the District's Board of Trustees, it has the force of policy; therefore, in case of conflict between the Code and the Student Handbook, the Code will prevail. This Code remains in effect for the entire 2019-2020 school year, during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the Board becomes effective for the next school year. A copy of this Code is available at each campus and the District's Web site: http://www.bellvilleisd.org.

Please Note: The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.

REPORTING PROHIBITED CONDUCT

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, school counselor, principal, or the District's Title IX coordinator for students. [See Policy FFH (LOCAL); TEC Sec. 37.083.] After a report of bullying is made, the principal, principal's designee, or Title IX coordinator must provide notice to (1) the parent of the alleged victim by the 3rd business day after the incident is reported; and (2) the alleged bully with a reasonable time. [See Policy FFI (LOCAL).] Reports of bullying may be submitted anonymously, verbally, and/or in writing. However, the principal or designated administrator shall document the allegations in writing and record the dates and circumstance of the interview.

The District does not have jurisdiction over other situations occurring in the community even though an incident may involve students (including technology-related communications – such as emails, texting, Facebook or other social media, messages, etc. – containing threats, bullying, and/or harassment) unless there is a direct impact to the school setting. District personnel may, however, conference with students regarding inappropriate behavior and effective ways to resolve conflict.

After a report of prohibited conduct is made, a conference will be scheduled and held as soon as possible within seven days of the request. The principal, principal's designee, or Title IX coordinator that investigates the complaint will complete the investigation of the complaint within ten school days. The student or parent will be informed if extenuating circumstances delay completion of the investigation. The student will not be required to present a complaint to a person who is the subject of the complaint. See Policy FFI (LOCAL).

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

If the results of an investigation indicate that bullying has occurred, the administration will take appropriate disciplinary action. Disciplinary or other action may be taken even if the conduct did not rise to the level of bullying. However, the Family Education Rights and Privacy Act (FERPA) prohibits the District from disclosing to anyone other than the student's parent or guardian what disciplinary actions, if any, have been taken against the student who engaged in bullying.

If upon completion of the investigation the principal or designated administrator determines that the alleged incident does not rise to the level of bullying, the District will proceed in accordance with the Student Code of Conduct in deciding what, if any, discipline should be assessed other documented prohibited conduct. A parent or adult student (a student over 18 years old) who is dissatisfied with the outcome of the investigation may appeal through Board Policy FNG (LOCAL), beginning at the appropriate level.

RESPECT FOR PERSONS AND PROPERTY

Students shall not vandalize or otherwise damage, deface, or remove any property, including furniture and other equipment, belonging to or used by the district, district schools, or district employees or volunteers. Parents or guardians of students guilty of damaging such property shall be notified of the damage and shall be liable for damages in accordance with the law. Students shall be responsible for the care and return of owned and district owned textbooks and other materials/equipment and may be charged for the replacement of lost/damaged items.

RIGHTS AND RESPONSIBILITIES

A. Students

All students are entitled to the basic citizenship rights recognized and protected by law for persons of their age and maturity. Bellville Independent School District schools shall foster a climate of mutual respect for the rights of others. Each student is expected to respect the rights and privileges of other students, of teachers, and of other district staff and comply with rules established for the orderly conduct of education.

Student responsibilities for achieving a positive learning environment shall include, but are not limited to, the following:

1. Demonstrate courtesy, even when others do not.
2. Behave in a responsible manner, always exercising self-discipline.
3. Attend all classes, regularly and on time.
4. Prepare for each class; take appropriate materials and assignments to class.
5. Account for his or her own work.
6. Dress in a neat, clean, and well groomed manner in accordance with the District's established dress code and policies.
7. Cooperate with and assist the school staff in maintaining safety, order, and discipline.
8. Respect the property of others, including District property and facilities.
9. Seek help from school personnel when having school or personal problems.
10. Cooperate with staff in investigation of disciplinary cases by providing accurate information when the student has knowledge relating to any offense.
11. Avoid loitering on the school campus before or after school.

12. Identify himself/herself to school personnel when asked.
13. Refrain from any form of criminal activity.
14. Obey all campus and classroom rules.
15. Adhere to the requirements of the Student Code of Conduct.

Parents

Parent responsibilities for contributing to the educational process shall include, but are not limited to, the following:

B.

1. Establish and maintain, in the home, a positive attitude toward education.
2. Show an active interest in the child's schoolwork and progress through regular communication with the school.
3. Assist the child with dressing in a neat, clean, well groomed manner in accordance with the District's established dress code policies.
4. Keep the school informed of changes of address and phone number.
5. Send the child to the school serving the family's residence.
6. Ensure the child's regular daily attendance.
7. Keep the child out of school when the child is obviously ill.
8. Arrange for the child to get to school on time with needed materials and leave campus on time.
9. Report and explain any absence and tardy to the school promptly and in writing within 5 days of the date of absence.
10. Cooperate with school personnel when the child is involved in a disciplinary matter.
11. Cooperate with school personnel in the maintenance of the child's physical and emotional health.
12. Make every effort to provide for the physical needs of the child.
13. Encourage and lead the child to develop proper study habits at home.
14. Keep informed of school policies and academic requirements of school programs.
15. Bring to the attention of school authorities any learning problem or condition that may relate to his or her child's education.
16. Be sure the child attends school tutorials as the need arises.
17. Notify the teacher(s) if the child is unable to receive help at home.
18. Submit a signed statement that he or she understands and consents to the responsibilities outlined in this plan.
19. Control his or her child. Under Family Code § 33.01, a student's parent is legally liable for property damage proximately caused by a) the negligent conduct of the student if such conduct is reasonably attributable to the negligent failure of the parent to exercise that duty, or b) the willful or malicious conduct of a student who is at least 12 but under 18 years of age.
20. Review and encourage the child to adhere to the procedures set forth in District policies and this code.

Parent rights include, but are not limited to, the following:

1. Petition the board of trustees about the designation of the child's assigned school.
2. Have reasonable access to the school principal or a designated administrator to request reassignment or change of class or teacher.

3. Have the right to request that the parent's child participate in graduation ceremonies earlier than the child would normally graduate, if the child completes all courses required for graduation and if the child has not inappropriately violated the Student Code of Conduct.
4. Have the right to request that a child be permitted to attend a class for credit above the child's grade level unless the board or Superintendent's designated representative expects that the child cannot perform satisfactorily in the class.
5. Access to all written records concerning the parent's child as allowed by law.
6. Access to a copy of each state assessment instrument as allowed by law.
7. Review of all teaching materials, textbooks and other teaching aids used in the classroom of the parent's child, including each test administered after its administration as allowed by law.
8. Access to any board of trustees meeting, except a closed meeting.
9. Provide written consent for the district to conduct psychological examinations, tests, or treatment, unless required under Section 38.004.
10. Remove the parent's child temporarily from a class or other school activity that conflicts with the parent's religious or moral belief if the parent presents a written statement authorizing the removal as allowed by law. The parent may not remove a student to avoid the student's taking a test or to prevent the child from taking a subject for an entire semester.
11. Notification of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, or expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.
12. Throughout this Code of Conduct and related discipline policies, the term "parent" includes a parent, legal guardian, or other person having lawful control of the child.

C.

Teachers

Teacher responsibilities for achieving a positive learning environment shall include, but are not limited to, the following:

1. Prepare and implement lesson plans and learning activities, which provide an effective education program for each student.
2. Participate in the development of a campus discipline management plan that supports the District's Code of Conduct.
3. Review the Student Code of Conduct.
4. Communicate with students and parents about por academic and/or conduct behavior.
5. Enforce school rules on campus and at all school sponsored activities.
6. Maintain an orderly classroom.
7. Address discipline problems consistently, reasonably, fairly, and patiently.
8. Ensure good student discipline by being in regular attendance and on time.
9. Ensure student safety by providing direct supervision of classrooms and hallways as appropriate.
10. Establish communication and an effective working relationship with parents, students, and other staff members.
11. Help students to strive toward appropriate self-discipline.
12. Serve as an appropriate role model for students.

13. Report suspected child abuse.
14. Maintain records and, in a timely manner, complete any and all appropriate documentation related to student discipline.
15. Adhere to the procedures set forth in the District policies and this Code.

Teacher rights include, but are not limited to, the following:

1. Send a student to the principal's office to maintain effective discipline in the classroom.
2. Remove a student from class who interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn as allowed by law.
3. Remove a student from class whose behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn as allowed by law.
4. Perform instructional and supervision duties without verbal or physical abuse or threats.

Administrators

D. Administrator responsibilities for achieving a positive learning environment shall include, but are not limited to, the following:

1. Plan a flexible curriculum and activities to meet the needs of all students and provide the resources necessary to implement those plans.
2. Implement policies, rules, and regulations to facilitate the establishment and maintenance of an atmosphere conducive to good behavior and teaming.
3. Ensure an effective instructional program for all students.
4. Establish guidelines for student discipline.
5. Attempt to solve school related problems or conflicts of students, staff, parents, and community.
6. Develop and maintain a plan to provide for the safety and welfare of students and faculty.
7. Develop and maintain communication with students and parents, including participation in required parent teacher conferences.
8. Ensure that the rights of students are protected.
9. Respond to discipline problems referred to him or her.
10. Provide appropriate assistance to students in learning appropriate discipline.
11. Assume responsibility and instructional leadership for discipline and for evaluation of
E. the discipline management plan.
12. Serve as an appropriate role model for students.
13. Report suspected child abuse.
14. Adhere to the procedures set forth in District policies and this code.

Board of Trustees

Board of Trustees responsibilities for achieving a positive learning environment shall include but are not limited to the following:

1. Enact policies, rules, and regulations to facilitate the establishment and maintenance of an atmosphere conducive to good behavior and learning.
2. Provide the necessary trained and dedicated leadership and personnel to assure quality education for every student.
3. Provide the necessary equipment, materials, and other fiscal support to assure quality education for every student.

SAFETY

Student safety on campus and at school-related events is a high priority of the District. Although the District has implemented safety procedures, the cooperation of students is essential to ensure school safety. A student is expected to:

1. Avoid conduct that is likely to put the student or other students at risk.
2. Follow the behavioral standards in this booklet, as well as any additional rules for behavior and safety set by the principal, teachers, or bus drivers.
3. Remain alert to and promptly report to a teacher or the principal safety hazards, such as intruders on campus and threats made by any person toward a student or staff member.
4. Know emergency evacuation routes and signals.
5. Follow immediately the instructions of teachers, bus drivers, and other District employees who are overseeing the welfare of students.

SCHOLASTIC PENALTIES

A student removed from his or her regular classes for any reason other than expulsion will receive an excused absence and allowed to make up assignments if course work is completed within a time designated by the school administration. No academic penalty will be assessed based solely on disciplinary infractions except for the following:

1. Truancy
2. Cheating

Upon return to school, the student who receives an unexcused absence shall request missing assignments from each teacher. Work completed and returned within the time designated by the teacher(s) will be accepted with a maximum grade of 90.

Pending the exhaustion of the appeals process, students who meet the campus requirements for requesting, completing, and returning assignments will be allowed to remain current on all course work. Students with disabilities under the IDEIA. will receive educational services during expulsion as determined by the Admission, Review, and Dismissal (ARD) committee.

A. SCHOOL DISTRICT AUTHORITY AND JURISDICTION

School rules and the authority of the district to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The District has disciplinary authority over a student

1. During the regular school day and while going to and from school or a school-sponsored or school-related activity on district transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is in attendance at any school-sponsored or school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee, Board member, or volunteer occurs or is threatened, regardless of time or location;
6. When a student engages in cyberbullying, as provided by Education Code 37.0832;
7. When criminal mischief is committed on or off school property or at a school-related event;
8. For certain offenses within 300 feet of school property as measured from any point on the school's property boundary line;
9. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
10. When the student commits a felony, as provided by Texas Education Code 37.006 or 37.0081, or a student is required to register as a sex offender; and
11. When the student is required to register as a sex offender.

This Code of Conduct is based on several premises

B.

1. Certain student behaviors are appropriate because they facilitate effective teaching and learning; other behaviors are inappropriate because they interfere with effective teaching and learning.
2. It is reasonable to expect students to behave appropriately and for the school personnel to take measures to prevent students from behaving inappropriately.
3. It is to the advantage of the student to behave appropriately; it is more rewarding for the student and more productive for the school.
4. It is recognized that most students do behave appropriately.
5. Those students who behave inappropriately should be penalized for inappropriate actions, subject to applicable laws and policies.
6. The discipline techniques outlined in this Code may be used for prevention/intervention to change inappropriate student behaviors and to promote positive student behaviors or as part of progressive interventions to address behavior.

C.

7. The use of illicit drugs and unlawful possession and use of alcohol is wrong and harmful. The unlawful possession or use of illicit drugs or alcohol is wrong and harmful.

The Code of Student Conduct describes the behavior that is expected of students

SEARCHES

District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the district's policies at FNF (Legal) and FNF (Local) for more information regarding investigations and searches.

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by the district. If a vehicle subject to search is locked, the student shall be asked to unlock the vehicle. If the student refuses, the District shall contact the student's parents. If the parents also refuse to permit the vehicle to be searched, the District may contact local law enforcement officials and turn the matter over to them. The District may, in certain circumstances, contact law enforcement even if permission to search is granted.

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice.

In limited circumstances and in accordance with applicable law, a student's personal telecommunication device may be searched by authorized personnel if there is reason to suspect that the device contains evidence of wrongdoing.

SECRET SOCIETIES
Policy FNCC (LEGAL)

A student is prohibited from being a member of, pledging to become a member of, joining, or soliciting another person to join or pledge to become a member of a public school fraternity, sorority, secret society, or gang. An offense under this section is a Class C misdemeanor.

A person commits a felony if the person, with intent to coerce, induce, or solicit a child to actively participate in the activities of a criminal street gang, threatens the child with imminent bodily injury or causes the child bodily injury. *Penal Code 71.022.*

***Definition*: Public school fraternity, sorority, secret society, or gang** means an organization composed wholly or in part of students of public primary or secondary schools that seeks to perpetuate itself by taking in additional members from the students enrolled in the school on the basis of the decision of its membership rather than on the free choice of a student in the school who is qualified by the rules of the school to fill the special aims of the organization. TEC Sec. 37.121. **Criminal street gang** is defined as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities. The term does not include an agency for public welfare, including Boy Scouts, Girl Scouts, scholarship societies, or other similar educational organizations sponsored by state or national education authorities.

SECURITY PERSONNEL

To ensure sufficient security and protection of students, staff, and property, the Board employs school resource officers (SROs). In accordance with law, the Board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of District SROs are listed in policy CKE (LOCAL). The law enforcement duties of school resource officers are:

1. Patrol school district buildings and property.
2. Provide security at specified District events.
3. Investigate criminal incidents occurring on school district property.

4. Respond to all calls from campuses concerning crisis situations, accidents, and reports of crime. An SRO may not issue a citation to a child who is alleged to have committed a school offense. (See glossary.)
5. Network with area law enforcement agencies.
6. Support administrators and staff in creating and maintaining a safe learning environment.
7. Develop positive relationships with students, staff, parents, and the community.
8. Present crime prevention programs to students, staff, parents, and community.

SEXUAL ASSAULT AND CAMPUS ASSIGNMENTS

If a student has been convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim or the victim's parents request that the Board transfer the offending student to another campus, the offending student shall be transferred to another campus in the District. If there is no other campus in the District serving the grade level of the offending student, the offending student will be transferred to a DAEP.

SUSPENSION OF STUDENTS

Except as provided by Texas Education Code § 37.005(c), the Board's designee may suspend a student who engages in misconduct as outlined in this Code.

A suspension may not exceed three school days per behavior violation; however, there is no limit on the number of suspensions an individual student may receive.

Students below grade three or a student who is homeless may only be suspended under the following limited circumstances described in TEC § 37.005(c):

1. conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;
2. conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code; or
3. selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.

Before being suspended, a student shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall advise the student of the alleged misconduct. The student shall be given the opportunity to respond to the allegation before the administrator makes a decision.

In deciding whether to order out-of-school suspension, the principal, campus behavior coordinator, or other appropriate administrator shall take into consideration self-defense (see glossary), intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, a disability that substantially impairs the student's capability to appreciate the wrongfulness of the student's conduct, a student's status in the conservatorship of the Department of Family and Protective Services (foster care), or a student's status as homeless. When a student is assigned Out-

of-School Suspension (OSS), the student is not permitted on school district property and restricted from participation in school-sponsored or school-related extracurricular or co-curricular activities.

Upon return to school, the student shall request his or her missing assignments from each teacher. Work completed and returned within the time designated by the teacher, with the time allowed not to exceed one day for each day of suspension, will be accepted with a maximum grade of 80. The student will be counted present toward meeting the 90% attendance rule.

The decision of the Board's designee to suspend a student is final and not appealable. However, notice of the reason(s) for suspension and an informal opportunity for the student to give his or her side of the story is required.

Coursework During Suspension

A. The district shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that doesn't require the use of the internet.

A student removed from the regular classroom to in-school suspension or another setting, other than the DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The district may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district

B. **Appeal Procedures for Campus-Level Discipline**

As outlined in this Code of Conduct, an appropriate school administrator may assign campus-level discipline to a student who violates the Student Code of Conduct. Campus-level discipline includes, but is not limited to, any and all discipline management techniques described in the Class C and Class D offense consequences sections of this Code. The Board designates the campus principal, campus behavior coordinator or other appropriate campus-level administrator to hear any appeal regarding campus-level discipline. The decision of the campus-level administrator who hears the appeal is final and not appealable.

Parental questions or complaints regarding ancillary issues related to disciplinary measures should be addressed informally with the teacher or campus administration, as appropriate or in accordance with Board Policy FNG (LOCAL). This process, however, may not be used to overturn a disciplinary assignment.

TEACHER REMOVAL OF STUDENTS FROM CLASS

A teacher may send a student to the campus behavior coordinator's office to maintain effective discipline in the classroom. The campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct.

A teacher may also initiate a formal removal from class if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class or with the student's classmates' ability to learn; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach and the students in the class cannot learn.

A teacher shall remove from class and send to the principal for placement in an alternative education program or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007, of the Texas Education Code.

If a student has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, or criminal attempt to commit murder or capital murder, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent.

Within three (3) school days of the formal removal, the campus administrator shall schedule a conference with the student's parent, the student, the teacher who removed the student from class, and any other appropriate administrator. At the conference, the appropriate campus administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations.

When a student is removed from the regular classroom by a teacher and a conference is pending, the campus administrator may place the student in:

1. Another appropriate classroom.
2. In-school suspension.
3. Out-of-school suspension.
4. DAEP.

THREAT ASSESSMENT AND SAFE AND SUPPORTIVE SCHOOL TEAM

The campus behavior coordinator or other appropriate administrator will work closely with the campus threat assessment safe and supportive school team to implement the district's threat assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct.

TOBACCO USE

All Bellville ISD property shall be smoke free.

Students shall not possess or use e-cigarettes or tobacco products, including but not limited to cigarettes, vape pens/devices, cigars, pipes, snuff, dip, or chewing tobacco, on school premises or at school related functions. TEC § 38.006, 20 U.S.C. 6083 and 7183.

A student in possession of an e-cigarette or vapor pen/device that the administrator has reasonable suspicion of it containing an illegal drug or nicotine will be issued consequences based on the administrator's reasonable suspicion. Reasonable suspicion in this context will be based on all

available information, including student statements, physical symptoms displayed by the student, and/or the student's discipline history.

TRANSFER OPTIONS

In addition to the penalties and consequences set forth in this *Student Code of Conduct*, pursuant to state law, on the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying/sexual harassment/dating violence, a student who is a victim of such conduct as determined by the Board of Trustees or designee, may receive a transfer to another classroom at the campus which the victim was assigned at the time of the bullying/sexual harassment/dating violence occurred; or a campus in the school district other than the campus to which the victim was assigned at the time of the bullying/sexual harassment/dating violence occurred.

The Board of Trustees or the Board's designee shall verify that a student has been a victim of bullying/sexual harassment/dating violence before transferring the student under this section. Past student behavior may be considered when identifying bullying/sexual harassment/dating violence. The determination by the Board of Trustees or the Board's designee is final and may not be appealed. The district is not required to provide transportation to a student who transfers to another campus. There are no hearings or appeals for a transfer due to bullying/sexual harassment/dating violence behavior.

The Board may transfer the student who engaged in bullying to:

1. another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. a campus in the district other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged in bullying.

The transfer of a student with a disability who receives special education services and who engaged in bullying may be made only by a duly constituted ARD committee under TEC 37.004.

TRANSPORTATION: POLICIES AND GUIDELINES

A bus driver may refer a student to the principal's office or the campus behavior coordinator's office to maintain effective discipline on the bus. The principal/campus behavior coordinator must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges.

Since the district's primary responsibility in transporting students in district vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have his or her attention distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or the campus behavior coordinator may restrict or revoke a student's transportation privileges, in accordance with law.

In addition to the rules for good conduct expected of each student at school, each student is also expected to:

1. Remain ten (10) feet from the bus loading location.
2. Wait quietly until the bus has stopped and the bus door has opened before entering the bus.
3. Refrain from hanging onto the bus before boarding or after leaving the bus
4. Board the bus with objects limited to the size that can be transported on the lap.
5. Refrain from bringing animals and/or glass containers on the bus.
6. Bus driver is authorized to assign seats. Sit in seat assigned by bus driver.
7. Go to your seat immediately upon entering the bus and be seated, facing forward.
8. If the school bus is equipped with seatbelts, students shall wear a seatbelt at all times.
9. Refrain from extending any part of the body out of bus window.
10. Refrain from throwing objects on or off the bus.
11. Refrain from eating or drinking on the bus.
12. Each bus has a trash can available for the disposal of materials as students are boarding or leaving the bus;
13. Never dispose of trash out the bus window or on the ground at the bus stop
14. Ride assigned bus unless provisions for an exception have been made in writing through the campus
15. Leave the bus only at the designated bus stop unless provisions for an exception have been made.

A. **Bus Stop Guidelines**

1. Arrive at the bus stop five minutes before scheduled pick-up time.
2. Follow all school rules at and around the bus stop.
3. Respect other people's property and keep your bus stop clean.
4. Enter the bus quietly and move directly to your seat.
5. During unloading, move away from the bus quickly.
6. After exiting the bus, stand on the side of the road, at least ten (10) feet in front of the bus and wait until the driver signals before crossing the street.

Bus rules are posted in all of our buses. Failure to follow bus rules and bus stop guidelines will result in a bus discipline referral being completed describing the student's behavior. This referral will be forwarded to the campus administrator for further action. A copy will be maintained on file with the transportation department.

The steps taken to discipline a student are as follows:

1. Minor offenses such as being too loud or moving about more than the driver considers safe will result in a verbal reminder warning issued by the bus driver
2. Continued disrespect for the bus rules, as referenced in the Student Transportation Rules and Policies, will result in a written referral to the student's campus administrator
3. Major offenses such as fighting, serious insubordination / disrespect or endangerment will result in immediate referral to the student's campus administrator. In the case of misconduct that endangers the safety of other passengers or the driver, the driver has the authority to call for law enforcement assistance and will notify the principal and the transportation director as soon as possible.

Referrals to the Campus Administrator

First Offense: Warning; Student conference and parent notification

Second Offense: Parent/Student conference with campus administrator; student subject to 3-5 school days suspension of bus privileges

B.

Third Offense: Student subject to up to ten (10) school days suspension of bus privileges

Fourth Offense: Student subject to suspension of bus privileges for remainder of semester, remainder of the school year or possibly permanent removal.

Under certain circumstances, the first offense may result in immediate removal from the bus. Examples of such behavior may include but are not limited to: fighting, profanity, destruction of property, and endangerment.

Disciplinary sanctions and changes in transportation for a student with a disability will be made in accordance with the student's Individual Education Plan (IEP) or other individually designed program.

VIDEOTAPING

An employee of the school district may, without consent of the child's parent, make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

1. purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses or as required by law;
2. a purpose related to a co-curricular or extracurricular activity;
3. a purpose related to regular classroom instruction; or
4. media coverage of the school, subject to applicable laws regarding parental consent.

WEAPONS

A student shall not go on the school premises or attend a school related function in possession of any weapon, including a knife, box cutter, tire deflation device, razor, chain (when used in a way that threatens or inflicts bodily injury), gun, air gun or BB gun, ammunition, pocketknife or small knife, mace or pepper spray, stun gun, instrument or article (including fireworks) or any replicas of any weapon that might be injurious to person or property. The student shall not interfere with normal activities, or use of any building or portion of the campus by exhibiting, using, or threatening to exhibit or use the firearm, explosive, weapon, or knife. The possession of weapons or items represented to be weapons is prohibited under this rule.

Students are also prohibited from bringing to school or a school related activity any other weapons. This prohibition will not normally apply to school supplies such as pencils, compasses, and the like, unless they are used in a menacing or threatening manner.

The possession or use of articles not generally considered weapons may be prohibited when, in the Principal's or designee's judgment, a reasonable apprehension of danger exists to the student in possession, other students, staff, or school property by virtue of possession or use.

GLOSSARY

The following terms are defined for the purposes of the entire Bellville ISD Code of Conduct as follows:

1. **ADMISSION, REVIEW, and DISMISSAL (ARD) COMMITTEE:** The ARD committee is a committee made up of school staff and parents that address the admittance into special education; review the program (IEP-Individual Education Plan) that is in place; or dismiss the student from special education services. An ARD meeting may be requested by a parent or school staff member when needed. There is an annual ARD meeting held yearly to determine the new IEP and courses or related services the student will need for the upcoming year. The parent is an active member of the ARD meeting. The student may participate in the meeting when it is appropriate.

2. **Board:** The Bellville Independent School District is governed by a Board of Trustees who, as a body, coordinates and oversees the management of the District. All references to the Board means Bellville Independent School District Board of Trustees.

3. **Bullying** occurs when a single significant act or a pattern of acts by one or more students directed at another student exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

   a) Exploits occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
   b) occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; or
   c) occurs off school property or outside of a school-sponsored or school-related activity if it constitutes cyberbullying that: (1) interferes with a student's educational opportunities; or (2) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

   and that:

   d) Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
   e) Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.
   f) Materially and substantially disrupts the educations process or the orderly operation of a classroom or school; or
   g) Infringes on the rights of the victim at school.

   See Tex. Educ. Code § 37.0832.

   Bullying may include, but is not limited to, intimidation by name-calling, using ethnic or racial slurs, or derogatory statements that could disrupt the school program or incite violence.

4. **Controlled substance** means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.

5. **Criminal street gang** is defined by Penal Code 71.01 as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

6. **Cyberbullying** is bullying done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool. *See Tex. Educ. Code § 37.0832.*

7. **Days** shall mean school days, unless otherwise noted.

8. **Dangerous drug** is defined by Health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

9. **Dating violence** occurs when a person in a current or past dating relationship uses physical, sexual, verbal or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

10. **Deferred prosecution** may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

11. **Delinquent Conduct** is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws

12. **Discipline Violation** includes the planning of or conspiring to commit an offense and/or commission of an offense.

13. **Discretionary** means that something is left to or regulated by a local decision maker.

14. **E-cigarette** means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

15. **Expulsion hearing:** A procedure in which the student shall be advised of the conduct with which he or she is charged that is resulting in a long-term removal from Bellville campuses. At this hearing, the student shall be provided appropriate due process as required by the federal constitution, and which the student's parent or guardian is invited, in writing, to attend. The student is entitled to:

    a) representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district;
    b) an opportunity to testify and to present evidence and witnesses in the student's defense; and
    c) an opportunity to question the district's witnesses called by the district at the hearing.

16. **False Alarm or Report** under Penal Code 42.06 occurs when a person knowingly initiates, communicates or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

    a) cause action by an official or volunteer agency organized to deal with emergencies;
    b) place a person in fear of imminent serious bodily injury; or
    c) prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile, or other mode of conveyance.

17. **Fighting** is defined as mutual combat between two or more students using blows of force to overcome the other student(s).

18. **Firearm** is defined by federal law (18 U.S.C. § 921(a)) as:

    a) Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
    b) The frame or receiver of any such weapon;
    c) Any firearm muffler or firearm silencer; or
    d) Any destructive device, such as any explosive, incendiary or poison gas, a bomb, a grenade, a rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or device similar to any of the devices described in this definition.

    Such term does not include an antique firearm.

19. **Graffiti** includes markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

20. **Handgun** is defined by Penal Code 46.01(5) as any firearm that is designed, made, or adapted to be fired with one hand.

21. **Harassment** includes:

    a) Conduct that meets the definition established in district policies DIA (LOCAL) and FFH (LOCAL);

b) Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Section 37.001(b)(2) of the Education Code; or
c) Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
    i. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
    ii. Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
    iii. Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; and
    iv. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

22. **Hazing** is defined by Section 37.151 of the Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meet the elements in Education Code 37.151, including:

    a) Any type of physical brutality;
    b) An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
    c) An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
    d) Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

23. **Hit list** means a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily injury.

24. **Illicit drug** use means the use of illegal drugs and the abuse of other drugs and alcohol.

25. **Improvised Explosive Device (IED)** is a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is made in an improvised manner using nonmilitary components. TPC §§ 46.05(a), (e); 46.01(18).

26. **Indecent Exposure** is defined by Penal Code 21.08 as an offense that occurs when a person exposes the person's anus or any part of the person's genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

27. **Intimate Visual Material** is defined by Civil Practices and Remedies Code 98B.001 and Penal Code 21.16 as visual material that depicts a person: (A) with the person's intimate parts exposed; or (B) engaged in sexual conduct. "Visual Material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

28. **Knuckles** means any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

29. **Location-Restricted Knife** means a knife with a blade over 5 ½ inches. Penal Code § 46.01(6).

30. **Paraphernalia** are devices that can be used to inhale, ingest, inject, or otherwise introduce a controlled substance into a human body.

31. **Parent** includes a parent, legal guardian, or other person having lawful control of the child, in accordance with Section 26.002 of the Texas Education Code.

32. **Possession** means to have an item on one's person or in one's personal property, including but not limited to clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle, or bicycle; telecommunications or electronic devices; or any other school property used by the student, including but not limited to a locker or desk.

33. **Prohibited Items or Articles:** In addition to weapons prohibited by the Penal Code 46.05(a), students shall not possess fireworks of any kind, razors, any bladed instrument including pocket knives, chains, or any other object used in a way that threatens or inflicts bodily injury to another person, or that the principal or designee determines presents a danger to any student, District employee, or District property by virtue of possession or use of the object. Any violation of this policy shall result in disciplinary action deemed appropriate by the principal.

34. **Prohibited Weapon** under Penal Code 46.05(a) means:

    a) The following items unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:
        i. An explosive weapon;
        ii. A machine gun;
        iii. A short-barrel firearm;
    b) Armor-piercing ammunition;
    c) A chemical dispensing device;
    d) A zip gun;
    e) A tire deflation device;
    f) An improvised explosive device; or
    g) A firearm silencer, unless classified as a curio or relic by the U.S. Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law

35. **Public Lewdness** is defined by Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, is reckless about whether another is present who will be offended or alarmed by the act.

36. **Public school fraternity, sorority, secret society, or gang** means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are exempt from this definition.

37. **Reasonable Belief** is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such reasonable belief, the superintendent or designee may use all available information, including the notice of a student's arrest under Article 15.27 of the Code of Criminal Procedure.

38. **School Activities** means an activity relating to or sponsored by the Bellville Independent School District.

39. **School Offense** means an offense committed by a child enrolled in a public school that is a Class C misdemeanor other than a traffic offense and that is committed on property under the control and jurisdiction of a school district.

40. **School premises** are defined as school property or public property within 300 feet of school property.

41. **Self Defense** is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

42. **Sexting** means using a cell phone, iPad, or any other type of communication device to send text or email or video messages or electronic transmissions or possessing text or email or video messages or electronic transmissions containing images reasonably interpreted as indecent or sexually suggestive or depicting sexual conduct or meeting the definitions or elements of any aspect of Penal Code § 43.261 while at school or at a school related function.

    In addition to any disciplinary action, phones and other communication devices may be confiscated and/or searched and students should be aware that any images suspected to violate criminal laws will be referred to law enforcement authorities.

43. **Serious misbehavior** involves engaging in documented serious misbehavior that violates the district's Student Code of Conduct, despite documented behavioral interventions while placed in a disciplinary alternative education program. For purposes of discretionary expulsion from an DAEP, serious misbehavior means: deliberate violent behavior that poses a direct threat to the health or safety of others; extortion, meaning the gaining of money or other property by force or threat; conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or conduct that constitutes the offense of:

a) Public lewdness under Penal Code 21.07;
b) Indecent exposure under Penal Code 21.08;
c) Criminal mischief under Penal Code 28.03;
d) Hazing under Education Code Section 37.152; or
e) Harassment under Penal Section 42.07(a)(1) of a student or district employee.

44. **Sexual Harassment** (including gender-based harassment or sexual abuse) is defined as any unwanted physical, verbal, or visual sexual advances; requests for sexual favors; and other sexually-oriented conduct, which is offensive or objectionable to the recipient, including, but not limited to: epithets; derogatory or suggestive comments, slurs, or gestures; and offensive posters, cartoons, pictures, or drawings.

45. **Student** means an individual registered or enrolled for credit or non-credit in a course or program offered by the Bellville Independent School District.

46. **Suspension:** Except as provided by Texas Education Code § 37.005(c), the principal may suspend a student who engages in conduct for which the student may be placed in a disciplinary alternative education program. While in-school suspensions are removal to a specific location on the campus, out-of-school suspensions deny the student access to the campus. Each suspension may not exceed three days.

47. **Terroristic Threat:** A person commits an offense if he threatens to commit any offense involving violence to any person or property with the intent to:

    a) cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies;
    b) place any person in fear of imminent serious bodily injury;
    c) prevent or interrupt the occupation or use of a building; room; place of assembly; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
    d) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
    e) place the public or a substantial group of the public in fear of serious bodily injury; or
    f) Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

48. **Tire deflation device** is defined in part by Penal Code 46.01 as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

49. **Title 5 Offenses** are those crimes listed in Title 5 of the Penal Code that involve injury to a person and include: murder; kidnapping; trafficking of persons; smuggling or continuous smuggling of persons; assault aggravated assault; sexual assault; aggravated sexual assault; unlawful restraint; voyeurism; indecency with a child; invasive visual recording; disclosure or promotion of intimate visual material; injury to a child, an elderly person, or a disabled person of any age; abandoning or endangering a child; Deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product.

50. **Under the influence** means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.

51. **Use** means voluntarily introducing into one's body, by any means, a prohibited substance.

52. **Zip gun** is a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

The contents of this Student Code of Conduct are not contractual, and do not give rise to a claim of breach of contract against the school district. Further, the contents of this Code apply to all students of the district, as the content now appear in the Code or may be amended in the future.

It is the policy of Bellville ISD not to discriminate on the basis of sex, disability, race, religion, color, gender, age, or national origin in its educational programs and/or activities, including career and technology programs, nor in its employment practices and to provide equal access to the Boy Scouts and other designated youth groups.

BELLVILLE INDEPENDENT SCHOOL DISTRICT

STUDENT CODE OF CONDUCT

~~2019-2020~~2020-2021

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BELLVILLE INDEPENDENT SCHOOL DISTRICT
~~2019-2020~~2020-2021 STUDENT CODE OF CONDUCT

ACCEPTABLE USE POLICY

1. Users shall not erase, rename, or make unusable anyone else's computer files.
2. Users shall not let other persons use their name, logon, password, or files for any reason.
3. Users shall not use or try to discover another user's password.
4. Users shall not use Bellville ISD's computers or networks for any non-instructional or non-administrative purpose (e.g., games or activities for personal profit).
5. Users shall not use a computer for unlawful purposes, such as the illegal copying or installation of software.
6. Users shall not copy, change, or transfer any software or documentation provided by Bellville ISD, teachers, or another student without permission from the campus principal.
7. Users shall not write, produce, generate, copy, propagate, or attempt to introduce any computer code designed to self-replicate, damage, or otherwise hinder the performance of any computer's memory, file system, or software. Such software is known as, among other names, a bug, virus, worm, or Trojan Horse.
8. Users shall not deliberately use the computer, the Internet, or other electronic communications to threaten, annoy, impersonate or harass students, employees, or volunteers with language or images. Users shall not deliberately access or create any obscene or objectionable information, language, or images. This conduct is punishable if it occurs off school property if the conduct causes a substantial disruption to the educational environment.
9. Users shall not intentionally damage the system, damage information belonging to others, misuse system resources, or allow others to misuse system resources.
10. Users shall not tamper with computers, networks, printers, or other associated equipment except as directed by the teacher or administrator.
11. Users shall not take home technology equipment (hardware or software) without written permission of the teacher and evidence of appropriate insurance.
12. Users shall not violate the school district's Internet use policy.
13. Users shall not attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
14. Users shall not attempt to alter, destroy, or disable district technology resources including but not limited to computers and related equipment, district data, the data of others, or other networks connected to the District's system, including off school property if the conduct causes a substantial disruption to the educational environment.
15. Users shall not send, post, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," on school property or at a school-related activity; on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; or, off school property it (1) interferes with a student's educational opportunities; or (B) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

16. Users shall not use e-mail, websites, or other electronic applications to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment.
17. Electronic communications (e-mail, blogs, wikis, and other communications within these tools) using District-owned computers or devices during the instructional day are not private and may be monitored by District staff.

ACCESSIBILITY

If you have difficulty accessing the information in this document because of disability, please contact Dr. Megan Pape, Director of Special Education/504, at (979) 865-3133 or via email at mpape@bellvillebrahmas.org.

ATTENDANCE

Every child who resides in this District who is as much as six years of age, or who is less than six years of age and has previously been enrolled in first grade, and who has not reached the age of eighteen (18), shall be required to attend a public school in the District.

Regular attendance and punctuality are required of every student. Acceptable excuses for absences and tardies include personal illness, sickness or death in the immediate family, quarantine, weather or road conditions making travel dangerous, required legal business approved in advance by the principal, religious holy days (if, before the absence, the parent, guardian, or person having custody or lawful control of the student submits a written request for the excused absence), a temporary absence resulting from health care professionals if the student commences classes or returns to school on the day of the appointment, or any unusual cause acceptable to the principal or the superintendent. No student is permitted to leave the school campus during school hours without an excuse, in writing or by telephone, from the parent or guardian. These excuses must be approved by the principal or person designated by the principal or District. Once a student arrives on campus before regular school hours, he/she is expected to remain on campus unless permission to leave has been granted by an administrator.

A. **Attendance For Credit**

Board policy and State law provide that no student shall be given credit for a class or promoted to the next grade if he has not been in attendance at least 90% of the days the class is offered. A student and the student's parent or guardian shall be given written notice prior to and at such time when a student's attendance in any class drops below 90% of the days the class is offered. A student who has an "excused" absence is not in violation of the compulsory attendance law but can still be denied credit for a class if those excused absences comprise more than 10% of the days instruction is offered. Written documentation of a student's absence must be submitted by a parent/guardian within five days after the date of the absence for the absence to be considered to be excused. When a student's attendance drops below 90% of the days the class is offered, the student, parent, or representative may request award credit by submitting a written petition to the appropriate attendance committee. The attendance committee shall review the student's entire attendance record and the reasons for absences, and shall determine whether to award credit. Petitions may be filled at any time the student receives notice, but in any event, no

later than 30 calendar days after the last day of classes. An attendance committee appointed by the Board may give credit if there were extenuating circumstances for the absences.

"Extenuating circumstances" are the following:

1. Board-approved extracurricular activity or public performance subject to limitations in FDD (LEGAL).
2. Required screening, diagnosis, and treatment for Medicaid-eligible students.
3. Documented health care appointment, if the student begins classes or returns to school on the same day as the appointment.
4. Temporary absence resulting from any cause acceptable to the teacher, principal, or Superintendent.
5. Juvenile court proceeding documented by a probation officer.
6. Absence required by state or local welfare authorities.
7. Family emergency or unforeseen or unavoidable instance requiring immediate attention.
8. Approved college visitation.

Absences for which the student has shown extenuating circumstances and completed routine make-up work shall be considered days of attendance for computing the required percentage of days of attendance.

A student may miss a class in a course only thirteen times in a year for participation in extracurricular activities; absences for participation for more than ten days could result in loss of credit.

CAMPUS BEHAVIOR COORDINATOR

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator. The campus behavior coordinator on each of the campuses shall be the Principal or the Assistant Principal. The campus behavior coordinators is primarily responsible for maintaining student discipline. Contact information for campus behavior coordinators primarily responsible for student discipline is available in the Student Handbook at http://www.bellvilleisd.org/parent__student/for_parents and below:

O'Bryant Primary: 979-865-5907
Principal Kandis Krueger, kkrueger@bellvillebrahmas.org~~Natalie Jones, njones@bellvillebrahmas.org~~
Assistant Principal ~~Kandis Krueger, kkrueger@bellvillebrahmas.org~~Aaron Capps, acapps@bellvillebrahmas.org

West End Elementary: 979-357-2595
Principal Dr. Tony Hancock, thancock@bellvillebrahmas.org

O'Bryant Intermediate: 979-865-3671
Principal ~~Natalie Jones, njones@bellvillebrahmas.org~~Marcus McLemore, mmclemore@
Assistant Principal Sean McEnerney, smcenerney@bellvillebrahmas.org

Bellville Junior High: 979-865-5966
Principal Daniel Symm, dsymm@bellvillebrahmas.org
Assistant Principal ~~Marcus McLemore, mmclemore@bellvillebrahmas.org~~Emily Barrera, ebarrera@bellvillebrahmas.org

Bellville High School: 979-865-3681
Principal Casey Hollomon, chollomon@bellvillebrahmas.org
Assistant Principal James Dristas, jdristas@bellvillebrahmas.org
Assistant Principal Amy Avant, aavant@bellvillebrahmas.org

CELLULAR TELEPHONES/PORTABLE ELECTRONIC OR TELECOMMUNICATION DEVICES
Policy FNCY (LEGAL) and (LOCAL)

Telecommunication devices are those that emit an audible signal, vibrate, display a message, or otherwise summon or deliver a communication to the possessor. [Telecommunication devices are defined as items such as, but not limited to, cell phones, smart phones, iPhones, Blackberries, electronic readers, and laptops with the capability of sending and receiving messages or information, and any related accessories (including but not limited to wires, headphones, and ear clips)].

Except as provided below under "BYOD Policy," a student shall not possess a telecommunication device on school property or while attending a school sponsored or school related activity on or off school property, unless the student is in attendance as an active member of a volunteer firefighting organization or a volunteer emergency medical services organization. A school district employee shall confiscate the paging device.

The district will contact the student's parents and the company whose name and address or telephone number appears on the device with intent to dispose of the device within two weeks after the conclusion of the regular school year. In order for the device to be released to the owner, a $15.00 administrative fee will be assessed before it will be returned.

A. **BYOD POLICY**

Bellville Independent School District is committed to assisting students and staff in creating a 21st century learning environment. The District has a BYOD (Bring Your Own Device) policy at Bellville High School which will assist our district in reaching this goal. We will now be incorporating the use of such items as laptops, iPads, tablets, netbooks and cell phones with browsing capabilities for educational purposes only. For purposes of BYOD, "Device" means a privately owned wireless and/or portable electronic hand held equipment that includes, but is not limited to, existing and emerging mobile communication systems and smart technologies, portable internet devices, Personal Digital Assistants (PDAs), iPads, tablets, smart phones, hand held entertainment systems or portable information technology systems that can be used for word processing, wireless Internet access, image capture/recording, sound recording and information transmitting/receiving/storing, etc. Students will follow the BYOD Student Guidelines.

Field Code Changed

Students may bring their own technology devices and utilize personal electronic communication devices at school in the classroom when the teacher deems them appropriate for educational purposes. **Under no circumstances should telecommunication devices be used to take photos/videos/audio in any school facility other than for instructional purposes under the direction of a teacher or at an event open to the public.** All devices must remain off and put away unless being used within a lesson during class time. The same procedures and school rules apply to using students' cell phone and other electronic devices during class. If students are participating in the BYOD program, the students' teacher will monitor and give permission for them to use their device at certain times in class. The students are only permitted to use their mobile device for programs, websites, and tools specified by their teacher.

If the students' teacher finds them using their mobile device for off-task ~~activities~~activities, then they may lose their privilege to use their mobile device at their teacher's discretion. Students and parents/guardians participating in BYOD must adhere to the Student Code of Conduct, as well as all Board policies, particularly the Internet Acceptable Use and Internet Safety Policies.

If an administrator suspects that a device may contain photos/ videos/audio taken at school or inappropriate photos/videos/ audio, the photos/videos/audio will be reviewed in the presence of the student or parent/guardian prior to the device being returned to the student. Students will be required to delete school-related photos/videos/audio that were taken in violation of these guidelines. Additionally, police will be contacted if an administrator has reason to believe that a photo/videos/audio might be a violation of law. Likewise, if an administrator suspects that a telecommunication device was used in violation of these guidelines and/or for cheating, the administrator may review the call history and/or text messages in the presence of the student or parent/guardian prior to the device being returned to the student. Violation of this policy may also result in the device being confiscated. A $15.00 administrative fee will be assessed each time the phone is confiscated. Parent must pick up phone from a campus administrator. **Continued violation of this policy may result in disciplinary action, as deemed appropriate by the campus administrator.**

Responsibility to keep the device secure rests with the individual owner. **The School System, or its staff or employees, is not liable for any device stolen or damaged on campus.** If a device is stolen or damaged, it will be handled through the administrative office similar to other personal artifacts that are impacted in similar situations.

CONFERENCES

A principal or administrative designee shall promptly conduct one or more conferences with a student's parent(s)/guardian(s) when:

1. After appropriate documentation, the teacher officially and formally removes a student from the classroom.
2. The student is assigned to a disciplinary alternative education program.

These conferences will generally be conducted in person, but where impractical, may be conducted by telephone. If these methods fail, the conference may be by letter. The district shall document its attempts to schedule and conduct required parental conferences.

Teachers or other school employees (principal, assistant principal, vice-principal, or counselor) may request a conference with a student's parent(s) whenever the teacher or employee (principal, assistant principal, vice-principal, or counselor) perceives the need for parental cooperation in enforcing the student code of conduct.

Parents/guardians may request a conference with the student's teachers, counselor, or administrator when there is a concern about the student's educational progress. These conferences should be scheduled in advance.

CORPORAL PUNISHMENT

Corporal punishment is permitted in order to preserve an effective educational environment, free from disruption, unless the student's parent or guardian has provided a signed statement prohibiting its use. Corporal punishment shall be reasonable and moderate and may not be administered maliciously or for the purpose of revenge. Such factors as the size, age, and physical, mental, and emotional condition of the student; the type of instrument to be used; the amount of force to be used; and the part of the body to be struck shall be considered before administering any corporal punishment.

A disciplinary record shall be maintained and shall contain the name of the student, the type of misconduct, any previous disciplinary actions, the type of corporal punishment administered, the names of witnesses present and the date and time of the punishment. Disciplinary records shall be made available to parents or the student, whichever is appropriate.

Corporal punishment should be used sparingly, cautiously, and with the best interest of the student in mind. However, when corporal punishment is to be administered, the following procedures are to be followed: corporal punishment can only be done with the approval of the Superintendent, corporal punishment will be administered by the school principal, assistant principal, or other professional designated by the principal in the presence of one other District professional employee and in a designated place out of view of other students.

When administered, respect for the student is foremost, and punishment will be done in a private place. The student must be made aware of why he/she is to receive corporal punishment and should have the opportunity to say if there is any family or medical reason why he/she should not receive said punishment.

The principal is responsible for determining that the adult, who is administering the corporal punishment, whether it is himself/herself or another adult, is doing so in a respectful manner and without any emotional involvement.

DISCIPLINARY ACTIONS REGARDING STUDENTS WITH DISABILITIES

The discipline of students with disabilities is subject to state and federal law in addition to the Student Code of Conduct. To the extent any conflict exists, the district shall comply with federal

law. For more information regarding discipline of students with disabilities, see policy FOF(LEGAL).

In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, harassment, or making hit lists (see glossary) until an ARD committee meeting has been held to review the conduct. The Discipline Management Plan and the Student Code of Conduct apply to all students, including a student with disabilities.

In deciding whether to order suspension, DAEP placement or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS

The district shall make reasonable efforts to provide for the continuing education of a student removed to an alternative education program. A student placed in an alternative education program is prohibited from attending or participating in building sponsored or school-related activities.

A. **Nature of a Disciplinary Alternative Education Program**

1. Is provided in a setting other than a student's regular classroom;
2. Is located on or off a regular school campus;
3. Provides for the students who are assigned to the disciplinary alternative education program to be separated from students who are not assigned to the program;
4. Focuses on English language arts, mathematics, science, history, and self discipline;
5. Provides for students' educational and behavioral needs;
6. Provides for supervision and counseling;
7. Provides a student removed to a disciplinary alternative education program an opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation before the beginning of the next school year. The school district may provide the student an opportunity to complete coursework through any method available, including a correspondence course, distance learning, or summer school. The district may not charge the student for a course provided under this subsection.
8. May provide for a student's transfer to
   a) a different campus;
   b) a school community guidance center; or
   c) a community based alternative school;
9. May provide a disciplinary alternative education program jointly with one or more districts.
10. Is not required to provide a course necessary to fulfill a student's high school graduation requirement. However, the parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete foundation curriculum course required for graduation, at no cost to the student. The notice shall include information regarding all available methods for completing the coursework.

11. A student younger than six (6) years of age may not be removed from class and placed in the Alternative Learning Center.
12. An elementary school student may not be placed in the Alternative Learning Center with any other student who is not an elementary school student.

B. **Types of Alternative Education Programs**

1. Detention halls (before or after school, or at lunch)
2. In-building suspension
3. ~~Saturday detention~~Saturday detention
4. Alternative Learning Center

C. **Disciplinary Alternative Education Program (DAEP) Requirements**

1. Conference

a) A conference shall be held not later than the third class day after the day on which a student is removed from class by the teacher [TEC § 37.002(b)] or by the campus behavior coordinator or other appropriate administrator [TEC § 37.006], the student's parent or guardian, the teacher removing the student (if any), and the student.
b) The student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal to the DAEP, and an opportunity to respond to the reasons for the removal.
c) Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the campus behavior coordinator or other appropriate administrator shall order the placement of the student as provided in § 37.002 or § 37.006 of the Texas Education Code, as applicable, for a period consistent with this Student Code of Conduct.
d) The decision of the Board's designee is final and may not be appealed
e) Before a Board's designee places a student in a disciplinary alternative education program for a period that extends beyond the end of the school year, the Board's designee must determine that:
    i. the student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or to another individual; or
    ii. the student has engaged in serious or persistent misbehavior that violates the district's Student Code of Conduct.
f) A student placed in a disciplinary alternative education program in another district that enrolls in Bellville ISD before the expiration of the period of placement will continue disciplinary alternative education program placement until the term of placement expires. Bellville ISD may also place a student in a disciplinary alternative education program if
    i. the student was placed in a disciplinary alternative education program by an open-enrollment charter school under section 12.131 and the charter school provides to the district a copy of the placement order; or
    ii. the student was placed in a disciplinary alternative education program by a school district in another state and

(1) the out-of-state district provides to the district a copy of the placement order; and
(2) the grounds for the placement by the out-of-state district are grounds for placement in Bellville ISD.

g) If a student was placed in a disciplinary alternative education program by a school district in another state for a period that exceeds one year and if that placement is continued, Bellville ISD shall reduce the period of the placement so that the aggregate period does not exceed one year unless, after a review, the district determines that the student is a threat to the safety of other students or to district employees.

h) A student placed in an alternative education program shall be provided a review of the student's status including a review of the student's academic status by the Board's designee at intervals not to exceed 120 days. In the case of a high school student, the Board's designee, with the student's parent or guardian, shall review the student's progress toward graduation and establish a specific graduation plan for the student. The District is not required to provide in the District's DAEP a course not specified under Texas Education Code § 37.008. At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. To assess a student's academic growth in the District DAEP, the District shall administer to a student placed in a program for a period of 90 school days or longer an assessment instrument approved by the commissioner for that purpose.

i) The decision of the Board's designee to remove a student to an alternative education program is not appealable. In determining the length of assignment for the student, the principal, or assistant principal may consider the seriousness of the offense, the discipline record of the student, the age of the student, the effect of the misconduct on the school environment, and/or previous assignments of other students for similar misconduct. Discipline assignments will not exceed one calendar year absent a finding that the student is a threat to the safety of other students or to district employees.

j) For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the placement in the program will continue through graduation, and the student will not be allowed to participate in the graduation ceremony and related graduation activities, unless otherwise specified in the DAEP placement order.

k) If a student withdraws from the district before an order for placement in a disciplinary alternative education program is entered, the principal or Board, as appropriate, may complete the proceedings and enter an order. If the student subsequently enrolls in the district during the same or subsequent school year, the district may enforce the order at that time, except for any period of the placement that has been served by the student on enrollment in another district that honored the order. If the principal or Board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order. If, during the term of a placement ordered, a student engages in additional conduct for which placement in a disciplinary alternative education program or expulsion is required or permitted, additional proceedings

may be conducted regarding that conduct and the principal or Board, as appropriate, may enter an additional order as a result of those proceedings.

l) Regarding DAEP placements, if the Superintendent or the Superintendent's designee receives notice under Article 15.27(g), Code of Criminal Procedure, i.e. the office of the prosecuting attorney or the office or officer designated by the juvenile court notifies the District that prosecution of the student's case was referred for lack of prosecutorial merit or insufficient evidence; or the court or jury found the student not guilty or made a finding that the student did not engage in delinquent conduct or conduct indirectly aimed for supervision and the case is dismissed with prejudice; the Superintendent or designee shall review the student's placement in the DAEP. The student may not be returned to the regular classroom pending the review.

m) The Superintendent or designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the Superintendent or designee receives notice from the office or official designated by the court. After reviewing the notice and receiving information from the student's parent or guardian, the Superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

n) The student or the student's parent or guardian may appeal the Superintendent's decision described above to the Board of Trustees. The student may not be returned to the regular classroom pending the appeal. The Board shall, at the next scheduled Board meeting, review the notice provided under Article 15.27(g) of the Code of Criminal Procedure, and receive information from the student, the student's parent or guardian, and the Superintendent or designee and confirm or reverse the decision described above. If the Board confirms the decision of the Superintendent or designee, the Board shall inform the student and the student's parent or guardian of the right to appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending an appeal to the Commissioner. This appeal process does not apply to placement to the DAEP made in accordance with § 37.006(a), but only to off campus felony removals described above.

2. Placement Review

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the campus behavior coordinator or the board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

3. Appeals Procedures for DAEP Assignments

a) In order to appeal, the student or his/her parent or guardian must notify the campus administrator in writing of the desire to do so within two (2) school days from the date he/she or they were informed of the decision for the placement in a DAEP. If

no appeal is taken within two (2) school days, the decision of DAEP placement shall be final.

b) Any notice of appeal shall contain the student's name, the date of issuance of the decision under appeal, the name of the official whose decision is under appeal, the aspects of the decision which the student wishes to appeal, and the grounds for such appeal. If the student or parent will be represented in a conference at any level by an attorney, the District must be notified in advance of the conference so that the administration can obtain equal representation. Failure to do so will result in the need to reschedule the conference.
c) The Board designates the Superintendent or the Superintendent's designee to hear appeals of DAEP assignments.
d) In the event of an appeal, the campus administrator who received the appeal request shall notify the Superintendent or Superintendent's designee who shall arrange a time for hearing the appeal. The Superintendent or the Superintendent's designee shall notify the parent or guardian of the time and place of the hearing. The hearing shall be held within ten (10) school days of the date of filing the appeal, unless the parent or guardian agrees to an extension.
e) Pending the appeal, the student shall be assigned to and shall attend the DAEP.
f) At the hearing of the appeal, the Superintendent or Superintendent's designee shall confer with the campus administration and the student and his/her parent or guardian, review the record, and determine whether the DAEP placement should be sustained or reversed, or if the period of time of the assignment should be modified.
g) The student's parent or guardian shall be notified in writing within five (5) school days of the date of the appeal hearing of the decision of the Superintendent or the Superintendent's designee.
h) The decision of the Board's designee to place a student in a disciplinary alternative education program is final and not appealable.

4. Transition Services

In accordance with law and district procedures, campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP or JJAEP. See Policies FOCA (LEGAL) and FODA (LEGAL) for more information.

D. **Emergency DAEP Placement and/or Emergency Expulsion**

1. Emergency Placement

The principal, campus behavior coordinator, or appropriate administrator may order a student to be immediately placed in an alternative education program if it is reasonably believed that the student's behavior is so unruly, disruptive, or abusive that it interferes with:

a) A teacher's ability to communicate effectively with students in a class;
b) The ability of the student's classmates to learn;

c) The operation of the school or school sponsored activity; or
d) If the appropriate administrator reasonably believes that eminent harm is likely.

At the time of the emergency placement the student shall be given oral notice of the reasons for emergency placement in a DAEP. The reason must be a reason for which placement in a disciplinary alternative education program may be made on a nonemergency basis. Within a reasonable time, but not later than the 10th day after the date of the placement, the student will be afforded appropriate due process as outlined in this code. The principal, campus behavior coordinator, or appropriate administrator shall not be liable for civil damages for an emergency placement.

2. Emergency Expulsion

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. See Tex. Educ. Code § 37.019. The reason must be a reason for which placement in a disciplinary alternative education program or expulsion may be made on a nonemergency basis. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

E. **Placement and/or Expulsion For Serious Offenses**

This section includes two categories of serious offenses for which the Texas Education Code provides unique procedures and specific consequences.

1. Registered Sex Offenders

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the district must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

If the student is under any form of court supervision, including probation, community supervision, or parole, the placement will be in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the placement may be in a DAEP or JJAEP for one semester or the placement may be in a regular classroom. The placement may not be in the regular classroom if the Board or its designee determines that the student's presence:

a) Threatens the safety of other students or teachers;
b) Will be detrimental to the educational process; or
c) Is not in the best interests of the district's students.

Review Committee: At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the District shall convene a committee, in accordance with state law, to review the student's placement. The committee will

recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the Board or its designee must follow the committee's recommendation.

The placement review of a student with a disability who receives special education services must be made by the ARD committee.

If a student enrolls in the District during a mandatory placement as a registered sex offender, the District may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.

A student or the student's parent may appeal the placement by requesting a conference between the Board or its designee, the student, and the student's parent. The conference is limited to the factual questions of whether the student is required to register as a sex offender. Any decision of the Board or its designee under this section is final and may not be appealed.

2. Certain Felonies

Regardless of whether placement or expulsion is required or permitted by one of the reasons in the Mandatory Removal or Expulsion Offenses, in accordance with the Texas Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the Board or its designee makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 of the Penal Code. The student must:

a) Have received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
b) Have been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
c) Have been charged with engaging in conduct defined as a Title 5 felony offense;
d) Have been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
e) Have received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

The District may expel the student and order placement under these circumstances regardless of:

a) The date on which the student's conduct occurred,
b) The location at which the conduct occurred;
c) Whether the conduct occurred while the student was enrolled in the District; or
d) Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

The student must first have a hearing before the Board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

a) Threatens the safety of other students or teachers;
b) Will be detrimental to the educational process; or
c) Is not in the best interests of the district's students.

Any decision of the Board or the Board's designee under this section is final and may not be appealed.

The student is subject to the placement until:

a) The student graduates from high school;
b) The charges are dismissed or reduced to a misdemeanor offense; or
c) The student completes the term of the placement or is assigned to another program.

3. Placement Review

A student placed in a DAEP or JJAEP under these circumstances is entitled to a review of his or her status, including academic status, by the campus behavior coordinator or board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus.

4. Newly Enrolled Students

A student who enrolls in the District before completing a placement under this section from another school district must complete the term of the placement.

DISCIPLINARY APPEALS

Questions from parents regarding disciplinary measures should be addressed to the teacher or campus administration, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG (LEGAL). A copy of the policy may be obtained from the principal's office, the central administration office, or through Policy On Line at the following address: https://pol.tasb.org/Home/Index/143. The District shall not delay a disciplinary consequence while a student or parent pursues a grievance.

Any notice of appeal shall contain the student's name, the date of issuance of the decision under appeal, the name of the official whose decision is under appeal, the aspects of the decision which the student wishes to appeal, and the grounds for such appeal. If the student or parent will be represented in a conference at any level by an attorney, the District must be notified in advance of the conference so that the administration can obtain equal representation. Failure to do so will result in the need to reschedule the conference.

DISRUPTIONS

Discipline and order shall be maintained during school hours and at school events.

No person may willfully or recklessly engage in disruptive activity or disrupt a lawful assembly on the campus or property of any public school. "Disruptive activity" is defined by the Texas Education Code, Section 37.123 as:

1. Obstructing or restraining the passage of a person in an exit, entrance, or hallway of any building without the authorization of the administration of the school.
2. Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity.
3. Preventing or attempting to prevent by force or violence or the threat of force or violence any lawful assembly authorized by the school administration so that a person attempting to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.
5. Obstructing or restraining the passage of any person at an exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person from said property or campus without the authorization of the administration of the school.

These provisions shall not be construed to infringe upon any rights of free speech or expression guaranteed by the Constitutions of the United States or of this state. Conduct by students either in or out of class which for any reason — whether because of time, place, or manner of behavior — materially disrupts classwork or involves substantial disorder or invasion of the rights of others is prohibited.

A. **Disruption of Classes**

For purposes of this rule, "school property" shall include the public school campuses or school grounds or buildings used by the District schools for assemblies or other school-related activities, and "public property" includes any street, highway, alley, public park, or sidewalk. No person shall be permitted, on school property or on public property within 500 feet of school property, to intentionally disrupt, alone or in concert with others, the conduct of classes or other school activities. Conduct which disrupts the educational activities of a school includes:

1. Emissions by means of noise of an intensity that prevents or hinders classroom instruction;
2. Enticement or attempted enticement of students away from classes or other school activities that students are required to attend;
3. Prevention or attempted prevention of students from attending classes or other school activities that students are required to attend; and
4. Entrance into a classroom without consent of either the principal or the teacher and either through acts of misconduct and/or use of loud or profane language causing disruption of class activities. (TEC § 37.124)

B. **Disruption of Transportation**

Any person other than a primary or secondary grade student who intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school on a vehicle owned or operated by the District or to or from activities sponsored by a school on a vehicle owned and/or operated by the District shall be guilty of a misdemeanor. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. (TEC § 37.126)

C. **Disruption by False Alarm or Terroristic Threat**

A person commits an offense if the person engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code.

1. An offense under Section 42.06 of the Penal Code is a state jail felony.
2. An offense under Section 22.07 of the Penal code may range from a Class B misdemeanor to a third degree felony, depending on the conduct.

D. **Disruption by Exhibition of Firearms**

A person commits an offense if the person intentionally exhibits, uses, or threatens to exhibit or use a firearm in a manner intended to cause alarm or personal injury to another person, or to damage school property, including a parking lot, parking garage, or parking area owned by a school or portion of a campus or of a school bus being used to transport children to or from school sponsored activities of a private or public school. (TEC § 37.125)

1. An offense under this section is a third degree felony.

DRESS AND GROOMING

Acceptable dress and grooming at school, or while representing the school, shall be neat, clean, and appropriate for the school situation. Student's dress and grooming that create a hazard to the student's safety and/or safety of others will not be allowed. All students are expected to dress in a manner that is appropriate for the age of the child and for the activities in which he/she participates.

Appropriate dress and grooming shall let students be free from distraction of other students and/or the learning process. Since it is impractical to list every possibility of dress and grooming, the principal or assistant principal shall determine appropriateness of dress. Final decision relating to appropriate dress will reflect concern for health and safety of students and the influence of specific dress or grooming on the overall educational climate of the school.

Clarification regarding apparel should be obtained from the principal or assistant principal prior to wearing it to school. Campus administrators are authorized to determine the suitability of student attire and grooming.

The guidelines are reviewed periodically to ensure they continue to reflect community expectations while permitting individual choices and recognizing acceptable current fashions. However, extreme styles shall be recognized as being inappropriate for school wear.

These regulations are applicable to the conduct of students while in attendance at school, while on school property, or at school-sponsored activities. These regulations also apply to student behavior at other times that impairs, interferes with, or obstructs the missions, processes, or functions of the district.

A. **District-Wide Dress Code Policies:**

1. Standards For Attire

   a) Appropriate undergarments will be worn at all times. (Shorts are to be worn under skirts and dresses at the elementary level.)
   b) students back, chest, backside, stomach, and top of shoulders must be covered.
   c) clothing shall be of appropriate size, length, and fitting to cover undergarments when the student is standing, sitting, stooping, or bending. Oversized clothing and outerwear, such as trench coats (or other long coats that resemble the style of a trench coat) are not permitted.
   d) Pants/shorts must be worn in a secured manner at the waist and shall not "sag." They are to fit the student in an acceptable and appropriate manner.
   e) Form-fitting, stretch clothing such as biking shorts, bodysuits, leotards, tights, leggings, yoga pants, etc., shall not be worn except when worn appropriately as an undergarment beneath a garment that extends at or below mid-thigh.
   f) Shorts/skirts/dresses/slits in dresses/skirts should extend to mid-thigh or below while standing upright. Shorts should have no less than a 4 inch in-seam. (Athletic shorts are allowable at the elementary level.)
   g) Appropriate footwear is required. Appropriate shoes are required for PE and/or any other student activity as determined by the campus administrator.

2. Standards for Grooming

   a) Hair shall be clean, neat, and well-groomed. Boys' hairstyles may not be worn in a ponytail or bun and must be trimmed to the base of the collar, base of the earlobe, and kept clean, neatly trimmed, and combed out of the eyes.
   b) Extreme hairstyles or non-natural colors that are distracting to the learning environment are not allowed.
   c) Students must be clean shaven.
   d) Visible t~~T~~attoos, piercing of the body, and body painting ~~in a noticeable or inappropriate manner~~ are not permitted at school or while representing the school. Only female students are permitted to wear earrings.

3. Students May Not Wear

   a) Sheer or see-through clothing and visible spaghetti straps are not allowable.
   b) Revealing or low-cut apparel is not acceptable, including backless garments.
   c) Pajamas/Sleepwear of any kind is not allowable.
   d) Undergarments are not to be visible in any way.
   e) Hats, wigs, and head-coverings of any kind are not to be worn within school buildings except in the interest of religious practices, safety, cleanliness, for medical reasons, or with the permission of the principal.

f) Shoes with wheels are not permitted. House shoes, slippers, and other similar soft-soled footwear are not acceptable for school.
g) Due to the slippery nature of outdoor walkways and recess activities, flip flops and athletic slides are discouraged at the elementary level.
h) Pants/shorts/skirts with holes, frays, and/or distressed are not permitted on all campuses. Administrators will use their discretion on holes caused by wear at the elementary level.
i) Clothing that depicts or references alcohol, drugs, tobacco or any other substance prohibited under policy FNCF (LEGAL), weapons, nudity, gang affiliation, death, suicide, violence, vulgar or obscene language or images, and/or insults to race, religion, gender, or ethnicity, or other emblems or writing that may be expected to cause a material or substantial disruption of, or interference with, normal school operations is prohibited.

Any dress or grooming prohibited by this code or that, in the principal's judgment, may reasonably be expected to interfere with normal school operations are not allowed.

If the principal determines that a student's clothing or grooming violates the District's dress code, the student shall be given an opportunity to correct the problem at school or in some cases the parent may be given the option to correct the problem. If the problem is not corrected, the student shall be assigned to in-school-suspension for the remainder of the day or until the problem is corrected. Repeated offenses will result in more serious disciplinary action. An exception will be made for students who, as a matter of their sincerely held religious belief, wear religious head wear or clothing, including but not limited to the Sikh dastaar (turban), the Muslim hijab (head scarf), or the Jewish yarmulke (skull cap).

If the principal or assistant principal, in cooperation with the sponsor, coach, or other person in charge of any extracurricular activity, may regulate the dress and grooming of students who participate in the activity. Students who violate these standards may be removed or excluded from the activity for a period determined by the principal or sponsor and may be subject to other disciplinary action.

DRUG/ALCOHOL USE

No student shall possess, use, transmit, or attempt to possess, use, or transmit, sale or attempt to sale, or be under the influence of any of the following substances, without regard to amount, on school premises during any school term on or off school premises at a school related activity, function, or event:

1. Any controlled substance or dangerous drug as defined by the Texas Health and Safety Code, Section 481.002, without regard to amount, including but not limited to marijuana, any narcotic, drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision.
2. Alcohol or any alcoholic beverage.
3. Any abusable volatile chemical listed under sections 485.031 through 485.034 of the Texas Health and Safety Code

4. Any other intoxicant, or mood changing, mind altering, or behavior altering drug.
5. Drug paraphernalia as defined in Texas' Health and Safety Code, Section 481.002.

A student who appropriately uses a drug authorized by a licensed physician through a prescription specifically for that student's use shall not be considered to have violated this policy. Students who use prescription drugs on school property shall give the prescription medication, in the original container and properly labeled, to the school nurse when they arrive at school with a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.

Students who violate this policy shall be subject to disciplinary action and criminal prosecution.

Cars, lockers, common areas and classrooms may be searched for alcohol and drugs in accordance with Board Policy.

District personnel may administer a "breathalyzer test" in accordance with District's Student Code of Conduct and Drug and Alcohol Abuse Prevention Policy upon request by authorized school personnel, which is based on reasonable cause to believe that a student has violated this section.

Refusal to submit to a breathalyzer test that is requested based on reasonable cause is an offense punishable to the same degree as prohibited alcohol use.

EJECTION OR EXCLUSION FROM SCHOOL PROPERTY

Pursuant to Texas Education Code § 37.105, a school administrator or peace officer shall have authority to refuse entry or eject a person from District property if the person refuses to leave peaceably upon request and either:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner inappropriate for the school setting, an administrator or officer issues the individual a verbal warning, and the individual persists in the behavior.

At the time an individual is ejected or excluded, the school administrator or peace officer will provide the individual a written explanation of the appeal process. Ejection or exclusion may not last more than two years, and if the individual is a parent, the district must accommodate the parent to ensure parental participation in an ARD or 504 committee meeting.

The school administrator or peace officer shall maintain a written log of all verbal warnings issued to include the individual's name, the date, and a brief description of the inappropriate behavior.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with FNG (LOCAL) or GF (LOCAL), as appropriate. However, the timelines for the district's grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 days, unless the complaint is resolved before a board hearing.

EXPULSION

A. **Length of expulsion**

1. The length of the expulsion shall be based on the seriousness of the offense, the discipline record of the student, the age and grade level of the student, the student's attitude, the effect of the misconduct on the school environment, and all applicable statutory requirements. The duration of a student's expulsion shall be determined on a case-by-case basis.
2. Discipline assignments will not exceed one calendar year, unless, after review, the District determines that the student is a threat to the safety of other students or to District employees, or extended expulsion is in the best interest of the student.
3. If a student is expelled for bringing a firearm, as defined by 18 U.S.C. § 921, the student must be expelled for a period of at least one year. However, the superintendent or other appropriate administrator may modify the length of the expulsion on a case-by-case basis. A student under age 10 shall be expelled for a federal firearm violation, but will be provided educational services in an Alternative Education Program.
4. A student who, before the date on which a juvenile justice alternative education program for the county in which the student resides begins operation, engages in conduct requiring mandatory expulsion shall be expelled for a period not to exceed one year.

B. **Newly Enrolled Students**

1. The District shall decide on a case-by-case basis the placement of a newly enrolled student in Bellville Independent School District who has been expelled from another school district or open-enrollment charter school.
2. The expulsion of a student who was expelled by a school district in another state will be continued if:
   b) the out-of-state district provides to the district a copy of the expulsion order; and
   c) the grounds for the expulsion are also grounds for expulsion in Bellville ISD.
   d) If a student was expelled by a school district in another state for a period that exceeds one year, Bellville ISD shall reduce the period of the expulsion or placement so that the aggregate period does not exceed one year, unless, after a review, the district determines that:
      i. the student is a threat to the safety of other students or to district employees; or
      ii. extended placement is in the best interest of the student.
3. If the student enrolls in another school district before the expiration of the period of expulsion, a copy of the expulsion order shall be provided to that district at the same time other student records are provided.

C. **Withdrawal During Process**

If a student withdraws from the district before an order for expulsion is entered, the principal or Board, as appropriate, may complete the proceedings and enter an order. If the student then re-enrolls in the district during the same or subsequent school year, the district may enforce the order at that time, except for any period of the expulsion that has been served by the student on enrollment in another district that honored the order. If the

principal or Board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order.

D. **Additional Misconduct**

If, during the term of expulsion ordered, a student engages in additional conduct for which expulsion is required or permitted, additional proceedings may be conducted regarding that conduct and the principal or Board, as appropriate, may enter an additional order as a result of those proceedings.

E. **Restrictions During Expulsion**

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion. No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

F. **Procedures for Expulsion Hearing**

1. The student may only be expelled by written order setting the term of expulsion.
2. Before the expulsion, the Board's designee must provide the student a full and fair hearing at which the student is afforded due process which shall include the following:
   a) prior notice of the charges and the proposed sanctions as to afford a reasonable opportunity for preparation;
   b) right to representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,
   c) opportunity to testify and present evidence and witness(es) in his or her defense;
   d) opportunity to examine the evidence presented by the school administration and to question the administration's witness.
3. The Board designates the campus principal, campus behavior coordinator or other appropriate administrator to conduct the expulsion hearing. The individual designated by the Board shall issue a written expulsion decision within three (3) school days following the hearing.
4. The student's parent shall be invited in writing to attend the hearing. After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends.
5. Until a hearing can be held, the campus behavior coordinator or other administrator may place the student in:
   - Another appropriate classroom.
   - In-school suspension.
   - Out-of-school suspension.
   - DAEP.
6. Before ordering the expulsion, the principal, campus behavior coordinator, or other appropriate administrator shall take into consideration self-defense (see glossary), intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, a disability that substantially impairs the student's capability to appreciate the wrongfulness of the student's conduct, a student's status in the

conservatorship of the Department of Family and Protective Services (foster care), or a student's status as homeless.

7. Not later than the third school day after the hearing, the principal, campus behavior coordinator, or other appropriate administrator shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.
8. If the length of the expulsion is inconsistent with the guidelines included in the Student Code of Conduct, the expulsion order shall give notice of the inconsistency.
9. If the decision to expel a student is made by the Board's designee, the decision may be appealed through the district's appeals process to the Board.

G. **Board Review of Expulsion**

1. After the due process hearing, the expelled student or his/her parent or guardian may request that the Board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven (7) school days after receipt of the written decision.
2. Any notice of appeal shall contain the student's name, the date of issuance of the decision under appeal, the name of the official whose decision is under appeal, the aspects of the decision which the student wishes to appeal, and the grounds for such appeal.
3. The Superintendent or superintendent's designee must provide the student or parent written notice of the date, time, and location of the meeting at which the Board will review the decision. The hearing shall be held within ten (10) school days of the date of filing the appeal, unless the parent or guardian agrees to an extension.
4. The Board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the Board's designee.
5. The Board shall hear statements made by the parties at the review and shall base its decision on evidence reflected in the record and any statements made by the parties at the review. The Board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.
6. Pending the Superintendent or Superintendent Designee appeal, the student shall be assigned to and shall attend the DAEP.
7. Parental questions or complaints regarding ancillary issues related to disciplinary measures should be addressed informally with the teacher or campus administration, as appropriate or in accordance with Board Policy FNG (LOCAL). This process, however, may not be used to overturn a disciplinary assignment.

EXTRACURRICULAR ACTIVITIES, CLUBS, AND ORGANIZATIONS

Student clubs and performing groups such as, but not limited to, band, choir, cheerleading, and drill and athletic teams may establish standards of behavior – including consequences for misbehavior – that are stricter than those for students in general. If a violation is also a violation of school rules, the consequences specified by the Student Code of Conduct or by local policy will apply in addition to any consequences specified by the organization(s). All standards of behavior

and any related consequences established or specified by the applicable organization(s) are adopted and incorporated herein.

GANG-FREE SCHOOL ZONE

Bellville ISD is a Gang-Free School Zone, under Penal Code section 71.028. This section establishes Gang-Free School Zones and provided for enhanced punishment for gang-related criminal activity occurring in, on, or within 1,000 feet of any real property that is owned, rented, or leased by a school or school board. Under the act punishment for certain offenses is increased to the punishment prescribed for the next highest category of offense if the actor is 17 years of age or older and it is shown beyond a reasonable doubt on the trial of the offense that the actor committed the offense at a location that was owned, rented, or leased by a school or school board.

INVESTIGATIVE PROCESS

When an office discipline referral form is submitted, the administrator follows an investigative process. This process includes the following steps:

1. The student will have the opportunity to provide a written or dictated statement on the appropriate incident report.
2. If there is a discrepancy between the discipline office referral form and the student's incident report or for other investigative purposes, witness statements are collected from those who observed the incident and agree to provide information about what they observed.
3. Administrators collect and review pertinent student information such as special education/504 status and discipline history.
4. Administrators shall take into consideration whether any of the following mitigating factors were involved in the incident:
   a) Self-defense (see glossary),
   b) Intent or lack of intent at the time the student engaged in the conduct,
   c) The student's disciplinary history,
   d) A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.
   e) A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
   f) A student's status as homeless.
5. Administrators consider police involvement and/or information furnished under Article 15.27, Code of Criminal Procedure, if criminal activity was involved.
6. A decision regarding consequences is then determined pursuant to *Student Code of Conduct*.
7. Administrators notify the parent and other pertinent individuals following the investigation; however behavior of other students involved in an incident cannot be shared due to the Family Educational Rights and Privacy Act (FERPA).

Within 24 hours of concluding the investigation and rendering a decision, all documentation relating to the student's discipline referral will be entered into the school data systems.

MOTOR VEHICLE PRIVILEGES

Students who drive motor vehicles to school are required to park on school property. Students who drive vehicles to school must purchase and display a current parking decal. Students who are parked improperly, illegally, and/or do not display the proper identification are subject to disciplinary action. Vehicles parked improperly or illegally on school property may be towed at owner's expense. Vehicles parked off school property may be towed at the property owner's discretion.

Student drivers are expected to operate vehicles in a safe manner at all times and not in any way to make themselves noticed by the way they drive except by courteous and responsible behavior.

A student has full responsibility for the security of his/her vehicle and should make certain that it is locked and that the keys are not given to others. Schools are not responsible for vandalism to or burglary of items contained in motor vehicles parked on school property.

NONDISCRIMINATION UNDER TITLES II (ADA), VI, AND IX AND 504

Bellville ISD does not discriminate on the basis of sex, disability, race, religion, color, gender, age, or national origin, in providing educational services and/or activities, including career and technical programs, nor in its employment practices in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended. Inquiries/complaints concerning the application of Title IX and its implementing regulations may be referred to the District's Title IX Coordinator, Dr. Nicole Poenitzsch, at 518 South Mathews, Bellville, TX 77418, (979) 865-3133, or the Office of Civil Rights. Dr. Poenitzsch may also be reached via email at npoenitzsch@bellvillebrahmas.org. Dr. Megan Pape, Director of Special Education/504, has been designated to coordinate compliance with the nondiscrimination requirements of Section 504 of the Rehabilitation Act of 1973. Inquiries/complaints concerning 504 may be referred to Dr. Pape at 518 South Mathews, Bellville, TX 77418, (979) 865-3133. Dr. Pape may also be reached via email at mpape@bellvillebrahmas.org.

Bellville ISD does not discriminate on the basis of disability by denying access to the benefits of District services, programs, or activities. To request information about the applicability of Title II of the Americans with Disabilities Act (ADA), interested persons should contact Dr. Nicole Poenitzsch, Superintendent of Schools.

NOTIFICATION

There is no legal right on the part of a parent to be notified or to be present when students are in conversation with or being questioned by school officials concerning school-related behaviors or concerns. Unless under arrest, students are not legally entitled to be read their rights ("Miranda Warnings") when being questioned by school officials concerning school-related behaviors or concerns.

The appropriate administrator/campus behavior coordinator shall promptly notify a student's parent by phone or in writing person of any violation that may result in a detention outside of regular school hours, in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The designated administrator/campus behavior coordinator shall also notify

a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code. A good faith effort shall be made on the day the action was taken to provide to the student for delivery to the student's parent written notification of the disciplinary action. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the administrator/campus behavior coordinator shall send written notification by U.S. Mail. If the administrator/campus behavior coordinator is not able to provide notice to the parent, the principal or designee shall provide the notice. Notification will be made within three school days after the administrator becomes aware of the violation. Before the principal or appropriate administrator assigns a student under 18 to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

Questioning of Students by Outside Authorities: When law enforcement officers or other lawful authorities such as CPS wish to question or interview a student at school, the principal or designee will cooperate fully regarding the conditions of the interview, if the questioning or interview is part of a child abuse investigation. In other circumstances:

1. The principal shall verify and record the identity of the officer or other authority and request an explanation of the need to question or interview the student at school;
2. **The principal ordinarily shall make reasonable efforts to notify the student's parents or other person having lawful control of the student. If the interviewer raises what the principal considers to be a valid objection to the notification, parents will not be notified. Failure or inability to notify the parents or other persons having lawful control of the student will not ordinarily prevent or delay questioning by law enforcement officials;**
3. The principal or a designee ordinarily shall be present during the questioning or interview. If the interviewer raises what the principal considers to be a valid objection to a third party's presence, the interview shall be conducted without that person's presence; such as in a case including a criminal investigation;
4. It is the police officer's responsibility to inform the student of his/her rights (Miranda Warning) when required by law. Once a police officer begins questioning a student, all responsibility for such questioning rests with the police officer.

Bellville ISD will not impede the questioning of a student by a law enforcement officer who has a subpoena, court order, warrant, or directive to apprehend, or who is willing to take the child into custody and remove the child from campus for investigation regarding a non-school-related matter under Texas Family Code 52.01. In case of removal from the campus, the law enforcement officer will be requested to follow campus procedures for checking the student out of school. However, absent one of these provisions, school personnel will request that, prior to allowing an interview for non-school-related matters, parental permission must be obtained.

OFFENSES AND CONSEQUENCES

Discipline shall be designed to improve conduct and to encourage students to adhere to their responsibilities as members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative practices. Discipline shall be based on the seriousness of the

offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

In deciding whether to order suspension, removal to a DAEP or expulsion--regardless of whether the decision concerns a mandatory or discretionary action under the Texas Education Code--the District will take into consideration:

1. self-defense;
2. intent or lack of intent at the time the student engaged in the conduct;
3. the student's disciplinary history;
4. a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or
6. A student's status as homeless.

If appropriate, the District shall also consider the student's age, attitude, the seriousness of the offense, and the potential effect of the misconduct on the school environment. These disciplinary actions apply equally to all students, except as provided under Board Policy and legal requirements related to students with disabilities.

In considering self-defense, self-defense may be considered as a mitigating circumstance only when the student has a reasonable belief that the student's response is immediately necessary to protect himself/herself against the other's use or attempted use of improper force that could result in serious bodily injury. Reasonable belief in the school setting means a belief that would be held by the campus behavior coordinator or other appropriate administrator in the same circumstances as the actor. Each student is responsible for making every effort to avoid the use of any force and is expected to remove himself or herself from the situation if at all possible. The District does not condone or authorize students to use force against another individual, even if that individual provokes or instigates a fight or altercation.

A student's parent or guardian will be notified in writing of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion.

This section of the Discipline Management Plan provides a description of a wide range of behaviors considered to be misconduct. The behaviors described here are representative of the misconduct which most frequently causes disruption of the education process. The list does not include all types of misconduct included in Board Policy and Administrative Procedures. The student who commits an act of misconduct which is not listed will be subject to the disciplinary authority of the campus staff.

A. **Class A Offenses: Most Serious Offenses**

MANDATORY EXPULSION

A student age 10 or older shall be expelled from school for any of the following offenses if committed on school property or while attending a school-sponsored or school related activity on or off of school property:

1. Unlawfully carrying weapons under 46.02, Penal Code; or using or possessing a prohibited weapon as defined in Section 46.05, Penal Code. See Policy FNCG (LEGAL).
2. Engaging in conduct that contains the elements of the offense of aggravated assault as defined in Section 22.02, Penal Code; sexual assault as defined in Section 22.011, Penal Code; aggravated sexual assault as defined in Section 22.021, Penal Code.
3. Engaging in conduct that contains the elements of the offense of arson under Section 28.02, Penal Code.
4. Engaging in conduct that contains the elements of murder as defined in Section 19.02, Penal Code; capital murder as defined in Section 19.03, Penal Code; criminal attempt to commit murder or capital murder as defined in Section 15.01, Penal Code.
5. Engaging in conduct that contains the elements of indecency with a child as defined in Section 21.11, Penal Code or continuous abuse of a young child or children.
6. Engaging in conduct that contains the elements of aggravated kidnapping as defined in Section 22.04, Penal Code.
7. Engaging in conduct that contains the elements of aggravated robbery under Penal Code Section 29.03.
8. Engaging in conduct that contains the elements of manslaughter under Penal Code Section 19.04
9. Engaging in conduct that contains the elements of criminally negligent homicide under Penal Code Section 19.05.
10. Engaging in conduct that constitutes continuous sexual abuse of a young child or children under Penal Code Section 21.02.
11. Selling, giving, delivering, possessing, using, or being under the influence of marijuana or a controlled substance as defined by Chapter 481, et seq. of the Texas Health and Safety Code, or by 21 United States Code (U.S.C.) Section 801 et seq; a dangerous drug, as defined by Chapter 483 et seq., Texas Health and Safety Code if the conduct as punishable as a felony. Students are advised that if "reasonable suspicion" exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation. If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
12. Selling, giving, delivering, possessing, using, or being under the influence of an alcoholic beverage as defined by Section 1.04, Alcoholic Beverage Code; committing a serious act or offense while under the influence of alcohol if the offense is punishable as a felony. Students are advised that if "reasonable suspicion" exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation, including, but not limited to, a "breathalyzer test". If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
13. Engaging in conduct that contains the elements of the offense of criminal mischief under Section 28.03, Penal Code, if the offense is punishable as a felony under that section.

A student shall be expelled for the following offense if committed on school property or while attending a school-sponsored or school related activity on or off school property:

1. Bringing to school, or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by 18 U.S.C., Section 921.

A student shall be expelled for the following offense, regardless of location, for:

1. Engaging in retaliation against a school employee, board member or volunteer combined with one of the above-listed mandatory expulsion offenses, with the exception of the federal firearm offense

Note: Mandatory expulsion under the federal Gun-Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle, or to a student's use, exhibition, or possession of a firearm that occurs (a) at an approved target range facility that is not located on a school campus; and (b) while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department. This paragraph does not authorize a student to bring a firearm on school property to participate in or prepare for a school-sponsored shooting sports competition or a shooting sports educational activity.

If a student under the age of 10 engages in any of these behaviors, the student shall not be expelled, but shall be placed in a DAEP. A student under age 6 shall not be placed in DAEP unless the student commits the federal firearm offense.

DISCRETIONARY EXPULSION

At the District's discretion, a student age 10 or older may be expelled for any of the following offenses, if committed while on school property or within 300 feet of school property as measured from any point on the school's real boundary line, or while attending a school-sponsored or school-related activity on or off school property:

1. Engaging in documented serious misbehavior that violates the district's student code of conduct, despite documented behavioral interventions while placed in a disciplinary alternative education program. For purposes of discretionary expulsion from a DAEP, serious misbehavior means: deliberate violent behavior that poses a direct threat to the health or safety of others; extortion, meaning the gaining of money or other property by force or threat; conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or conduct that constitutes the offense of:
   a) Public lewdness under Section 21.07, Penal Code;
   b) Indecent exposure under Section 21.08; Penal Code;
   c) Criminal mischief under Section 28.03, Penal Code;
   d) Hazing under Section 37.152; or
   e) Harassment under Section 42.07(a) (1), Penal Code, of a student or district employee.

2. Criminal mischief, if punishable as a felony whether committed on or off school property or at a school related event. *TPC § 28.03; TEC 37.007(C).*
3. Engaging in "bullying" that encourages a student to commit or attempt to commit suicide; inciting violence against a student through group bullying; or releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent. A student is also subject to discipline under this section if the bullying occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity. *TEC §§ 37.0832; 37.0052*
4. The use, gift, sales, delivery, possession, or being under the influence of alcohol, marijuana, other controlled substances, dangerous drugs, or abusable volatile chemicals even if not a felony. Students are advised that if "reasonable suspicion" exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation, including, but not limited to, a "breathalyzer test". If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
5. Engaging in conduct that contains the elements of assault as described in Section 22.01 (a)(1), Penal Code, against a school district employee, board member or a volunteer. *See TEC 37.006(a)(2)(B)*
6. Engaging in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06 of the Penal Code, or terroristic threat under Section 22.07 of the Penal Code.
7. Engaging in conduct that contains the elements of the offense of deadly conduct under Penal Code Section 22.05.
8. Engaging in expellable conduct under TEC 37.007(a) (mandatory expellable offenses) or possesses a firearm, as defined by 18 U.S.C. Section 921 within 300 feet of school property as measured from any point on the school's real boundary line.
9. Engaging in expellable conduct under TEC 37.007(a) (2) (A) or (C) (aggravated assault, sexual assault, murder, etc.) or the offense of aggravated robbery under Penal Code Section 29.03, against another student, without regard to whether the conduct occurs on or off of school property or while attending a school sponsored or school-related activity on or off school property.
10. Engaging in the elements of one of the following offenses against another student, without regard to where the conduct occurs: aggravated assault, sexual assault, murder, capital murder, criminal attempt to commit murder or capital murder, aggravated robbery, breach of computer security.
11. Engaging in the following conduct within 300 feet of school property, as measured from any point on the school's real property boundary line: aggravated assault, sexual assault, or aggravated sexual assault; arson; murder, capital murder, or criminal attempt to commit murder or capital murder; indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery; continuous sexual abuse of a young child or children; felony drug or alcohol related offense; unlawfully carrying on or about the student's person a handgun, or a location-restricted knife; possessing, manufacturing, transporting, repairing, or selling a prohibited weapon (as defined by state law); or possession of a firearm (as defined by federal law).

At the District's discretion, a student age 10 or older may be expelled based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school related activity if it constitutes cyberbullying that: (A) interferes with a student's educational opportunities; or (B) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Consequence(s): **Students age 10 or older guilty of the Most Serious Discipline Offenses** may be expelled for up to one year if the student committed the offense on school property or while attending a school-sponsored or school related activity on or off school property. Students under the age of 10 guilty of the Most Serious Discipline Offenses shall be placed in an Alternative Education Program. Students guilty of the federal firearm offense shall be expelled for one calendar year as required by Federal Law. After a period of expulsion, the District may assign a student to an alternative education program upon return to school. A student under age 10 shall be expelled for a federal firearm violation, but the student will be provided educational services in an Alternative Education Program.

B. **Class B Offenses: Critical/Serious Offenses**

MANDATORY REMOVAL TO AN ALTERNATIVE EDUCATION PROGRAM

A student must be placed in an Alternative Education Program if the student:

1. Engages in conduct that involves a public school that contains the elements of a false alarm or report (including a bomb threat) or a terrorist threat as defined in TPC § 22.07. *See TEC § 37.006(a)(1).*
2. Commits any of the following offenses on school property, within 300 feet of school property, or while attending a school-sponsored or school related activity on or off school property.
   a) Engages in conduct punishable as a felony. *See TEC § 37.006(a)(2)(A).*
   b) Engages in conduct that contains the elements of the offense of assault as defined in Section 22.01 (a)(1), Penal Code.
   c) Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of marijuana or a controlled substance, or a dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in the Expulsion section.) (See glossary for "under the influence.") Students are advised that if "reasonable suspicion" exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation. If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
   d) Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol, if the conduct is not punishable as a felony. (School-related felony offenses are addressed in the expulsion section in this Student Code of Conduct.). Students are advised that if "reasonable suspicion" exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation, including, but not limited to, a "breathalyzer test." If the student refuses

to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.

e) Behaves in a manner that contains the elements of an offense related to an abusable volatile chemical under sections 485.031 through 485.034 of the Texas Health and Safety Code.

f) Engages in conduct that contains the elements of the offense of public lewdness under Section 21.07 of the Penal Code, or indecent exposure as defined in Section 21.08 of the Penal Code.

g) Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).

3. Engages in expellable conduct and is between six and nine years of age.
4. Commits a federal firearms violation and is younger than six years of age.
5. Possesses, promotes, or accesses with an intent to view, visual material that depicts lewd exhibition of the genital or pubic area of a child, appeals to a prurient interest in sex, and has no serious literary, artistic, political or scientific value. "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise or to offer or agree to do any of the above. *TEC § 37.006(a)(2)(A); TPC § 43.262.*
6. Engages in sexual harassment (including gender-based harassment or sexual abuse), defined as any unwanted physical, verbal, or visual sexual advances; requests for sexual favors; and other sexually-oriented conduct, which is offensive or objectionable to the recipient, including, but not limited to: epithets; derogatory or suggestive comments, slurs, or gestures; and offensive posters, cartoons, pictures, or drawings.
7. Engages in dating violence. Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. *TEC Sec. 37.0831(b)(2).*
8. Except as provide above under "Discretionary Expulsion" (TEC § 37.007(d)), engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property as defined in Section 36.06 of the Penal Code.
9. Willfully engages in disruptive activity or disrupts a lawful assembly on the campus or district property. A lawful assembly or school-related activity is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.
10. Engages in conduct that includes the elements of false alarm or report under Section 42.06 of the Penal Code.
11. Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see glossary) of the Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:
    a) The student receives deferred prosecution (see glossary),
    b) A court or jury finds that the student has engaged in delinquent conduct (see glossary), or
    c) The superintendent or designee has a reasonable belief (see glossary) that the student engaged in the conduct.

DISCRETIONARY REMOVAL TO AN ALTERNATIVE EDUCATION PROGRAM

The Board, the Board's designee or any appropriate administrator may place a student in an Alternative Education Program who is found to have been:

1. Involved in gang activity, including participating as a member of pledge, or soliciting another person to become a pledge or member of a gang;
2. Engaging in conduct that contains the elements of the offense of assault under Section 22.01(a)(2) or (a)(3) of the Penal Code;
3. Engaging in conduct related to placing graffiti on school property;
4. Engaging in "bullying" that encourages a student to commit or attempt to commit suicide; inciting violence against a student through group bullying; or releasing or threatening to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent. A student is also subject to discipline under this section if the bullying occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity (*TEC §§ 37.0832, 37.0052*);
5. A student may also be removed from class and placed in an alternative education program based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school related activity if it constitutes cyberbullying that: (A) interferes with a student's educational opportunities; or (B) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.
6. A student may also be removed from class and placed in an alternative education program based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school related activity if:
    a. the Superintendent or the Superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in Title 5, Penal Code, listed above; and
    b. the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, the Superintendent or the Superintendent's designee may consider all available information, including the information furnished under Article 15.27, Code of Criminal Procedure.

Consequence(s): Students guilty of Critical/Serious Discipline Offenses shall or may be removed to the Disciplinary Alternative Education Center or to another Alternative Education Program. The length of removal will depend on the offense and the circumstances under which it was committed. The duration of a student's placed shall be based on the seriousness of the offense, the student's age and grade level, the frequency of the misconduct, the student's attitude, and statutory requirements. Students placed in a Disciplinary Alternative Education Program shall not attend or participate in any school sponsored or school related activity. Students guilty of a second Critical/Serious Offense

or other violation(s) of the Student Code of Conduct while assigned to the Alternative Education Center or other Alternative Education Program may be expelled. A campus behavior coordinator or other appropriate administrator may remove a student to a disciplinary alternative education program for off-campus conduct for which removal is required under this section even if the campus behavior coordinator or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

Students must complete the assigned alternative education program before returning to the sending campus.

C. **Class C Offenses: Significant Offenses**

1. Possessing or using drug paraphernalia, as drug paraphernalia is defined by the Texas Controlled Substances Act (Article 4476 15, Vernon's Texas Civil Statutes).
2. Selling, distributing, possessing, or using substances or items portrayed as being drugs (without regard to amount), drug paraphernalia or alcohol. Students are advised that if "reasonable suspicion" exists that a student has violated this paragraph, the student may be tested for evidence of the potential violation. If the student refuses to cooperate with the testing, then the consequences of violating this paragraph will attach and apply to the student.
3. Using or possessing any instrument including, but not limited to, any weapon, knife, or gun which does not fit the Penal Code definition under Most Serious Offenses (example: pocket knife or fake gun), fireworks, ammunition, and instruments of the martial arts that might reasonably cause bodily harm, but has not been used as threat of bodily harm.
4. Engaging in conduct that contains the elements of the offense of assault as defined in Section 22.01 (a)(2) or (a)(3), Penal Code.
5. Extorting or attempting extortion through use of threat or force.
6. Committing theft, robbery or burglary or attempting to commit such act(s).
7. Committing sexual acts that do not qualify as public lewdness or indecent exposure.
8. Tampering with, changing or altering records or documents of the District by any method including, but not limited to, computer access or other electronic means.
9. Damaging and/or destroying and/or altering school computer hardware and/or software by any method including, but not limited to, the use of computer software viruses or other electronic means.
10. Planning and/or organizing and/or instigating and/or participating in an activity that causes substantial disruption of the education program including, but not limited to, gang/cult activity.
11. Vandalizing property including, but not limited to, the use of computer software viruses or other electronic means.
12. Use or possession of substances/objects readily capable of causing bodily harm and/~~or property~~or property damage (matches, lighters, firecrackers, gasoline, lighter fluid, fire extinguisher, stink bomb).
13. Making a transient threat: a threat that communicates an intent to harm others or damage property, although is determined to not be substantive.
14. Fighting or otherwise exhibiting unacceptable physical contact.

15. Sexual harassment or dating violence.
16. Exhibiting serious or persistent misbehavior (see Glossary).
17. Use of computers or computer software or the Internet to obtain, view, download or possess pornography or obscene or inappropriate pictures, video, documents, audio, or other electronic information or to participate in non-school related chat room discussions over the Internet.
18. Disruptive activity including, but not limited to, interfering with the movement of people in an exit, an entrance, or a hallway of a District building without authorization of an administrator; interfering with an authorized activity by seizing control of all or part of a building; using force, violence or threats to prevent participation in an authorized assembly; using force, violence or threats to cause disruption during an assembly; interfering with the transportation of students in District vehicles.
19. Making hit lists.
20. Hazing: any willful act done by a student either individually or with others to another student for the purpose of subjecting the other student to indignity, humiliation, intimidation, physical abuse, or threats of abuse, social ostracism, shame, or disgrace. No student shall engage in any form of hazing, nor shall any student encourage or assist any other person in hazing. Students shall have prior written approval from the principal for any type of "initiation rites" of a school club or organization.

Use, possession, or distribution of tobacco products, including but not limited to cigarettes, vapor cigarettes, electronic cigarettes (including any component, part, or accessory for an e-cigarette device), cigars, pipes, snuff, or chewing tobacco.

~~20.~~21.

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Consequence(s):

Students guilty of Significant Discipline Offenses:

1. May be suspended (maximum three days per offense) and/or assigned to in-building suspension (IBS) ~~for more than 10 days~~ ;and up to the remainder of the school year unless the misconduct occurred during the last six weeks of the school year, in which case the student may be placed in IBS at the beginning of the next school year.
2. Students guilty of Significant Discipline Offenses may also be assigned to the Alternative Education Program.
3. A second Significant Discipline Offense or succeeding violations of the student code of conduct may lead to expulsion.

D. **Class D Offenses: Other Offenses**

~~1. Use, possession, or distribution of tobacco products, including but not limited to cigarettes, vapor cigarettes, electronic cigarettes (including any component, part, or accessory for an e-cigarette device), cigars, pipes, snuff, or chewing tobacco.~~

~~2.~~1.Disruption of school activities including, but not limited to, boycotts or sit ins and the posting or distribution of unauthorized communicative materials.

~~3.~~2. Lying or giving of false information either verbally or in writing to a school staff member.
~~4.~~3. Defiance/disrespect of authority of the teacher, principal, bus driver, supervisor, or other.
~~5.~~4. Directing profanity, vulgar language, obscene gestures or verbal abuse (name calling, ethnic/racial slurs) towards other students or school personnel.
~~6.~~5. Gambling.
~~7.~~6. Tardiness or truancy.
~~8.~~7. Littering of school grounds.
~~9.~~8. Trespassing or loitering in unauthorized areas.
~~10.~~9. Inappropriate use of a telecommunications/electronic device.
~~11.~~10. Dress/grooming code violations.
~~12.~~11. Failure to abide by rules and regulations at extracurricular and/or co-curricular activities (including but not limited to fighting, running, throwing objects from stands, etc.).
~~13.~~12. Failure to comply with the reasonable request(s) of any school staff member, including failure to identify self upon request.
~~14.~~13. Selling or soliciting for sale any merchandise on the school campus without the authorization of the school authorities.
~~15.~~14. Behavior symptomatic of or associated with gangs or cults, or participating in illegal campus organizations (i.e., fraternity, sorority, or secret society).
~~16.~~15. Chewing gum, eating, drinking in unauthorized areas.
~~17.~~16. Running or making excessive noise in the halls.
~~18.~~17. Unauthorized or disruptive behavior in classrooms, hallways and campus walkways.
~~19.~~18. Coming to class without necessary supplies (i.e., paper, pen, book, gym clothes, homework).
~~20.~~19. Parking or bike-riding or skateboarding violations.
~~21.~~20. Possession of video games, radios, portable CD players, portable cassette players, portable DVD players, etc.
~~22.~~21. Inappropriate public display of affection.
~~23.~~22. Cheating (giving or receiving answer) or copying the work of another student.
~~24.~~23. Violation of the District Internet Use policy.
~~25.~~24. Possession or use of laser pointers or similar device. Laser pointers will be confiscated.

Consequence(s):

Students guilty of:

1. **A first Class D Offense** may receive any of the discipline management techniques, appropriate for the situation as determined by the school administrator including, but not limited to, the following:
   a) Conference: teacher, student, counselor, parent or ~~administrator (~~administrator (as appropriate), including verbal and/or non verbal correction or warning
   b) Temporary confiscation of items that disrupt the education process

c) "Time out" or "Cooling off" period
d) Assignment to teacher detention
e) Contact with parent/guardian
f) Withdrawal of privileges including, but not limited to, ~~extra curricular~~extra-curricular activities, and honorary positions)
g) Assigned school duties other than class tasks
h) Restitution or restoration, as applicable
i) Lunch detention
j) Referral to Administrator, school auxiliary staff, social worker, outside professional, or outside agency
k) Removal to an alternative education program
l) Assignment to in school suspension program
m) Confiscation and forfeiture of property to school district
n) Corporal punishment (is permitted in order to preserve an effective educational environment, free from disruption, unless the student's parent or guardian has provided a signed statement prohibiting its use.)

2. **A second Class D Offense:**
   a) May result in suspension (maximum three days per offense)
   b) An additional assignment to in building suspension up to the remainder of the semester, unless the misconduct occurred during the last six-weeks of the semester, in which case the student may be considered for assignment to an in building suspension until the end of the following semester.
3. **Multiple Class D Offenses** may result in assignment to the Alternative Education Program or expulsion.

OTHER VIOLATIONS

In addition to the specific offenses proscribed by the Code of Conduct, students are prohibited from other acts of misbehavior such as, but not limited to, the following:

1. Cheating (giving or receiving answers) or copying the work of another student
2. Throwing objects that can cause bodily injury or damage property
3. Leaving school grounds when not permitted to do so
4. Directing profanity, vulgar language or using obscene gestures towards students or school personnel
5. Substantially interfering with classes or school activities, i.e. through boycotts, sit ins, or trespassing
6. Failing to comply with lawful directives issued by school personnel and/or school policies, rules and/or regulations
7. Committing robbery, theft, or arson
8. Engaging in misconduct, as defined by school district policies or regulations, on school buses
9. Fighting
10. Hazing
11. Damaging or vandalizing property owned by others

12. Defacing or damaging school property – including textbooks, furniture, and other equipment – with graffiti or by other means
13. Discharging a fire extinguisher without valid cause
14. Inappropriately pulling a fire alarm
15. Possessing or using:
    a) fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device
    b) razors, switchblades, box cutters, chains, or any other object used in a way that threatens or inflicts bodily injury to another person
    c) a "look-alike" weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon
    d) air guns, BB guns, or stun guns
    e) Ammunition
    f) A hand instrument designed to cut or stab another by being thrown
    g) knuckles
    h) a club
    i) a pocket knife or other small knife
    j) mace or pepper spray
    k) A firearm
    l) an improvised explosive device
    m) Tobacco products; cigarettes; e-cigarettes; and any component, part, or accessory for an e-cigarette device
    n) matches or a lighter
    o) published or electronic material that is designed to promote or encourage illegal behavior or could threaten school safety
    p) pornographic material
    q) a laser pointer for other than an approved use
    r) articles not generally considered to be weapons, including school supplies, when the principal or other campus administrator determines that a danger exists
16. Gambling
17. Making bomb threats
18. Making false threats, hoaxes or accusations regarding school safety
19. Committing extortion, coercion, blackmail, i.e. obtaining money or other objects of value from an unwilling person, or forcing an individual to act through the use of force or threat of force
20. Engaging in verbal abuse, i.e. name calling, ethnic or racial slurs, or derogatory statements addressed publicly to others which may precipitate substantial disruption of the school program or incite violence
21. Engaging in inappropriate sexual contact disruptive to other students or the school environment
22. Engaging in any other conduct that disrupts the school environment or education process and that meets the criteria for serious or persistent misbehavior (see Glossary)
23. Engaging in any conduct punishable as felony, on or off school property
24. Engaging in conduct that constitutes sexual harassment or sexual abuse whether the conduct is by work, gesture, or any other sexual conduct, including requests for sexual favors
25. Inappropriate or indecent exposure of a student's private body parts

26. Possessing, selling, using or abusing look-alike drugs or items attempted to be passed off as drugs and contraband
27. Possessing or selling seeds or pieces of marijuana in less than a usable amount
28. Possessing, using, giving, or selling paraphernalia related to any prohibited substance
29. Abusing the students own prescription drug, giving a prescription drug to another student, or possessing or being under the influence of another person's prescription drug on school property or at a school-related event.
30. Abusing over-the-counter drugs.
31. Being under the influence of prescription or over-the-counter drugs that cause impairment of the physical or mental faculties
32. Having or taking prescription drugs or over-the-counter drugs at school other than provided by District policy
33. Violating computer or internet use policies, rules, or agreements signed by the student, and/or agreement signed by the student's parent or guardian
34. Attempting to access or circumvent passwords or other security-related information of the District, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment
35. Attempting to alter, destroy, or disable District computer equipment, District data, the data of others, or other networks connected to the District's system, including off school property if the conduct causes a substantial disruption to the educational environment
36. Using the Internet or other electronic communications to threaten District students, employees, board members or volunteers, including off school property if the conduct causes a substantial disruption to the educational program
37. Attempting to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment
38. Sending or posting messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including off school property if the conduct causes a substantial disruption to the educational environment
39. Engaging in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property
40. Falsifying records, passes, or other school-related documents
41. Violating dress and grooming standards as communicated in the student handbook
42. Violating extracurricular standards of behavior
43. Repeatedly violating other communicated campus or classroom standards of behavior
44. School officials may also prohibit by policy other conduct which is likely to result in substantial disorder or invasion of the rights of others

Consequences for the aforementioned misbehavior include up to any of those outlined in this Student Code of Conduct including, within the discretion of the campus discipline personnel/campus behavior coordinator, assignment to a disciplinary alternative education program or expulsion.

The District may impose campus or classroom rules in addition to those found in the Code. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code.

PROHIBITED AVERSIVE TECHNIQUES

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the reoccurrence of a behavior by intentionally inflicting significant physical or emotional discomfort or pain. Aversive techniques include:

1. Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO (LOCAL).]
2. Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
3. Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
4. Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
5. Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
6. Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
7. Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
8. Restricting the student's circulation.
9. Securing the student to a stationary object while the student is standing or sitting.
10. Inhibiting, reducing, or hindering the student's ability to communicate.
11. Using chemical restraints.
12. Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student by the use of physical barriers.
13. Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

PROHIBITED CONDUCT

A. **Assaults and Aggravated Assaults**

Students are prohibited from assaulting anyone on school property, within 300 feet of school property or at any school related event or activity. *TEC Sec. 37.006(a)(2)(B); Penal Code 22.01.*

B. **Audio Recording**

Using any device or technology to record the voice of another in any way that disrupts the educational environment, invades the privacy of others, or records without the prior consent of the individual is prohibited.

C. **Bicycle/Skateboards/Rollerblades/Scooters/Wheelies**

Students who ride bicycles/scooters or walk to/from school must obey all traffic laws, crossing guards, and other adults. Students must walk bicycles/scooters while on campus. Bicycles and scooters should be secured with a lock at the bike racks. Under no circumstances should these be brought inside the school building. Students who ride bicycles that are parked in places not designated for bicycle parking, are ridden during the school day, or are ridden on sidewalks are subject to disciplinary action. Schools are not responsible for lost or stolen bicycles or scooters. Skateboards, scooters, roller blades, skates, and wheelies are prohibited from use at all times on all Bellville ISD campuses.

D. **Bullying and Cyber-Bullying**

Bullying and Cyber-bullying is prohibited and subject to disciplinary consequences in accordance with this *Student Code of Conduct* if the conduct:

1. occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; **or**
3. occurs off school property or outside of a school-sponsored or school-related activity if it constitutes cyberbullying that: (A) interferes with a student's educational opportunities; or (B) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity. *TEC Sec. 37.0832, TEC Sec. 37.0052.*

In addition to any disciplinary action, phones and other communication devices may be confiscated and/or searched and students should be aware that any images suspected to violate criminal laws will be referred to law enforcement authorities.

E. **Dating Violence and Sexual Harassment**

The District believes that every student has the right to attend school and school-related activities free from all forms of discrimination on the basis of sex, including sexual harassment. The District considers sexual harassment of students to be serious and will consider the full range of discipline options up to and including placement in the District's DAEP, according to the nature of the offense.

Sexual harassment is defined as any unwanted physical, verbal, or visual sexual advances, requests for sexual favors, or other sexually-oriented conduct, which is offensive or objectionable to the recipient, including, but not limited to: epithets; derogatory or suggestive comments, slurs, or gestures; and offensive posters, cartoons, pictures, or drawings.

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

All students are expected:

1. to treat one another courteously, with respect for the other person's feelings;
2. to avoid any behaviors known to be offensive; and
3. to stop these behaviors when asked or told to stop.

F. **Harassment**

Engaging in harassing behavior, including conduct that threatens to cause harm or bodily injury to another student, subjects another student to physical confinement or restraint, or maliciously and substantially harms another student's physical or emotional health or safety is strictly prohibited.

G. **Hazing**

Hazing (see glossary) is prohibited by students on or off campus.

Students shall have prior approval from the Principal or designee for any type of "initiation rites" of a school club or organization.

H. **Hit list**

Making hit lists (verbal or written) is prohibited by students on or off campus.

Hit list means a list of people targeted to be harmed using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

I. **Sexual Harassment/Sexual Abuse/Gender-Based Harassment**

Students shall not engage in conduct that constitutes sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct, directed toward another person, including a district student, employee, board member, or volunteer. Any unwanted and unwelcome verbal or physical contact of a sexual nature directed toward another student, a district employee, volunteer or board member is strictly prohibited. All students are expected to treat other students, district employees, volunteers and board members with courtesy and respect; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop. Any student violation of this paragraph will result in appropriate disciplinary action.

J. **Terroristic Threat**

Terroristic threat is defined in the Penal Code, § 22.07 as threatening to commit any offense involving violence to any person or property with intent to

1. cause a reaction of any type to the threat by an official or volunteer agency organized to deal with emergencies;
2. place any person in fear of imminent serious bodily injury;

3. prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
5. place the public or a substantial group of the public in fear of serious bodily injury; or
6. influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the District).

PUBLICATIONS

The distribution of the school newspaper, yearbook, and similar publications is encouraged on a school campus. In addition to school sponsored publications, students are entitled to express in writing their opinions and may distribute handwritten, duplicated, or printed material on school premises or at school sponsored activities at other locations in accordance with the following conditions:

1. The distribution of the following is prohibited on the grounds of any school or any school building or at any school sponsored activity at other locations:
   a) Material consisting wholly or primarily of commercial advertising
   b) Materials which are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience
   c) Materials that violate the intellectual property rights, privacy rights, or other rights of another person
   d) Materials containing defamatory statements about public figures or others
   e) Materials which endorse actions endangering the health or safety of students
   f) Material advocating illegal action or disobedience to the published Code of Student Conduct
   g) Hate literature or similar publications that scurrilously attack ethnic, religious, or racial groups or contain content aimed at creating hostility and violence; and the materials would materially and substantially interfere with school activities or the rights of others
   h) Any other material if the Principal has convincing and credible evidence that the distribution of the written material will:
      i. materially and substantially interferes with school activities;
      ii. materially and substantially interferes with the rights of other students or teachers; or
      iii. the District can demonstrate reasonable cause to believe that the expression would engender such material and substantial interference.
2. The distribution of other material shall be in accordance with School Board Policies FMA and FNAA and campus rules and regulations.

The District's educators shall exercise editorial control over style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns.

PURPOSE

The Student Code of Conduct ("Code") is the district's response to the requirements of Chapter 37 of the Texas Education Code.

The Code provides methods and options for managing students in the classroom and on school grounds, disciplining students, and preventing and intervening in student discipline problems.

The law requires the district to define misconduct that may – or must – result in a range of specific disciplinary consequences including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school.

Students are expected to follow the rules and regulations established by the school district, the school, and the classroom teacher. Students are expected to conduct themselves in a manner that is neither disruptive nor disrespectful and which does not violate the rights of others. This means that the student should become familiar with and observe the laws, policies, rules, and regulations that concern student conduct. In general, the student is expected to behave in a manner that permits uninterrupted learning to take place. Students are expected to cooperate with and assist the school staff in maintaining safety, order, and discipline.

Because the Student Code of Conduct is adopted by the District's Board of Trustees, it has the force of policy; therefore, in case of conflict between the Code and the Student Handbook, the Code will prevail. This Code remains in effect for the entire 2019-2020 school year, during summer school and at all school-related events and activities outside of the school year until an updated version adopted by the Board becomes effective for the next school year. A copy of this Code is available at each campus and the District's Web site: http://www.bellvilleisd.org.

Please Note: The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.

REPORTING PROHIBITED CONDUCT

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a teacher, school counselor, principal, or the District's Title IX coordinator for students. [See Policy FFH (LOCAL); TEC Sec. 37.083.] After a report of bullying is made, the principal, principal's designee, or Title IX coordinator must provide notice to (1) the parent of the alleged victim by the 3rd business day after the incident is reported; and (2) the alleged bully with a reasonable time. [See Policy FFI (LOCAL).] Reports of bullying may be submitted anonymously, verbally, and/or in writing. However, the principal or designated administrator shall document the allegations in writing and record the dates and circumstance of the interview.

The District does not have jurisdiction over other situations occurring in the community even though an incident may involve students (including technology-related communications – such as emails, texting, Facebook or other social media, messages, etc. – containing threats, bullying, and/or harassment) unless there is a direct impact to the school setting. District personnel may, however, conference with students regarding inappropriate behavior and effective ways to resolve conflict.

After a report of prohibited conduct is made, a conference will be scheduled and held as soon as possible within seven days of the request. The principal, principal's designee, or Title IX coordinator that investigates the complaint will complete the investigation of the complaint within ten school days. The student or parent will be informed if extenuating circumstances delay completion of the investigation. The student will not be required to present a complaint to a person who is the subject of the complaint. See Policy FFI (LOCAL).

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

If the results of an investigation indicate that bullying has occurred, the administration will take appropriate disciplinary action. Disciplinary or other action may be taken even if the conduct did not rise to the level of bullying. However, the Family Education Rights and Privacy Act (FERPA) prohibits the District from disclosing to anyone other than the student's parent or guardian what disciplinary actions, if any, have been taken against the student who engaged in bullying.

If upon completion of the investigation the principal or designated administrator determines that the alleged incident does not rise to the level of bullying, the District will proceed in accordance with the Student Code of Conduct in deciding what, if any, discipline should be assessed other documented prohibited conduct. A parent or adult student (a student over 18 years old) who is dissatisfied with the outcome of the investigation may appeal through Board Policy FNG (LOCAL), beginning at the appropriate level.

RESPECT FOR PERSONS AND PROPERTY

Students shall not vandalize or otherwise damage, deface, or remove any property, including furniture and other equipment, belonging to or used by the district, district schools, or district employees or volunteers. Parents or guardians of students guilty of damaging such property shall be notified of the damage and shall be liable for damages in accordance with the law. Students shall be responsible for the care and return of owned and district owned textbooks and other materials/equipment and may be charged for the replacement of lost/damaged items.

RIGHTS AND RESPONSIBILITIES

A. **Students**

All students are entitled to the basic citizenship rights recognized and protected by law for persons of their age and maturity. Bellville Independent School District schools shall foster a climate of mutual respect for the rights of others. Each student is expected to respect the rights and privileges of other students, of teachers, and of other district staff and comply with rules established for the orderly conduct of education.

Student responsibilities for achieving a positive learning environment shall include, but are not limited to, the following:

1. Demonstrate courtesy, even when others do not.
2. Behave in a responsible manner, always exercising self-discipline.

3. Attend all classes, regularly and on time.
4. Prepare for each class; take appropriate materials and assignments to class.
5. Account for his or her own work.
6. Dress in a neat, clean, and well groomed manner in accordance with the District's established dress code and policies.
7. Cooperate with and assist the school staff in maintaining safety, order, and discipline.
8. Respect the property of others, including District property and facilities.
9. Seek help from school personnel when having school or personal problems.
10. Cooperate with staff in investigation of disciplinary cases by providing accurate information when the student has knowledge relating to any offense.
11. Avoid loitering on the school campus before or after school.
12. Identify himself/herself to school personnel when asked.
13. Refrain from any form of criminal activity.
14. Obey all campus and classroom rules.
15. Adhere to the requirements of the Student Code of Conduct.

B. **Parents**

Parent responsibilities for contributing to the educational process shall include, but are not limited to, the following:

1. Establish and maintain, in the home, a positive attitude toward education.
2. Show an active interest in the child's schoolwork and progress through regular communication with the school.
3. Assist the child with dressing in a neat, clean, well groomed manner in accordance with the District's established dress code policies.
4. Keep the school informed of changes of address and phone number.
5. Send the child to the school serving the family's residence.
6. Ensure the child's regular daily attendance.
7. Keep the child out of school when the child is obviously ill.
8. Arrange for the child to get to school on time with needed materials and leave campus on time.
9. Report and explain any absence and tardy to the school promptly and in writing within 5 days of the date of absence.
10. Cooperate with school personnel when the child is involved in a disciplinary matter.
11. Cooperate with school personnel in the maintenance of the child's physical and emotional health.
12. Make every effort to provide for the physical needs of the child.
13. Encourage and lead the child to develop proper study habits at home.
14. Keep informed of school policies and academic requirements of school programs.
15. Bring to the attention of school authorities any learning problem or condition that may relate to his or her child's education.
16. Be sure the child attends school tutorials as the need arises.
17. Notify the teacher(s) if the child is unable to receive help at home.
18. Submit a signed statement that he or she understands and consents to the responsibilities outlined in this plan.

19. Control his or her child. Under Family Code § 33.01, a student's parent is legally liable for property damage proximately caused by a) the negligent conduct of the student if such conduct is reasonably attributable to the negligent failure of the parent to exercise that duty, or b) the willful or malicious conduct of a student who is at least 12 but under 18 years of age.
20. Review and encourage the child to adhere to the procedures set forth in District policies and this code.

Parent rights include, but are not limited to, the following:

1. Petition the board of trustees about the designation of the child's assigned school.
2. Have reasonable access to the school principal or a designated administrator to request reassignment or change of class or teacher.
3. Have the right to request that the parent's child participate in graduation ceremonies earlier than the child would normally graduate, if the child completes all courses required for graduation and if the child has not inappropriately violated the Student Code of Conduct.
4. Have the right to request that a child be permitted to attend a class for credit above the child's grade level unless the board or Superintendent's designated representative expects that the child cannot perform satisfactorily in the class.
5. Access to all written records concerning the parent's child as allowed by law.
6. Access to a copy of each state assessment instrument as allowed by law.
7. Review of all teaching materials, textbooks and other teaching aids used in the classroom of the parent's child, including each test administered after its administration as allowed by law.
8. Access to any board of trustees meeting, except a closed meeting.
9. Provide written consent for the district to conduct psychological examinations, tests, or treatment, unless required under Section 38.004.
10. Remove the parent's child temporarily from a class or other school activity that conflicts with the parent's religious or moral belief if the parent presents a written statement authorizing the removal as allowed by law. The parent may not remove a student to avoid the student's taking a test or to prevent the child from taking a subject for an entire semester.
11. Notification of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, or expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.
12. Throughout this Code of Conduct and related discipline policies, the term "parent" includes a parent, legal guardian, or other person having lawful control of the child.

C. **Teachers**

Teacher responsibilities for achieving a positive learning environment shall include, but are not limited to, the following:

1. Prepare and implement lesson plans and learning activities, which provide an effective education program for each student.
2. Participate in the development of a campus discipline management plan that supports the District's Code of Conduct.

3. Review the Student Code of Conduct.
4. Communicate with students and parents about por academic and/or conduct behavior.
5. Enforce school rules on campus and at all school sponsored activities.
6. Maintain an orderly classroom.
7. Address discipline problems consistently, reasonably, fairly, and patiently.
8. Ensure good student discipline by being in regular attendance and on time.
9. Ensure student safety by providing direct supervision of classrooms and hallways as appropriate.
10. Establish communication and an effective working relationship with parents, students, and other staff members.
11. Help students to strive toward appropriate self-discipline.
12. Serve as an appropriate role model for students.
13. Report suspected child abuse.
14. Maintain records and, in a timely manner, complete any and all appropriate documentation related to student discipline.
15. Adhere to the procedures set forth in the District policies and this Code.

Teacher rights include, but are not limited to, the following:

1. Send a student to the principal's office to maintain effective discipline in the classroom.
2. Remove a student from class who interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn as allowed by law.
3. Remove a student from class whose behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn as allowed by law.
4. Perform instructional and supervision duties without verbal or physical abuse or threats.

D. **Administrators**

Administrator responsibilities for achieving a positive learning environment shall include, but are not limited to, the following:

1. Plan a flexible curriculum and activities to meet the needs of all students and provide the resources necessary to implement those plans.
2. Implement policies, rules, and regulations to facilitate the establishment and maintenance of an atmosphere conducive to good behavior and teaming.
3. Ensure an effective instructional program for all students.
4. Establish guidelines for student discipline.
5. Attempt to solve school related problems or conflicts of students, staff, parents, and community.
6. Develop and maintain a plan to provide for the safety and welfare of students and faculty.
7. Develop and maintain communication with students and parents, including participation in required parent teacher conferences.
8. Ensure that the rights of students are protected.

9. Respond to discipline problems referred to him or her.
10. Provide appropriate assistance to students in learning appropriate discipline.
11. Assume responsibility and instructional leadership for discipline and for evaluation of the discipline management plan.
12. Serve as an appropriate role model for students.
13. Report suspected child abuse.
14. Adhere to the procedures set forth in District policies and this code.

E. **Board of Trustees**

Board of Trustees responsibilities for achieving a positive learning environment shall include but are not limited to the following:

1. Enact policies, rules, and regulations to facilitate the establishment and maintenance of an atmosphere conducive to good behavior and learning.
2. Provide the necessary trained and dedicated leadership and personnel to assure quality education for every student.
3. Provide the necessary equipment, materials, and other fiscal support to assure quality education for every student.

SAFETY

Student safety on campus and at school-related events is a high priority of the District. Although the District has implemented safety procedures, the cooperation of students is essential to ensure school safety. A student is expected to:

1. Avoid conduct that is likely to put the student or other students at risk.
2. Follow the behavioral standards in this booklet, as well as any additional rules for behavior and safety set by the principal, teachers, or bus drivers.
3. Remain alert to and promptly report to a teacher or the principal safety hazards, such as intruders on campus and threats made by any person toward a student or staff member.
4. Know emergency evacuation routes and signals.
5. Follow immediately the instructions of teachers, bus drivers, and other District employees who are overseeing the welfare of students.

SCHOLASTIC PENALTIES

A student removed from his or her regular classes for any reason other than expulsion will receive an excused absence and allowed to make up assignments if course work is completed within a time designated by the school administration. No academic penalty will be assessed based solely on disciplinary infractions except for the following:

1. Truancy
2. Cheating

Upon return to school, the student who receives an unexcused absence shall request missing assignments from each teacher. Work completed and returned within the time designated by the teacher(s) will be accepted with a maximum grade of 90.

Pending the exhaustion of the appeals process, students who meet the campus requirements for requesting, completing, and returning assignments will be allowed to remain current on all course work. Students with disabilities under the IDEIA. will receive educational services during expulsion as determined by the Admission, Review, and Dismissal (ARD) committee.

SCHOOL DISTRICT AUTHORITY AND JURISDICTION

School rules and the authority of the district to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

A. **The District has disciplinary authority over a student**

1. During the regular school day and while going to and from school or a school-sponsored or school-related activity on district transportation;
2. During lunch periods in which a student is allowed to leave campus;
3. While the student is in attendance at any school-sponsored or school-related activity, regardless of time or location;
4. For any school-related misconduct, regardless of time or location;
5. When retaliation against a school employee, Board member, or volunteer occurs or is threatened, regardless of time or location;
6. When a student engages in cyberbullying, as provided by Education Code 37.0832;
7. When criminal mischief is committed on or off school property or at a school-related event;
8. For certain offenses within 300 feet of school property as measured from any point on the school's property boundary line;
9. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
10. When the student commits a felony, as provided by Texas Education Code 37.006 or 37.0081, or a student is required to register as a sex offender; and
11. When the student is required to register as a sex offender.

B. **This Code of Conduct is based on several premises**

1. Certain student behaviors are appropriate because they facilitate effective teaching and learning; other behaviors are inappropriate because they interfere with effective teaching and learning.
2. It is reasonable to expect students to behave appropriately and for the school personnel to take measures to prevent students from behaving inappropriately.
3. It is to the advantage of the student to behave appropriately; it is more rewarding for the student and more productive for the school.
4. It is recognized that most students do behave appropriately.
5. Those students who behave inappropriately should be penalized for inappropriate actions, subject to applicable laws and policies.
6. The discipline techniques outlined in this Code may be used for prevention/intervention to change inappropriate student behaviors and to promote positive student behaviors or as part of progressive interventions to address behavior.

7. The use of illicit drugs and unlawful possession and use of alcohol is wrong and harmful. The unlawful possession or use of illicit drugs or alcohol is wrong and harmful.

C. **The Code of Student Conduct describes the behavior that is expected of students**

SEARCHES

District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the district's policies at FNF (Legal) and FNF (Local) for more information regarding investigations and searches.

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by the district. If a vehicle subject to search is locked, the student shall be asked to unlock the vehicle. If the student refuses, the District shall contact the student's parents. If the parents also refuse to permit the vehicle to be searched, the District may contact local law enforcement officials and turn the matter over to them. The District may, in certain circumstances, contact law enforcement even if permission to search is granted.

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice.

In limited circumstances and in accordance with applicable law, a student's personal telecommunication device may be searched by authorized personnel if there is reason to suspect that the device contains evidence of wrongdoing.

SECRET SOCIETIES
Policy FNCC (LEGAL)

A student is prohibited from being a member of, pledging to become a member of, joining, or soliciting another person to join or pledge to become a member of a public school fraternity, sorority, secret society, or gang. An offense under this section is a Class C misdemeanor.

A person commits a felony if the person, with intent to coerce, induce, or solicit a child to actively participate in the activities of a criminal street gang, threatens the child with imminent bodily injury or causes the child bodily injury. *Penal Code 71.022.*

***Definition*: Public school fraternity, sorority, secret society, or gang** means an organization composed wholly or in part of students of public primary or secondary schools that seeks to perpetuate itself by taking in additional members from the students enrolled in the school on the basis of the decision of its membership rather than on the free choice of a student in the school who is qualified by the rules of the school to fill the special aims of the organization. TEC Sec. 37.121. **Criminal street gang** is defined as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities. The term does not include an agency for public welfare,

including Boy Scouts, Girl Scouts, scholarship societies, or other similar educational organizations sponsored by state or national education authorities.

SECURITY PERSONNEL

To ensure sufficient security and protection of students, staff, and property, the Board employs school resource officers (SROs). In accordance with law, the Board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of District SROs are listed in policy CKE (LOCAL). The law enforcement duties of school resource officers are:

1. Patrol school district buildings and property.
2. Provide security at specified District events.
3. Investigate criminal incidents occurring on school district property.
4. Respond to all calls from campuses concerning crisis situations, accidents, and reports of crime. An SRO may not issue a citation to a child who is alleged to have committed a school offense. (See glossary.)
5. Network with area law enforcement agencies.
6. Support administrators and staff in creating and maintaining a safe learning environment.
7. Develop positive relationships with students, staff, parents, and the community.
8. Present crime prevention programs to students, staff, parents, and community.

SEXUAL ASSAULT AND CAMPUS ASSIGNMENTS

If a student has been convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus, and if the victim or the victim's parents request that the Board transfer the offending student to another campus, the offending student shall be transferred to another campus in the District. If there is no other campus in the District serving the grade level of the offending student, the offending student will be transferred to a DAEP.

SUSPENSION OF STUDENTS

Except as provided by Texas Education Code § 37.005(c), the Board's designee may suspend a student who engages in misconduct as outlined in this Code.

A suspension may not exceed three school days per behavior violation; however, there is no limit on the number of suspensions an individual student may receive.

Students below grade three or a student who is homeless may only be suspended under the following limited circumstances described in TEC § 37.005(c):

1. conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;
2. conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code; or
3. selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marihuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.

Before being suspended, a student shall have an informal conference with the campus behavior coordinator or appropriate administrator, who shall advise the student of the alleged misconduct. The student shall be given the opportunity to respond to the allegation before the administrator makes a decision.

In deciding whether to order out-of-school suspension, the principal, campus behavior coordinator, or other appropriate administrator shall take into consideration self-defense (see glossary), intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, a disability that substantially impairs the student's capability to appreciate the wrongfulness of the student's conduct, a student's status in the conservatorship of the Department of Family and Protective Services (foster care), or a student's status as homeless. When a student is assigned Out-of-School Suspension (OSS), the student is not permitted on school district property and restricted from participation in school-sponsored or school-related extracurricular or co-curricular activities.

Upon return to school, the student shall request his or her missing assignments from each teacher. Work completed and returned within the time designated by the teacher, with the time allowed not to exceed one day for each day of suspension, will be accepted with a maximum grade of 80. The student will be counted present toward meeting the 90% attendance rule.

The decision of the Board's designee to suspend a student is final and not appealable. However, notice of the reason(s) for suspension and an informal opportunity for the student to give his or her side of the story is required.

A. **Coursework During Suspension**

The district shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that doesn't require the use of the internet.

A student removed from the regular classroom to in-school suspension or another setting, other than the DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The district may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district

B. **Appeal Procedures for Campus-Level Discipline**

As outlined in this Code of Conduct, an appropriate school administrator may assign campus-level discipline to a student who violates the Student Code of Conduct. Campus-level discipline includes, but is not limited to, any and all discipline management techniques described in the Class C and Class D offense consequences sections of this Code. The Board designates the campus principal, campus behavior coordinator or other appropriate campus-level administrator to hear any appeal regarding campus-level discipline. The decision of the campus-level administrator who hears the appeal is final and not appealable.

Parental questions or complaints regarding ancillary issues related to disciplinary measures should be addressed informally with the teacher or campus administration, as appropriate or in accordance with Board Policy FNG (LOCAL). This process, however, may not be used to overturn a disciplinary assignment.

TEACHER REMOVAL OF STUDENTS FROM CLASS

A teacher may send a student to the campus behavior coordinator's office to maintain effective discipline in the classroom. The campus behavior coordinator shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct.

A teacher may also initiate a formal removal from class if:

1. The student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach his or her class or with the student's classmates' ability to learn; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach and the students in the class cannot learn.

A teacher shall remove from class and send to the principal for placement in an alternative education program or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007, of the Texas Education Code.

If a student has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, aggravated sexual assault, murder, capital murder, or criminal attempt to commit murder or capital murder, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent.

Within three (3) school days of the formal removal, the campus administrator shall schedule a conference with the student's parent, the student, the teacher who removed the student from class, and any other appropriate administrator. At the conference, the appropriate campus administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations.

When a student is removed from the regular classroom by a teacher and a conference is pending, the campus administrator may place the student in:

1. Another appropriate classroom.
2. In-school suspension.
3. Out-of-school suspension.
4. DAEP.

THREAT ASSESSMENT AND SAFE AND SUPPORTIVE SCHOOL TEAM

The campus behavior coordinator or other appropriate administrator will work closely with the campus threat assessment safe and supportive school team to implement the district's threat

assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct.

TOBACCO USE

All Bellville ISD property shall be smoke free.

Students shall not possess or use e-cigarettes or tobacco products, including but not limited to cigarettes, vape pens/devices, cigars, pipes, snuff, dip, or chewing tobacco, on school premises or at school related functions. TEC § 38.006, 20 U.S.C. 6083 and 7183.

A student in possession of an e-cigarette or vapor pen/device that the administrator has reasonable suspicion of it containing an illegal drug or nicotine will be issued consequences based on the administrator's reasonable suspicion. Reasonable suspicion in this context will be based on all available information, including student statements, physical symptoms displayed by the student, and/or the student's discipline history.

TRANSFER OPTIONS

In addition to the penalties and consequences set forth in this *Student Code of Conduct*, pursuant to state law, on the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying/sexual harassment/dating violence, a student who is a victim of such conduct as determined by the Board of Trustees or designee, may receive a transfer to another classroom at the campus which the victim was assigned at the time of the bullying/sexual harassment/dating violence occurred; or a campus in the school district other than the campus to which the victim was assigned at the time of the bullying/sexual harassment/dating violence occurred.

The Board of Trustees or the Board's designee shall verify that a student has been a victim of bullying/sexual harassment/dating violence before transferring the student under this section. Past student behavior may be considered when identifying bullying/sexual harassment/dating violence. The determination by the Board of Trustees or the Board's designee is final and may not be appealed. The district is not required to provide transportation to a student who transfers to another campus. There are no hearings or appeals for a transfer due to bullying/sexual harassment/dating violence behavior.

The Board may transfer the student who engaged in bullying to:

1. another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. a campus in the district other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged in bullying.

The transfer of a student with a disability who receives special education services and who engaged in bullying may be made only by a duly constituted ARD committee under TEC 37.004.

TRANSPORTATION: POLICIES AND GUIDELINES

A bus driver may refer a student to the principal's office or the campus behavior coordinator's office to maintain effective discipline on the bus. The principal/campus behavior coordinator must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges.

Since the district's primary responsibility in transporting students in district vehicles is to do so as safely as possible, the operator of the vehicle must focus on driving and not have his or her attention distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or the campus behavior coordinator may restrict or revoke a student's transportation privileges, in accordance with law.

In addition to the rules for good conduct expected of each student at school, each student is also expected to:

1. Remain ten (10) feet from the bus loading location.
2. Wait quietly until the bus has stopped and the bus door has opened before entering the bus.
3. Refrain from hanging onto the bus before boarding or after leaving the bus
4. Board the bus with objects limited to the size that can be transported on the lap.
5. Refrain from bringing animals and/or glass containers on the bus.
6. Bus driver is authorized to assign seats. Sit in seat assigned by bus driver.
7. Go to your seat immediately upon entering the bus and be seated, facing forward.
8. If the school bus is equipped with seatbelts, students shall wear a seatbelt at all times.
9. Refrain from extending any part of the body out of bus window.
10. Refrain from throwing objects on or off the bus.
11. Refrain from eating or drinking on the bus.
12. Each bus has a trash can available for the disposal of materials as students are boarding or leaving the bus;
13. Never dispose of trash out the bus window or on the ground at the bus stop
14. Ride assigned bus unless provisions for an exception have been made in writing through the campus
15. Leave the bus only at the designated bus stop unless provisions for an exception have been made.

A. **Bus Stop Guidelines**

1. Arrive at the bus stop five minutes before scheduled pick-up time.
2. Follow all school rules at and around the bus stop.
3. Respect other people's property and keep your bus stop clean.
4. Enter the bus quietly and move directly to your seat.
5. During unloading, move away from the bus quickly.
6. After exiting the bus, stand on the side of the road, at least ten (10) feet in front of the bus and wait until the driver signals before crossing the street.

Bus rules are posted in all of our buses. Failure to follow bus rules and bus stop guidelines will result in a bus discipline referral being completed describing the student's behavior. This referral will be forwarded to the campus administrator for further action. A copy will be maintained on file with the transportation department.

The steps taken to discipline a student are as follows:

1. Minor offenses such as being too loud or moving about more than the driver considers safe will result in a verbal reminder warning issued by the bus driver
2. Continued disrespect for the bus rules, as referenced in the Student Transportation Rules and Policies, will result in a written referral to the student's campus administrator
3. Major offenses such as fighting, serious insubordination / disrespect or endangerment will result in immediate referral to the student's campus administrator. In the case of misconduct that endangers the safety of other passengers or the driver, the driver has the authority to call for law enforcement assistance and will notify the principal and the transportation director as soon as possible.

B. **Referrals to the Campus Administrator**

First Offense: Warning; Student conference and parent notification

Second Offense: Parent/Student conference with campus administrator; student subject to 3-5 school days suspension of bus privileges

Third Offense: Student subject to up to ten (10) school days suspension of bus privileges

Fourth Offense: Student subject to suspension of bus privileges for remainder of semester, remainder of the school year or possibly permanent removal.

Under certain circumstances, the first offense may result in immediate removal from the bus. Examples of such behavior may include but are not limited to: fighting, profanity, destruction of property, and endangerment.

Disciplinary sanctions and changes in transportation for a student with a disability will be made in accordance with the student's Individual Education Plan (IEP) or other individually designed program.

VIDEOTAPING

An employee of the school district may, without consent of the child's parent, make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

1. purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses or as required by law;
2. a purpose related to a co-curricular or extracurricular activity;
3. a purpose related to regular classroom instruction; or
4. media coverage of the school, subject to applicable laws regarding parental consent.

WEAPONS

A student shall not go on the school premises or attend a school related function in possession of any weapon, including a knife, box cutter, tire deflation device, razor, chain (when used in a way that threatens or inflicts bodily injury), gun, air gun or BB gun, ammunition, pocketknife or small

knife, mace or pepper spray, stun gun, instrument or article (including fireworks) or any replicas of any weapon that might be injurious to person or property. The student shall not interfere with normal activities, or use of any building or portion of the campus by exhibiting, using, or threatening to exhibit or use the firearm, explosive, weapon, or knife. The possession of weapons or items represented to be weapons is prohibited under this rule.

Students are also prohibited from bringing to school or a school related activity any other weapons. This prohibition will not normally apply to school supplies such as pencils, compasses, and the like, unless they are used in a menacing or threatening manner.

The possession or use of articles not generally considered weapons may be prohibited when, in the Principal's or designee's judgment, a reasonable apprehension of danger exists to the student in possession, other students, staff, or school property by virtue of possession or use.

GLOSSARY

The following terms are defined for the purposes of the entire Bellville ISD Code of Conduct as follows:

1. **ADMISSION, REVIEW, and DISMISSAL (ARD) COMMITTEE:** The ARD committee is a committee made up of school staff and parents that address the admittance into special education; review the program (IEP-Individual Education Plan) that is in place; or dismiss the student from special education services. An ARD meeting may be requested by a parent or school staff member when needed. There is an annual ARD meeting held yearly to determine the new IEP and courses or related services the student will need for the upcoming year. The parent is an active member of the ARD meeting. The student may participate in the meeting when it is appropriate.

2. **Board:** The Bellville Independent School District is governed by a Board of Trustees who, as a body, coordinates and oversees the management of the District. All references to the Board means Bellville Independent School District Board of Trustees.

3. **Bullying** occurs when a single significant act or a pattern of acts by one or more students directed at another student exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

    a) Exploits occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
    b) occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; or
    c) occurs off school property or outside of a school-sponsored or school-related activity if it constitutes cyberbullying that: (1) interferes with a student's educational opportunities; or (2) substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

    and that:

d) Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
e) Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.
f) Materially and substantially disrupts the educations process or the orderly operation of a classroom or school; or
g) Infringes on the rights of the victim at school.

See Tex. Educ. Code § 37.0832.

Bullying may include, but is not limited to, intimidation by name-calling, using ethnic or racial slurs, or derogatory statements that could disrupt the school program or incite violence.

4. **Controlled substance** means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.

5. **Criminal street gang** is defined by Penal Code 71.01 as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

6. **Cyberbullying** is bullying done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool. *See Tex. Educ. Code § 37.0832.*

7. **Days** shall mean school days, unless otherwise noted.

8. **Dangerous drug** is defined by Health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

9. **Dating violence** occurs when a person in a current or past dating relationship uses physical, sexual, verbal or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

10. **Deferred prosecution** may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

11. **Delinquent Conduct** is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws

12. **Discipline Violation** includes the planning of or conspiring to commit an offense and/or commission of an offense.

13. **Discretionary** means that something is left to or regulated by a local decision maker.

14. **E-cigarette** means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

15. **Expulsion hearing:** A procedure in which the student shall be advised of the conduct with which he or she is charged that is resulting in a long-term removal from Bellville campuses. At this hearing, the student shall be provided appropriate due process as required by the federal constitution, and which the student's parent or guardian is invited, in writing, to attend. The student is entitled to:

    a) representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district;
    b) an opportunity to testify and to present evidence and witnesses in the student's defense; and
    c) an opportunity to question the district's witnesses called by the district at the hearing.

16. **False Alarm or Report** under Penal Code 42.06 occurs when a person knowingly initiates, communicates or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

    a) cause action by an official or volunteer agency organized to deal with emergencies;
    b) place a person in fear of imminent serious bodily injury; or
    c) prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile, or other mode of conveyance.

17. **Fighting** is defined as mutual combat between two or more students using blows of force to overcome the other student(s).

18. **Firearm** is defined by federal law (18 U.S.C. § 921(a)) as:

    a) Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
    b) The frame or receiver of any such weapon;
    c) Any firearm muffler or firearm silencer; or
    d) Any destructive device, such as any explosive, incendiary or poison gas, a bomb, a grenade, a rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or device similar to any of the devices described in this definition.

    Such term does not include an antique firearm.

19. **Graffiti** includes markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

20. **Handgun** is defined by Penal Code 46.01(5) as any firearm that is designed, made, or adapted to be fired with one hand.

21. **Harassment** includes:

    a) Conduct that meets the definition established in district policies DIA (LOCAL) and FFH (LOCAL);
    b) Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Section 37.001(b)(2) of the Education Code; or
    c) Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
        i. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
        ii. Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
        iii. Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; and
        iv. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

22. **Hazing** is defined by Section 37.151 of the Education Code as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meet the elements in Education Code 37.151, including:

    a) Any type of physical brutality;
    b) An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
    c) An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
    d) Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated.

23. **Hit list** means a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily injury.

24. **Illicit drug** use means the use of illegal drugs and the abuse of other drugs and alcohol.

25. **Improvised Explosive Device (IED)** is a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is made in an improvised manner using nonmilitary components. TPC §§ 46.05(a), (e); 46.01(18).

26. **Indecent Exposure** is defined by Penal Code 21.08 as an offense that occurs when a person exposes the person's anus or any part of the person's genitals with intent to arouse or gratify the sexual desire of any person, and is reckless about whether another is present who will be offended or alarmed by the act.

27. **Intimate Visual Material** is defined by Civil Practices and Remedies Code 98B.001 and Penal Code 21.16 as visual material that depicts a person: (A) with the person's intimate parts exposed; or (B) engaged in sexual conduct. "Visual Material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

28. **Knuckles** means any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

29. **Location-Restricted Knife** means a knife with a blade over 5 ½ inches. Penal Code § 46.01(6).

30. **Paraphernalia** are devices that can be used to inhale, ingest, inject, or otherwise introduce a controlled substance into a human body.

31. **Parent** includes a parent, legal guardian, or other person having lawful control of the child, in accordance with Section 26.002 of the Texas Education Code.

32. **Possession** means to have an item on one's person or in one's personal property, including but not limited to clothing, purse, or backpack; a private vehicle used for transportation to or from school or school-related activities, including but not limited to an automobile, truck, motorcycle, or bicycle; telecommunications or electronic devices; or any other school property used by the student, including but not limited to a locker or desk.

33. **Prohibited Items or Articles:** In addition to weapons prohibited by the Penal Code 46.05(a), students shall not possess fireworks of any kind, razors, any bladed instrument including pocket knives, chains, or any other object used in a way that threatens or inflicts bodily injury to another person, or that the principal or designee determines presents a danger to any student, District employee, or District property by virtue of possession or use of the object. Any violation of this policy shall result in disciplinary action deemed appropriate by the principal.

34. **Prohibited Weapon** under Penal Code 46.05(a) means:

    a) The following items unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:

i. An explosive weapon;
ii. A machine gun;
iii. A short-barrel firearm;

b) Armor-piercing ammunition;
c) A chemical dispensing device;
d) A zip gun;
e) A tire deflation device;
f) An improvised explosive device; or
g) A firearm silencer, unless classified as a curio or relic by the U.S. Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law

35. **Public Lewdness** is defined by Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, is reckless about whether another is present who will be offended or alarmed by the act.

36. **Public school fraternity, sorority, secret society, or gang** means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Section 37.121(d) of the Education Code are exempt from this definition.

37. **Reasonable Belief** is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such reasonable belief, the superintendent or designee may use all available information, including the notice of a student's arrest under Article 15.27 of the Code of Criminal Procedure.

38. **School Activities** means an activity relating to or sponsored by the Bellville Independent School District.

39. **School Offense** means an offense committed by a child enrolled in a public school that is a Class C misdemeanor other than a traffic offense and that is committed on property under the control and jurisdiction of a school district.

40. **School premises** are defined as school property or public property within 300 feet of school property.

41. **Self Defense** is the use of force against another to the degree a person reasonably believes the force is immediately necessary to protect himself or herself.

42. **Sexting** means using a cell phone, iPad, or any other type of communication device to send text or email or video messages or electronic transmissions or possessing text or email or video messages or electronic transmissions containing images reasonably interpreted as indecent or sexually suggestive or depicting sexual conduct or meeting the definitions or elements of any aspect of Penal Code § 43.261 while at school or at a school related function.

In addition to any disciplinary action, phones and other communication devices may be confiscated and/or searched and students should be aware that any images suspected to violate criminal laws will be referred to law enforcement authorities.

43. **Serious misbehavior** involves engaging in documented serious misbehavior that violates the district's Student Code of Conduct, despite documented behavioral interventions while placed in a disciplinary alternative education program. For purposes of discretionary expulsion from an DAEP, serious misbehavior means: deliberate violent behavior that poses a direct threat to the health or safety of others; extortion, meaning the gaining of money or other property by force or threat; conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or conduct that constitutes the offense of:

    a) Public lewdness under Penal Code 21.07;
    b) Indecent exposure under Penal Code 21.08;
    c) Criminal mischief under Penal Code 28.03;
    d) Hazing under Education Code Section 37.152; or
    e) Harassment under Penal Section 42.07(a)(1) of a student or district employee.

44. **Sexual Harassment** (including gender-based harassment or sexual abuse) is defined as any unwanted physical, verbal, or visual sexual advances; requests for sexual favors; and other sexually-oriented conduct, which is offensive or objectionable to the recipient, including, but not limited to: epithets; derogatory or suggestive comments, slurs, or gestures; and offensive posters, cartoons, pictures, or drawings.

45. **Student** means an individual registered or enrolled for credit or non-credit in a course or program offered by the Bellville Independent School District.

46. **Suspension:** Except as provided by Texas Education Code § 37.005(c), the principal may suspend a student who engages in conduct for which the student may be placed in a disciplinary alternative education program. While in-school suspensions are removal to a specific location on the campus, out-of-school suspensions deny the student access to the campus. Each suspension may not exceed three days.

47. **Terroristic Threat:** A person commits an offense if he threatens to commit any offense involving violence to any person or property with the intent to:

    a) cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies;
    b) place any person in fear of imminent serious bodily injury;
    c) prevent or interrupt the occupation or use of a building; room; place of assembly; place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
    d) cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;
    e) place the public or a substantial group of the public in fear of serious bodily injury; or
    f) Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

48. **Tire deflation device** is defined in part by Penal Code 46.01 as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

49. **Title 5 Offenses** are those crimes listed in Title 5 of the Penal Code that involve injury to a person and include: murder; kidnapping; trafficking of persons; smuggling or continuous smuggling of persons; assault aggravated assault; sexual assault; aggravated sexual assault; unlawful restraint; voyeurism; indecency with a child; invasive visual recording; disclosure or promotion of intimate visual material; injury to a child, an elderly person, or a disabled person of any age; abandoning or endangering a child; Deadly conduct; terroristic threat; aiding a person to commit suicide; and tampering with a consumer product.

50. **Under the influence** means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the influence" need not be legally intoxicated to trigger disciplinary action.

51. **Use** means voluntarily introducing into one's body, by any means, a prohibited substance.

52. **Zip gun** is a device or combination of devices, not originally a firearm, but adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

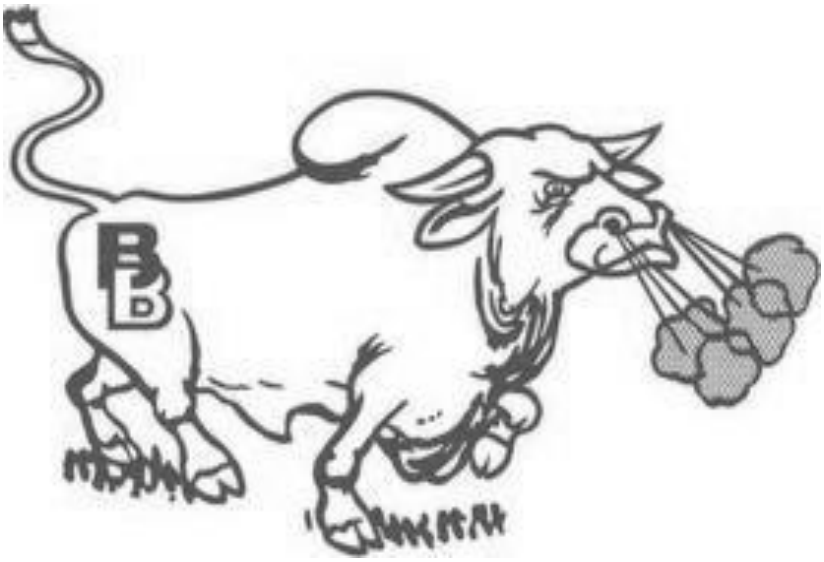
The contents of this Student Code of Conduct are not contractual, and do not give rise to a claim of breach of contract against the school district. Further, the contents of this Code apply to all students of the district, as the content now appear in the Code or may be amended in the future.

It is the policy of Bellville ISD not to discriminate on the basis of sex, disability, race, religion, color, gender, age, or national origin in its educational programs and/or activities, including career and technology programs, nor in its employment practices and to provide equal access to the Boy Scouts and other designated youth groups.

THE BRAHMA BULL'S EYE

Bellville High School

Student Handbook



2020 - 2021

Wherever You Go...

You Represent
Yourself
Your Family
Your Community
Your School
Your Country

1019

Administration

Dr. Nicole Poenitzsch – Superintendent
Dennis Jurek — Assistant Superintendent of Finance & Operations
Chief Academic Officer – Natalie Jones
Chief Talent Officer – Dr. Tony Hancock
Matthew Mahlmann – Director of Future Readiness
Dr. Megan Pape – Director of Special Education
Dr. Michael Coopersmith – Director of Administrative Operations

Casey Hollomon — BHS Principal
Amy Avant – BHS Assistant Principal
James Dristas – BHS Assistant Principal

B.I.S.D. – Administration Office – (979) 865-3133
Bellville High School – (979) 865-3681

School Board

Grant Lischka – President
Dusty Yantis – Vice President
Kenneth Stein – Secretary
Jim Batson
Andy Murrell
Vince Ruffino
Karen Winn

GREETINGS

To Students and Parents:

Welcome to the 2020-2021 school year. Education is a team effort, and we know that students, parents, teachers, and other staff members all working together will make a successful year for our students.

The Bellville High School Student Handbook contains information that you are likely to need during the school year. The information is listed in alphabetical order. Each section has a Quick Reference component to serve as a guide for day-to-day questions that may arise.

Please be aware that the term "the student's parent" is used to refer to the parent, legal guardian, or other person who has agreed to assume school-related responsibility for the student.

Both students and parents should become familiar with the Bellville ISD Student Code of Conduct, which is a document adopted by the board and intended to promote school safety and an atmosphere of learning. Every student is offered a copy of the student code of conduct, either online or paper copy.

The student handbook is designed to be in harmony with Board policy and the Student Code of Conduct. Please be aware that the handbook is updated yearly, while policy adoption and revision may occur throughout the year. Changes in the policy or other rules that affect student handbook provisions will be made available to students and parents through newsletters or other communications.

In case of conflict between Board policy or the Student Code of Conduct and any provisions of student handbooks, the provisions of Board policy or the Student Code of Conduct that were most recently adopted by the Board are to be followed.

After reading through the entire handbook with your child, keep it as a reference during this school year. If you or your child has questions about any of the material in this handbook, please contact a teacher, a counselor, or the principal.

Please note that references to alphabetical policy codes are included so that parents can refer to current board policy. A copy of the District's policy manual is available in the superintendent's office or online.

Nondiscrimination Notice

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

The following District staff members have been designated to coordinate compliance with these legal requirements:

- Title IX Compliance Coordinator – Dr. Nicole Poenitzsch
- Section 504 Coordinator for concerns regarding disability discrimination – Dr. Megan Pape.

MISSION STATEMENT

The mission of Bellville Independent School District, as the center of public education, is to provide a high quality, well-rounded education that prepares all students for success.

VISION STATEMENT

BISD commits to developing an exceptional educational community which dedicates its resources to promoting high academic and moral standards. This commitment prepares our students to successfully compete in an ever changing technological and global society.

DISTRICT MOTTO

"Learners Today, Leaders Tomorrow"

DISTRICT WEBSITE

www.bellvilleisd.org

ASBESTOS

The U.S. Congress passed and President Ronald Reagan signed into law in 1986, the Asbestos Hazard Emergency Response Act (AHERA), concerning asbestos-containing material and asbestos-containing building material in the public schools. The purpose of this law was to require local education agencies to test for asbestos in areas within the school districts in the interest of the public health of the students, teachers and school workers. The law directed the EPA to promulgate regulation for addressing asbestos problems in the public and private schools. The law also established certain milestones and deadlines for the schools to adhere to in responding to this act.

As such, Bellville Independent School District employed the service of an accredited Asbestos Inspector to inspect, take samples and prepare an inspection report to determine if asbestos was contained within the school district buildings. The inspection results revealed asbestos in certain parts of the school buildings. The Bellville Independent School District, working within the framework of the law, employed an accredited Asbestos Management Planner to work with the District Administration, and has developed a management plan to abate (remove) and manage the asbestos.

The school district, in compliance with the law, has developed a schedule and program for abatement and management of the asbestos. This plan is now in place and can be reviewed during the normal business hours at the School Administration Building at 518 South Mathews Street or at any of the school campuses.

ASSEMBLIES

Students are required to conduct themselves in assemblies as they do in class. Students who are tardy or who do not abide by District rules of conduct during an assembly will be subject to disciplinary action and will lose their privilege to attend future assemblies.

ATTENDANCE

Regular school attendance is essential for a student to make the most of his or her education, to benefit from teacher-led activities, to build each day's learning on the previous day's, and to grow as an individual. Absences from class may result in serious disruption of a student's mastery of the instructional materials; therefore, the student and parent should make every effort to avoid unnecessary absences.

State law requires that a student between the ages of six and 18 attend school as well as District-required tutorial sessions and any applicable accelerated instruction programs unless the student is otherwise excused from attendance or legally exempt. A student who voluntarily attends or enrolls after his or her 18th birthday is required to attend each school day until the end of the school year and is subject to compulsory attendance laws, if the student is under 21.

If a student 19 or older has more than five unexcused absences in a semester, however, the District may revoke the student's enrollment. The student's presence on school property thereafter would be unauthorized and may be considered trespassing.

Compulsory Attendance

School employees must investigate and report violations of the state compulsory attendance law. Any student absent from school without permission, from any class; from required special programs, or from required tutorials, will be considered truant and subject to disciplinary action. Truancy may also result in assessment of a penalty by a court of law against the student and his or her parents.

If a student is absent from school on 10 or more days or parts of days within a six-month period in the same school year or on three or more days or parts of days within a four-week period:

1. the student's parent is subject to prosecution under Section 25.093; and
2. the student is subject to prosecution under Section 25.094 or to referral to a juvenile court in a county with a population of less than 100,000 for conduct that violates that section.

To receive credit in a class, **a student must attend at least 90 percent of the days** the class is offered. A student who attends at least 75 percent but fewer than 90 percent of the days the class is offered may receive credit for the class if he or she completes a plan, approved by the principal, that allows the student to fulfill the instructional requirements for the class. If a student is involved in a criminal or juvenile court proceeding, the approval of the judge presiding over the case will also be required before the student receives credit for the class.

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

In determining whether there were extenuating circumstances for the absences, the attendance committee will use the following guidelines:

All absences will be considered in determining whether a student has attended the required percentage of days. If makeup work is completed, absences for religious holy days and documented health-care appointments will be considered days of attendance for this purpose. [See policies at FEB]

A transfer or migrant student begins to accumulate absences only after he or she has enrolled in the district. For a student transferring into the district after school begins, including a migrant student, only those absences after enrollment will be considered.

The committee will consider the acceptability and authenticity of documented reasons for the student's absences.

The committee will consider whether the absences were for reasons over which the student or the student's parent could exercise any control.

The committee will consider the extent to which the student has completed assignments, mastered the essential knowledge and skills, and maintained passing grades in the course or subject.

The student or parent will be given an opportunity to present any information to the committee about the absences and to talk about ways to earn or regain credit.

The student or parent may appeal the committee's decision to the board of trustees by filing a written request with the superintendent in accordance with policy FNG(LOCAL). The actual number of days a student must be in attendance in order to receive credit will depend on whether the class is for a full semester or for a full year.

Parent Note

When a student must be absent from school, the student-upon returning to school-**must bring a note** within 5 school days, signed by the parent, that describes the reason for the absence. A note signed by the student, even with the parent's permission, will not be accepted.

Driver License Attendance Verification

To obtain a driver license, a student between the ages of 15 and 18 must provide to the Texas Department of Public Safety a form obtained from the school verifying that the student has met the 90 percent attendance requirement for the semester preceding the date of application. The student must come to the front office to obtain this verification of enrollment.

BELLVILLE ISD HEALTH POLICIES

MEDICINE AT SCHOOL

District employees will not give a student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements, with the following exceptions:
Only authorized employees, in accordance with policies at FFAC, may administer:

- Prescription medication, in the original, properly labeled container provided by the parent, along with a written request including name of student, name of medication, dosage, date, and parent signature. Medication will not be administered differently than the label specifies without a new prescription or written documentation from the physician.
- Prescription medication from a properly labeled unit dosage container filled by a registered nurse or another qualified district employee from the original, properly labeled container.
- Nonprescription medication, in the original, properly labeled container, provided by the parent along with a written request including name of student, name of drug, dosage, date, and parent signature. Medication will be administered based on the manufacturer's recommendations for age and/or weight.
- Herbal or dietary supplements provided by the parent only if required by the student' s individualized education program (IEP) or Section 504 plan for a student with disabilities.

The district does not accept or administer medications that contain narcotics for the safety of the student(s) and in compliance with the district drug abuse policy. If a student has been prescribed medication in this category for pain, cough etc, they are asked to remain at home until they are able to replace the medication with an over-the-counter product or a non-narcotic prescription medication while at school for symptom control.

In certain emergency situations, the district will maintain and administer to a student nonprescription medication, but only in accordance with the guidelines developed with the district's medical advisor and when the parent has previously provided written consent for emergency treatment on the district's form.

- **All medications are to be kept in the nurse's office.**
- Medications will be kept in a locked cabinet. When dispensing medications, the person administering will keep records indicating the date, time, dosage and signature of the student and person administrating. Initials may be used in lieu of full signature.
- Medications that exceed the expiration date will not be administered.

Students violating this procedure will be subject to disciplinary action under the district's drug abuse policy.

CONTAGIOUS DISEASES / CONDITIONS

To protect other students from contagious illnesses, students infected with certain diseases are not allowed to come to school while contagious. If a parent suspects that his or her child has a contagious disease, the parent should contact the school nurse or principal so that other students who might have been exposed to the disease can be alerted. The school nurse or the principal's office can provide information from the Department of State Health Services regarding these diseases.

- Students that present to the nurse symptoms of a possible contagious nature or with a temperature of 100 degrees or higher will be sent home.
- **The district requests that students not return to school until they have been symptom free and fever free (less than 100 degrees) for 24 hours without a fever reducing medication such as Tylenol or Ibuprofen. (Non-Covid)**
- The student may be required to present a note from their doctor stating that they have been examined and released before they will be allowed to return to school. A positive COVID-19 diagnosis will require a 14-day quarantine and/or a medical release to return to school.

IMMUNIZATION

A student must be fully immunized against certain diseases or must present a certificate or statement that, for medical reasons or reasons of conscience, including a religious belief, the student will not be immunized. For exemptions based on reasons of conscience, only official forms issued by the Texas Department of State Health Services (DSHS), Immunization Branch, can be honored by the district. This form may be obtained by writing the DSHS Immunization Branch (MC 1946), P.O. Box 149347, Austin, Texas 78714-9347; or online at **http://webds.dshs.state.tx.us/immco/affidafvit.shtm**. The form must be notarized and submitted to the principal or school nurse within 90 days of notarization. If the parent is seeking an exemption for more than one student in the family, a separate form must be provided for each student. Exemptions have to be renewed every two years. Refer to district policy for required immunizations. The school nurse can provide information on age-appropriate doses or on an acceptable physician-validated history of illness required by the Department of State Health Services. Proof of immunization may be established by personal records from a licensed physician or public health clinic with a signature or rubber-stamp validation. If a student should not be immunized for medical reasons, the student or parent must present a certificate signed by a U.S. licensed physician stating that, in the doctor's opinion, the immunization required poses a significant risk to the health and well-being of the student or member of the student's family or household. This certificate

must be renewed yearly unless the physician specifies a life-long condition. [For further information, see policy FFAB(LEGAL) and the Department of State Health Services Web site: **http://www.dshs.state.tx.us/immunize/school/default.shtm.**

Asthma/Allergic Reaction

A student with asthma or severe allergic reaction (anaphylaxis) may be permitted to possess and use prescribed asthma or anaphylaxis medication at school or school-related events only if he or she has written authorization from his or her parent and a physician or other licensed health-care provider. The student must also demonstrate to his or her physician or health-care provider and the school nurse the ability to use the prescribed medication, including any device required to administer the medication.

If the student has been prescribed asthma or anaphylaxis medication for use during the school day, the student and parents should discuss this with the school nurse or principal. ***Parents are required each year to provide the school nurse with the students' individual health asthma management plan***. See school nurse for forms.

Diabetes

In accordance with a student's individual health plan for management of diabetes, a student with diabetes will be permitted to possess and use monitoring and treatment supplies and equipment while at school or at a school-related activity. See the school nurse or principal for information. [See policy FFAF(LEGAL).]

Psychotropic Drugs

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

Teachers and other district employees may discuss a student's academic progress or behavior with the student's parents or another employee as appropriate; however, they are not permitted to recommend use of psychotropic drugs. A district employee who is a registered nurse, an advanced nurse practitioner, a physician, or a certified or credentialed mental health professional can recommend that a student be evaluated by an appropriate medical practitioner, if appropriate. [For further information, see policies at FFAC.]

Steroids

State law prohibits students from possessing, dispensing, delivering, or administering an anabolic steroid. Anabolic steroids are for medical use only, and only a physician can prescribe use. Body building, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a healthy student is not a valid medical use and is a criminal offense. Students participating in UIL athletic competition may be subject to random steroid testing. More information on the UIL testing program may be found on the UIL Web site at: **http://www.uiltexas.edu/athletics/health/steroid_information.html.**

Injury/Restriction Policy

- If a student requires physical restrictions or supportive equipment such as, crutches, supportive braces or ace bandage, a written note from the parent is required indicating the restriction(s) and time frame of restriction.
- The request will be honored for three (3) days. If more than 3 days is required, a doctor's note must be presented to the nurse.
- Once released by the doctor, written authorization to return to normal activity level is required.
- Please present all notes to the nurse. The nurse will inform homeroom teacher and coaches.
- Students in athletics should refer to the athletic policy.

Lice Policy

- Students found to have live lice will be sent home for treatment and removal of nits with an approved lice killing treatment.
- The student may return to school after treatment is completed and all live lice have been removed.
- Once the student has been sent home, they are to report to the nurse with a parent or legal guardian for re-assessment before returning to the classroom.
- The district does not adhere to a no-nits policy but does reserve the right not to allow the student(s) back in the classroom if there is not adequate evidence that the situation is being addressed and monitored.

OTHER HEALTH-RELATED MATTERS

Bacterial Meningitis

State law specifically requires the district to provide the following information:

- **What is meningitis?**

Meningitis is an inflammation of the covering of the brain and spinal cord. It can be caused by viruses, parasites, fungi, and bacteria. Viral meningitis is most common and the least serious. Bacterial meningitis is the most common form of serious bacterial infection with the potential for serious, long-term complications. It is an uncommon disease, but requires urgent treatment with antibiotics to prevent permanent damage or death.

- **What are the symptoms?**

Someone with meningitis will become very ill. The illness may develop over one or two days, but it can also rapidly progress in a matter of hours. Not everyone with meningitis will have the same symptoms. Children (over 1 year old) and adults with meningitis may have a severe headache, high temperature, vomiting, sensitivity to bright lights, neck stiffness or joint pains, and drowsiness or confusion. In both children and adults, there may be a rash of tiny, red-purple spots. These can occur anywhere on the body. The diagnosis of bacterial meningitis is based on a combination of symptoms and laboratory results.

- **How serious is bacterial meningitis?**

If it is diagnosed early and treated promptly, the majority of people make a complete recovery. In some cases it can be fatal or a person may be left with a permanent disability.

- **How is bacterial meningitis spread?**

Fortunately, none of the bacteria that cause meningitis are as contagious as diseases like the common cold or the flu, and they are not spread by casual contact or by simply breathing the air where a person with meningitis has been. The germs live naturally in the back of our noses and throats, but they do not live for long outside the body. They are spread when people exchange saliva (such as by kissing, sharing drinking containers, utensils, or cigarettes). The germ does not cause meningitis in most people. Instead, most people become carriers of

the germ for days, weeks, or even months. The bacteria rarely overcome the body's immune system and cause meningitis or another serious illness.

- **How can bacterial meningitis be prevented?**

Do not share food, drinks, utensils, toothbrushes, or cigarettes. Limit the number of persons you kiss. While there are vaccines for some other strains of bacterial meningitis, they are used only in special circumstances. These include when there is a disease outbreak in a community or for people traveling to a country where there is a high risk of getting the disease. Also, a vaccine is recommended by some groups for college students, particularly freshmen living in dorms or residence halls. The vaccine is safe and effective (85–90 percent). It can cause mild side effects, such as redness and pain at the injection site lasting up to two days. Immunity develops within seven to ten days after the vaccine is given and lasts for up to five years.

- **What should you do if you think you or a friend might have bacterial meningitis?**

You should seek prompt medical attention.

- **Where can you get more information?**

Your school nurse, family doctor, and the staff at your local or regional health department office are excellent sources for information on all communicable diseases. You may also call your local health department or Regional Department of State Health Services office to ask about a meningococcal vaccine. Additional information may also be found at the Web sites for the Centers for Disease Control and Prevention, , and the Department of State Health Services, .

Physical Fitness Assessment

Annually, the district will conduct a physical fitness assessment of students in grades 3–12. At the end of the school year parents will be given the results of the assessment.

School Health Advisory Council

During the preceding school year, the district's School Health Advisory Council held meetings. Additional information regarding the district's School Health Advisory Council is available from the Superintendent. [See also policies at BDF and EHAA.]

Vending Machines

The district has adopted policies and implemented procedures to comply with state and federal food service guidelines for restricting student access to vending machines. For more information regarding these policies and guidelines see the campus principal or Food service Director. [See policies at CO and FFA.]

Tobacco Prohibited

The district and its staff strictly enforce prohibitions against the use of tobacco products by students and others on school property and at school-sponsored and school-related activities. [See the ***Student Code of Conduct*** and policies at FNCD and GKA.]

Asbestos Management Plan

The district's Asbestos Management Plan, designed to be in compliance with state and federal regulations, and is available in the Central Administration office. If you have any questions, please contact the Director of Operations at 979-865-3133.

Pest Management Plan

The district applies only pest control products that comply with state and federal guidelines. Except in an emergency, signs will be posted 48 hours before application. Parents who want to be notified prior to pesticide application inside their child's school assignment area may contact the head of maintenance at 979-865-3133.

BACKPACKS

We continue to encourage use of the clear/mesh backpacks for safety reasons, although the use of regular student backpacks is allowed for Bellville HS.

BUILDING ACCESS

Building access will be automated at all campuses to increase safety and security measures for all students and staff. Access to the building after the start of the school day (8:00am) will be through the main entrance in the front of the building only. Any student arriving after the start of the school day will need to come through the main entrance at the front of the building and sign-in at the front office.

BULLYING OR TAUNTING BEHAVIORS

Students must not participate, either individually or in a group, in bullying or taunting behaviors toward another student. Such behaviors may include repeated teasing or ridicule, name-calling, threats, theft, gossip, rumors, or physical intimidation of any kind. A substantiated complaint against a student will result in disciplinary action, according to the nature of the offense and the Student Code of Conduct.

CAFETERIA SERVICES

The District participates in the National School Lunch Program and offers students nutritionally balanced lunches daily. Free and reduced-price meals are available based on financial need. Information about a student's participation is confidential. See Mrs. Owen in the front office for an application.

CAMERAS

For safety purposes, video/audio equipment will be used to monitor student behavior on buses and in common areas on campus. Students will not be told when the equipment is being used. The administrators will review the video/audio recordings routinely and document student misconduct. Discipline will be in accordance with the Student Code of Conduct.

A parent who wants to view a videotape of the incident leading to the discipline of his or her child may request access in accordance with policy FL in the District's policy manual.

CAMPUS REGULATIONS

1. Students arriving on campus are expected to remain on campus until school is dismissed unless special permission is granted by the administration.
2. Speed Limit in the parking lot is 15 m.p.h. and should be observed by all students and personnel.
3. Loud talking or any "horse-play" will not be permitted at any time inside the main building.
4. Students should not be in any part of the school building other than those areas specifically authorized.
5. BHS is a closed campus. **Students will not be allowed off campus for lunch.**
6. Drink machines are provided for the convenience of the students. The machines are to be used only during lunch, or before and after school. Bottles are not to be taken on school buses for regular bus runs or into hallways of the school.
7. Students are not allowed in the parking lot before or during school hours.
8. Physical contact such as hugging, kissing, arms around waist, or holding hands is not allowed in school.
9. Bellville High School administration reserves the right to deny access to school property before, during, or after school hours. This includes all current students as well as the general public.

CHEATING/PLAGIARISM/ACADEMIC DISHONESTY

Copying another person's work, such as homework, classwork, or a test, is a form of cheating. Plagiarism, which is the use as one's own of another person's original ideas or writing without giving credit to the true author, will also be considered cheating and the student will be subject to academic disciplinary action that may include loss of credit for the work in question. Teachers who have reason to believe that a student has engaged in cheating or other academic dishonesty will assess the academic penalty to be imposed. Students found to have engaged in academic dishonesty will be subject to disciplinary penalties as well, according the Student Code of Conduct.

CHEERLEADER AND MASCOT TRY-OUT REQUIREMENTS

1. Students trying out for cheerleader & mascot must be passing all subjects. Any cheerleader who fails to maintain a passing average in each subject will abide by the Extracurricular No Pass-No Play Rule. To be eligible to try-out for cheerleader the overall grade average in each subject must be a 70 or above at the end of the Fall semester and the student must be eligible, according to No Pass/No Play, at the time of tryouts.
2. Cheerleading/mascot team size and squad will be determined annually and will be reviewed by the cheer sponsor and campus administration. Tryouts and requirements will be announced in the Spring semester of each school year.

See current year cheerleader constitution for further information.

CLASS ORGANIZATION

Each class will organize by electing a president, vice-president, secretary, and treasurer at the beginning of the each school year. The class sponsors are held responsible for the elections of these officers. A list of elected officers should be turned in to the principal's office. All class or club announcements should carry the sponsor's signature of approval. Students may not serve as both class officers and Student Council officers.

CLASSIFICATION

A student is assigned to specific grade levels or classifications according to the number of credits earned and on record by August 1, prior to the beginning of each school year. Classification is determined at the beginning of the school year and remains the same for the entire school
year. Classification of students is as follows:

Senior ..... 18 credits and scheduled to graduate
Junior ..... 12 – 17.5 credits
Sophomore ..... 6 – 11.5 credits
Freshman ..... 0 – 5.5 credits

CLASS RANKING

All students will be ranked at the end of each semester according to their grade point averages. A student's grade point average is based on core academic subjects only. Core academics include classes in English, mathematics, science, foreign language and social studies, .. Extra weight is given to courses deemed more rigorous. NOTE: Entering 9th grade students in 2020-21 and beyond will not have foreign language classes used in GPA calculation.

1. Exams for Acceleration or Credit by Exam (test grade) will not be counted in Grade Point Average.
2. Junior High courses taken for high school credit will not count toward grade point calculations.
3. Distance Learning or Correspondence Courses will not be used in calculating grade point averages.
4. When transferring to Bellville High School, course names will be added to the student's transcript as named from the previous district. However, for the purposes of calculating grade point average, students will receive the corresponding higher grade weighting only for those courses that are a part of the curriculum of Bellville High School.
5. For graduating seniors, averages will be computed at the close of the 6-week progress report of the 4th nine-weeks to determine ranking order for graduation purposes only. ***Walking Rank will not be calculated until Blinn grades are final approximately May 15,2021.*** Final averages will be computed at the end of the fourth nine- weeks and placed on the final transcript.

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CLUBS

Sponsors of student clubs and performing groups such as the band, choir, drill and athletic teams may establish rules of conduct and consequences for misbehavior that are stricter than those for students in general. If a violation is also a violation of school rules, the consequences specified by the school shall apply in addition to any consequences specified by the organization's standards of behavior.

CO-CURRICULAR ACTIVITIES

It appears to be the general consensus that a well-rounded co-curricular program is an essential part of education. The extent of participation in the activity program is determined by the scholastic standard of the pupil. This co-curricular program includes: Student Council, National Honor Society, music, journalism, science, drill team and dramatic activities as well as all Interscholastic League activities, Career and Technology Student Organizations and sports.

COLLEGE ADMISSION REQUIREMENTS

During the 80th Texas Legislature, a requirement was added that students meet one or more of the following thresholds in order to be considered for admissions to any general academic teaching institution, including those with open enrollment policies:

1. Successfully complete the Foundation Plus Endorsement Program;
2. Successfully complete a curriculum that is equivalent in content and rigor to an advanced high school program at a high school that does not offer such a program.
3. Satisfy the College Readiness Benchmarks on the ACT assessment; or
4. Earn a score of at least 1000 out of 1600 on the SAT assessment.

The statute does not apply to students entering public junior and community colleges. Once admitted and credit earned at the junior college level, students may then apply and transfer to a general academic teaching institution.

COLLEGE ADMISSION – STEPS TO FOLLOW

1. Check the admissions requirements of schools in which you have an interest. University and college catalogs are now generally available online.
2. Complete an application for enrollment. Most schools in Texas use the online application available at **www.applytexas.org**.
3. Start a calendar with all the deadlines: application, financial aid, and scholarships.
4. Check testing requirements for admission. Four-year universities usually require either the ACT or SAT to be considered for entrance. Registration for these tests occur online.
   SAT – **www.collegeboard.org**
   ACT – **www.act.org**
   Be sure to list the school code for Bellville High School so that we may receive your results: 440575
5. Make sure you meet Texas Success Initiative standards. Students entering a state-supported institution of higher learning must demonstrate academic skills at a certain level in order to enroll and earn credit in college courses. The TSIA (Texas Success Initiative Assessment) test measures these skills.
   Register online: **www.thecb.state.tx.us/DE/TSI**
6. Arrange for college visits. Be sure to make appointments with an academic advisor and the financial aid office.
7. Complete the FAFSA (Free Application for Federal Student Aid) after January 1 of the senior year in high school.
8. Check for the availability of scholarships. Stop by the counseling office on a regular basis. Also check the BHS webpage for local scholarship opportunities.
9. Finalize your college plans. Notify the school of your choice by the appropriate deadline.
10. Attend summer orientation programs if available.

COLLEGE AND CAREER FAIR

Each year Bellville High School invites colleges and universities, as well as local businesses to visit with students about planning for the possibilities beyond high school. For 2020-2021, the event is scheduled for early October and all junior and senior students will have the option to attend.

COLLEGE CLASSES /DUAL CREDIT

Senior & Junior students can attend on campus college classes with administrative approval and a 3.0 GPA average. These courses will count as college and High School credit. The only dual credit courses that count toward GPA are those listed as core courses. Passing or being exempt from the TSIA test is also required by the college.

COLLEGE VISITS

It is recommended that students be aware of the visiting school's academic calendar. Do not choose dates during final exams or prior to major holidays such as Thanksgiving and Spring Break. Do not choose a date during the first semester after December 13th or during second semester after May 15th. Academic deans and other campus offices may not be available during these times. Students wanting to visit an institution of higher learning during a school day must adhere to the following guidelines:

1. Student must obtain PRIOR approval from the principal and parent/guardian.
2. Student must present documentation of the visit to the attendance clerk immediately upon his/her return to the high school campus.
3. Documentation must be on school letterhead and signed by an academic advisor, dean, or athletic representative stating the nature of the visit.
4. College days **not counted as an absence** are limited to two days during a student's junior year and two days during a student's senior year.

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5. Visits to an institution of higher learning that exceed two per year **will be** counted as an excused absence.

COMPLAINTS AND CONCERNS

Complaints or concerns by students or parents about instructional materials, loss of credit on the basis of attendance, removal to alternative education programs, expulsion, or prior review of non-school materials intended for distribution to students are handled through procedures specific to policies in those particular areas. To review relevant policies or obtain further information, see the principal.

A student and/or parent with a complaint regarding possible discrimination in any school program on the basis of sex should contact the building principal.

A complaint or concern regarding the placement of a student with disabilities who is not eligible for special education or about the District's programs and services available to the student should be brought to the building principal.

On all other matters, a student or parent who has a complaint should first bring the matter to the appropriate teacher. If the outcome is not satisfactory, a conference with the principal can be requested within 5 calendar days of the event or events causing the complaint. If the outcome of the conference with the principal is not satisfactory, a conference with the Superintendent or designee can be requested within 30 calendar days following the conference with the principal. If the outcome of this conference is not satisfactory, the student or parent may appear before the Board of Trustees, in accordance with Board policy.

COMPUTER ACCESS - ACCEPTABLE USE AND CODE OF CONDUCT

Only students who have been authorized by the District and who are under direct supervision of designated District employees are permitted to use a District computer or to access any local network or outside telecommunications resources such as the Internet. The complete District Acceptable Use Policy is located in the Student Code of Conduct.

Students are expected to observe network etiquette by being polite and using appropriate language. Students are prohibited from pretending to be someone else; transmitting obscene messages or pictures; revealing personal addresses or telephone numbers - either their own or another person's; or using the network in a way that would disrupt use by others.

Students who want to use computers in the library must have special computer passes stating their assignments as well as the signature of the teacher making the assignments. This rule does not apply when a teacher accompanies an entire class to the library to work on a project.

Computers may be used only for research in connection with classroom assignments. Students may not use personal email.

If a parent does not want to allow his/her child access to the Bellville ISD computer network and the Internet, the parent needs to send a note to the campus office. The note needs to state that the parent does not want the student to participate in the electronic educational resources that Bellville ISD provides through the Internet.

CONDUCT BEFORE AND AFTER SCHOOL

Teachers and administrators have full authority over student conduct at before-or after-school activities on District premises and at school-sponsored events off District premises, such as play rehearsal, club meetings, athletic practice, and special study groups or tutorials. Students are subject to the same rules of conduct that apply during the instructional day and will be subject to consequences established by the Student Code of Conduct or any stricter standards of behavior established by the sponsor for extracurricular participants.

Loitering or standing in the halls between classes is not permitted. During class time, a student must have a hall pass to be outside the classroom for any purpose. Failure to obtain a pass will result in disciplinary action in accordance with the Student Code of Conduct.

CONFERENCES

Parents and teachers are encouraged to establish and maintain frequent communication about student progress. A student or parent who wants information or wants to raise a question or concern is encouraged to talk with the appropriate teacher, counselor, or principal. A parent who wants to meet with a teacher may call the office for an appointment during the teacher's conference period or may request that the teacher call the parent during a conference period or at another mutually convenient time.

Students and parents may expect teachers to request a conference (1) if the student is not maintaining passing grades or achieving the expected level of performance (See REPORTS CARDS on page 23), (2) if the student presents any other problem to the teacher, or (3) in any other case the teacher considers necessary.

CORRESPONDENCE COURSES

Correspondence courses are also referred to as Distance Learning. The institutions offering correspondence courses must be either the University of Texas at Austin or Texas Tech University. Guidelines to note:

1. It should be cautioned that the regularly- prescribed yearly load per student is seven (7) credits. Correspondence courses would add additional work into a student's schedule.
2. An interested student and parent should always consult with the counselor prior to registration.
3. Distance learning and correspondence courses should be used for emergencies or enrichment only and should not become a substitute for residence work.
4. Final exams are administered on the high school campus. Students should allow at least five weeks from the time the exam is taken until official grade notification is received on the home campus.
5. Seniors wishing to graduate on time must have taken their final exam by April 15th if they desire to participate in commencement exercises.

CORPORAL PUNISHMENT

Corporal punishment may be used as a discipline management technique in accordance with the Student Code of Conduct.

COUNSELING

Students and their parents are encouraged to talk with school counselors, teachers, or principals in order to learn more about course offerings, graduation requirements, and various school programs.

All students and their parents shall be notified about the recommended courses for students preparing to attend college and be advised annually when choosing classes for the coming school year. Counselors can also assist with entrance examinations required by colleges and universities, as well as provide information about financial aid and housing.

A school counselor may also be able to help students with a wide range of personal matters. Often, the counselor is familiar with community resources and may direct students to other sources of information and assistance for personal or family concerns. Conferences with a counselor can be made by calling 865-3681, ext. 126.

CREDITS

Academic and elective credits will be awarded on the basis of one-half credit per semester.

1. One full credit will be given if the fall and spring semester grades averaged together to equal a final yearly grade of 70 or above.
2. If the average of the two semesters falls below 70, then:
   a. The student will have the option to make up the failed semester(s) in summer school or
   b. The student will repeat one or both semesters during the following school year.

CREDIT BY EXAMINATION

A student who has had prior formal instruction as determined by the District on the basis of a review of the student's educational records and who has failed a course with a grade of no less than 60 for the semester grade may gain credit for the course by passing an examination on the essential elements of the course. In addition, a student transferring from an unaccredited high school may also be eligible for testing to earn state credit that will apply toward graduation requirements. The counselor should be consulted prior to ordering exams and the student and parent are responsible for any associated costs. At no time should a student use credit by exam to regain eligibility to participate in extracurricular activities.

DATING VIOLENCE, DISCRIMINATION, HARASSMENT, AND RETALIATION

The district believes that all students learn best in an environment free from dating violence, discrimination, harassment, and retaliation and that their welfare is best served when they are free from this prohibited conduct while attending school. Students are expected to treat other students and district employees with courtesy and respect; to avoid behaviors known to be offensive; and to stop those behaviors when asked or told to stop. District employees are expected to treat students with courtesy and respect.

The board has established policies and procedures to prohibit and promptly respond to inappropriate and offensive behaviors that are based on a person's race, color, religion, gender, national origin, disability, or any other basis prohibited by law. [See policy FFH]

Dating Violence

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. This type of conduct is considered harassment if the conduct is so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of dating violence against a student may include, but are not limited to, physical or sexual assaults, name-calling, put-downs, threats to hurt the student or the student's family members or members of the student's household, destroying property belonging to the student, threats to commit suicide or homicide if the student ends the relationship, attempts to isolate the student from friends and family, stalking, or encouraging others to engage in these behaviors.

Discrimination

Discrimination is defined as any conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, or any other basis prohibited by law, that negatively affects the student.

Harassment

Harassment, in general terms, is conduct so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance. A copy of the district's policy is available in the superintendent's office.

Examples of harassment may include, but are not limited to, offensive or derogatory language directed at a person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening or intimidating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

Sexual Harassment

Sexual harassment of a student by an employee, volunteer, or another student is prohibited.

Sexual harassment of a student by an employee or volunteer does not include necessary or permissible physical contact not reasonably construed as sexual in nature. However, romantic and other inappropriate social relationships, as well as all sexual relationships, between students and district employees are prohibited, even if consensual.

Examples of prohibited sexual harassment may include, but not be limited to, touching private body parts or coercing physical contact that is sexual in nature; sexual advances; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

Retaliation

Retaliation against a person who makes a good faith report of discrimination or harassment, including dating violence, is prohibited. Retaliation against a person who is participating in an investigation of alleged discrimination or harassment is also prohibited. A person who makes a false claim or offers false statements or refuses to cooperate with a district investigation, however, may be subject to appropriate discipline.

Retaliation against a student might occur when a student receives threats from another student or an employee or when an employee imposes an unjustified punishment or unwarranted grade reduction. Retaliation does not include petty slights and annoyances from other students or negative comments from a teacher that are justified by a student's poor academic performance in the classroom.

DEPARTMENT OF CAREER & TECHNOLOGY EDUCATION

Bellville High School offers Career & Technology programs in Marketing Education, Automotive Technology, Agricultural Science, Family-Consumer Science, Health Science, Law Enforcement, Construction Science, STEM, and Business Education. Admission to these programs are based on age, interest, and ability to profit from the gained knowledge.

It is the policy of Bellville Independent School District not to discriminate on the basis of sex, handicap, race, color, and national origin in its educational and vocational programs, activities, or employment as required by the Title IX, Section 504 and Title VI.

Bellville High School will take steps to assure that lack of English language skills will not be a barrier to admission and participation in all educational and vocational programs.

For information about your rights or grievance procedures, contact the Title IX Coordinator, Dr. Nicole Poenitzsch at 518 S Mathews St, 865-3133, or the Section 504 Coordinator, Dr. Megan Pape at 518 S Mathew St, 865-7012.

DISRUPTIONS

In order to protect student safety and sustain an educational program free from disruption, state law permits the District to take action against any person-student or nonstudent-who:

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

DISTRIBUTION OF MATERIAL

All aspects of school-sponsored newspapers and/or yearbooks are completely under the supervision of the teacher and campus principal.

Written materials, handbills, photographs, pictures, petitions, films, tapes, or other visual or auditory materials may not be sold, circulated or distributed on any school campus by students or nonstudents without the approval of the principal.

All such material over which the District does not exercise editorial control and that is intended for distribution to students shall be submitted to the principal for review and approval. If the material is not approved within 24 hours of the time that it was submitted, it must be considered disapproved. Disapprovals may be appealed by submitting the disapproved material to the Superintendent; material not approved by the Superintendent within three days is considered disapproved. This disapproval may be appealed to the Board at its next regular meeting when the student shall have a reasonable period of time to present his or her viewpoint.

DRESS AND GROOMING

The District's dress code is established to teach grooming and hygiene, prevent disruption, and minimize safety hazards. Any student in violation of the dress code will be assigned one (1) day of In-Building Suspension if the issue cannot be corrected. Please see the BISD Student Code of Conduct for the full dress code for all BHS students.

DRILLS

There are fire drill/evacuation maps posted in each room and throughout the building. Fire drills are held periodically. You should follow instructions carefully and promptly. There should be no talking when leaving or re-entering the building. Everyone should move out well away from the building. Do not slow down upon reaching the exit.

There are two types of drills: (1) Obstructed and (2) Unobstructed. If you find the exit by which you are assigned to leave blockaded or locked, the drill is an Obstructed Drill and you should leave by the nearest available exit in an orderly manner.

Each classroom in the building is assigned a designated area to take cover during a disaster or disaster drill. You should follow the instructions of your teacher carefully and promptly.

Tornado - move to the designated classroom as directed by your teacher. Secure the tornado disaster position.

DRILL TEAM

BRAHMADORA MEMBERSHIP

1. Requirements for auditions
   a. Students must be entering grades 9-12.
   b. Students must meet district requirements for participation in extra curricular activities.
2. Requirements for membership
   a. Members must be full time students of Bellville High School.
   b. Students must maintain the eligibility requirements as outlined for extracurricular activities.
   c. Members must be able to take the Brahmadora class period.

See the annual Brahmadora constitution for policies on grades, conduct, membership rules, and officer tryouts.

DRUG TESTING

The district has determined a need to implement a program of random drug testing of students in grades 9-12 as a condition of their participation in competitive after school extracurricular activities and/or as a condition of obtaining/ maintaining a permit to park on campus. The district's drug-testing program is designed to identify students in need of help and provide them and their parents/guardians with the necessary resources to deal with substance abuse and other issues. The drug testing program is not intended to be a punitive measure. This provision becomes effective the first day of instruction each school year. The drug-testing program is only one part of a comprehensive Safe and Drug Free School and Community Program.

DUAL CREDIT

Dual Credit is one method by which high school students may earn college credit. In conjunction with Blinn College. Dual Credit is offered in English and Social Studies. Blinn College provides the instructors with classes being taught in the same manner as a typical college course. Bellville ISD provides the facilities with classes meeting on the high school campus. Students are dually enrolled in both institutions and will be eligible to receive both high school and college credit. In order to be eligible, students must meet the following criteria:

1. Complete the sophomore year of high school.
2. Earn a minimum GPA of 3.0.
3. Complete and turn in all the necessary enrollment paperwork to Blinn College, including application for Admission and parent permission.
4. Pay tuition to Blinn College by the posted deadline.
5. Earn a passing mark on the appropriate TSIA Assessment.

EARLY GRADUATION

Students desiring to graduate from Bellville High School in three years shall submit a written request to the principal prior to the start of the student's third year stating the reasons for early graduation. This request is subject to the approval of the superintendent. These students will not be eligible to be Valedictorian or Salutatorian, and will share ranks with four-year graduates.

EMERGENCY MEDICAL TREATMENT

If a student has a medical emergency at school or a school-related activity when the parent cannot be reached, the school would need to have written parental consent to obtain emergency medical treatment, and information about allergies to medications, foods, insect bites, etc. Therefore, parents are asked each year to complete an emergency care consent form. Parents should keep emergency care information up-to-date (name of doctor, emergency phone numbers, allergies, etc.). Please contact the school nurse to update any information that the nurse or the teachers need to know.

EMERGENCY SCHOOL CLOSING INFORMATION

If Bellville ISD must close school for any emergency reasons, please listen to the Brenham radio stations (KWHI, KULF) as well as check postings at Bellvilleisd.org for this information.

EXAMINATION FOR ACCELERATION

A student in any grade may take an examination for acceleration to be advanced one grade level or to gain credit for a course he or she has not formally taken for credit. A grade of 90 or higher is required to grant credit. Exams may be ordered at any time, but must be ordered 30 days prior to testing. Our official testing "windows" are the second week of December and the second week of June. For additional information, contact the BHS counseling office at 865-3681, ext. 126.

EXTRA-CURRICULAR ACTIVITIES

Participation in school and school-related activities is an excellent way for a student to develop talents, receive individual recognition, and build strong friendships with other students; however, participation is a privilege, not a right.

Eligibility for participation in many of these activities is governed by state law as well as rules of the University Interscholastic League (UIL) - a statewide association overseeing inter-district competition.

- A student who receives at the end of a grading period a grade below 70 in any academic class - other than an advanced placement or international baccalaureate course; or an honors or dual credit course in English language arts, mathematics, science, social studies, or a foreign language - may not participate in extracurricular activities for at least three school weeks.
- A student with disabilities who fails to meet the standards in the individual education plan (IEP) may not participate for at least three school weeks.
- An ineligible student may practice or rehearse.
- A student is allowed in a school year up to 13 absences not related to post-district competition, a maximum of five absences for post-district competition, prior to state, and a maximum of two absences for state competition. All extracurricular activities and public performances, whether UIL activities or other activities approved by the Board are subject to these restrictions.
- An absence for participation in an activity that has not been approved will receive an unexcused absence.

Students assigned to IBS will not participate in extra-curricular contests until they have completed their IBS assignment.

FEES

Materials that are part of the basic educational program are provided without charge to students. Students are expected to provide their own supplies of pencils, paper, erasers, and notebooks, and may be required to pay certain other fees or deposits, including:

1. Cost for materials for a class project that the student will keep.
2. Membership dues in voluntary clubs or student organizations and admission fees to extracurricular activities.
3. Security deposits.
4. Personal physical education and athletic equipment and apparel.
5. Voluntarily purchased pictures, publications, class rings, yearbooks, graduation announcements, etc.
6. Voluntarily purchased student accident insurance.
7. Musical instrument rental and uniform maintenance, when uniforms are provided by the District.
8. Personal apparel used in extracurricular activities that becomes the property of the student.
9. Parking fees and student identification cards.
10. Fees for damaged library books and school-owned equipment.
11. Fees for optional courses offered for credit that require use of facilities not available on District premises.

Any required fee or deposit may be waived if the student and parent are unable to pay. Application for such a waiver may be made to the principal.

FINAL EXAMS

Students will be administered final exams during both fall and spring semesters. The exams will count as 15% of the student's semester grade and will be administered during the final week of the semester. The schedule for exams will be at the discretion of school administration.

FINAL EXAM EXEMPTION CRITERIA

Please review the final exam exemption policy which is found in the Bellville ISD Grading Guidelines document found at bellvilleisd.org.

FIRST-AID/ ILLNESS

Students needing first-aid or becoming ill during school should report to the office. Parents must be contacted before the student will be allowed to go home. This is one reason why we must have a telephone number where parents can be reached during the school day.

FUNDRAISING

Any fundraising activities in support of, on behalf of, or in the name of Bellville High School or the students of Bellville High School must be approved by campus administration.

GANG-FREE ZONES

For the purposes of the district, a gang-free zone includes a school bus and a location in, on, or within 1,000 feet of any district-owned or leased property or campus playground.

GOVERNMENTAL AUTHORITIES

Questioning of Students

When law enforcement officers or other lawful authorities wish to question or interview a student at school:

1. The principal will verify and record identity of the officer or other authority and ask for an explanation of the need to question or interview the student.
2. The principal ordinarily will make reasonable efforts to notify parents unless the interviewer raises what the principal considers to be a valid objection.
3. The principal ordinarily will be present unless the interviewer raises what the principal considers to be a valid objection.

Students Taken into Custody

State law requires the District to permit a student to be taken into legal custody:

1. To comply with an order of the juvenile court.
2. To comply with the laws of arrest.
3. By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
4. By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court.
5. To comply with a properly issued directive to take a student into custody.
6. By an authorized representative of Child Protective Services, Texas Department of Protective and Regulatory Services, a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to the student's physical health or safety.

Before a student is delivered to a law enforcement officer or other legally authorized person, the principal will verify the officer's identity and, to the best of his or her ability, will verify the official's authority to take custody of the student. The principal will immediately notify the Superintendent and will ordinarily attempt to notify the parent unless the officer or other authorized person raises what the principal considers to be a valid objection to notifying the parents. Since the principal does not have the authority to block a custody action, notification will most likely be after the fact.

The District is also required by the state to notify

1. All instructional and support personnel who have responsibility for supervising a student who has been arrested or referred to the juvenile court for any felony offense or for certain misdemeanors.
2. All instructional and support personnel who have regular contact with a student who has been convicted or Adjudicated for delinquent conduct for any felony offense or certain misdemeanors.

For further information, see policy GRA.

GPA AND RANK

For information on GPA and class rank calculation, please refer to the Bellville ISD Grading Guidelines document found at bellvilleisd.org.

Grade weighting table for calculating GPA is listed below.

Grade Weighting Table

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

Modified Content and Life Skills, see counselor for Grade Weighting Table.

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GRADING POLICIES

For details and information on the BISD Grading Policies and Guidelines, please see the BISD Grading Guidelines document posted at bellvilleisd.org

GRADUATION REQUIREMENTS

To receive a high school diploma from the district, a student must successfully complete the required number of credits and pass the state assessments.

HONOR GRADUATE POLICY

Honor graduates must graduate on the Foundation Plus Endorsement Plan and must have successfully completed Algebra II. ***Walking rank will not be calculated until Blinn Grades are final approximately May 15, 2021.*** Students with GPA's of 3.0 or higher will be recognized as Honor Graduates. Honor Graduates will then be assigned the following title designations according to their GPA:

GPA	*Designation*
4.0 and above	Summa Cum Laude
3.75 – 3.9	Magna Cum Laude
3.5 – 3.74	Cum Laude
3.0 – 3.49	Honor Graduate

*** Beginning in 2021-22, Honor Graduates will be only those students with a GPA of 3.5 and above.

Valedictorian and Salutatorian

Valedictorian will be the 4th year senior with the highest ranking grade point average and Salutatorian will be the 4th year senior with the second highest grade point average.

Valedictorian and Salutatorian must have attended Bellville High School from the beginning of the spring semester of their Junior year and continuously through their Senior year until graduation.

INSURANCE

Under state law, the District cannot pay for medical expenses associated with a student's injury. The District does make available, however, an optional, low-cost accident insurance program for students to assist parents in meeting medical expenses. A parent who desires coverage for his/her child will be responsible for paying insurance premiums and for submitting claims through the office.

LIBRARY

Students are encouraged to make full use of the school library. Every effort is made to provide books, magazines, and other materials required for the completion of classroom assignments and for personal enjoyment as well.

All books except reference books may be checked out for a period of two weeks, and arrangements may be made with the librarian to check out reference books for overnight use. These are to be picked up the last period of the school day and returned at the beginning of the next school day.

Fines are assessed on overdue books at the rate of $.10 per school day. However, the fines on overnight materials, computer software, and audiovisual materials will be $.50 per day. Fines for overdue materials are excused only when the student is sick or when emergency conditions arise. Clearance should be made as early as possible after the student returns to school.

Fines may also be assessed for damage to books and other learning resource materials. If the materials are damaged beyond repair, the student is then required to pay the purchase price of the material.

Students in the library should be with their teacher or have a library pass.

Students who want to use computers in the library must have special computer passes stating their assignments as well as the signature of the teacher making the assignment. This does not apply when a teacher accompanies an entire class to the library to work on a project.

LOCKERS

Combination lockers are furnished by the school for the protection of your personal property. Lockers are expected to be closed, locked and clean. Periodic checks will be made during the year to see if the lockers are being kept clean by students. Only items approved by the administration may be posted on the interior or exterior of the locker.

Lockers remain under the jurisdiction of the school even when they are assigned to individual students. The school reserves the right to inspect all lockers. Students have full responsibility for the security of lockers and are responsible for making certain they are locked and that the combination is not available to others. Searches of lockers may be conducted at any time there is reasonable cause to do so whether or not students are present.

LOST AND FOUND PROPERTY

All articles found should be taken to the Principal's office. If you lose articles, it should be reported to a teacher and the office immediately. You are urged to write your name in ink on all of your books and notebooks.

Students should never carry large sums of money at school. The school will not be held responsible for lost or stolen valuables (including money).

MAKEUP WORK

Make-up work policies can be found by referencing the BISD Grading Guidelines document posted at bellvilleisd.org.

NATIONAL HONOR SOCIETY

Membership in the Bellville Chapter of the National Honor Society is limited to students in the junior and senior classes. Students must have been in attendance at Bellville High School for at least one semester.

Selection is based on four criteria: scholarship, leadership, character, and service. To fulfill the scholarship requirement, juniors and seniors must have a cumulative GPA of 3.5 and be enrolled in or have completed Biology, Chemistry, Algebra I, and Algebra II or Geometry.

Please see additional information regarding the Bellville HS chapter of the National Honor Society on the BHS website including requirements for admission, requirements for maintaining membership, and chapter by-laws.

OFF-CAMPUS ACTIVITY REGULATIONS

Students who are participating in a school activity or under the jurisdiction of the school must travel with a school approved chaperone. Students violating this policy will be subject to suspension or disciplinary action.

PARENTAL INVOLVEMENT AND RESPONSIBILITIES

Education succeeds best when there is a strong partnership between home and school, a partnership that thrives on communication. The school asks parents to: Sign and return to the school the written statement that the parent understands and consents to the responsibilities outlined in the Discipline Management Plan.

Parents are asked to encourage their children to put a high priority on education and to commit themselves to making the most of the educational opportunities the school provides. Parents can stay informed on school activities by visiting the school website and online calendar. BHS hosts an "Open House" in the Fall, and parent/booster club meetings provide good opportunities for learning more about the school. The activities are varied, ranging from band boosters to the campus committee formulating campus performance objectives fostering improved educational opportunities for all students. For more information about becoming a volunteer contact Renee Owen at 979-865-3681. Parents can monitor their children's progress by logging in to the student portal and contacting the teachers if needed. In addition, after receipt from TEA, the school will provide all parents a copy of the "school report card" containing a comparison of the school's performance in relation to the District, the State, and a comparable group of schools. For further information, contact Mr. Casey Hollomon.

PARKING PERMIT

Students driving automobiles or motorcycles to school must have parking permits. Students will need a permit for any vehicle he/she brings to school. These may be purchased in the front office for $2.00 each. Vehicles brought on campus without a permit will be given one warning. The next violation will result in disciplinary action being taken by the administration. Permits will be placed on the windshield, or the vehicle may be towed. Please be aware of the areas designated for student parking. Students may not re-use a parking tag which has been previously assigned to another student.

PHYSICAL EXAMINATIONS

A student desiring to participate in UIL athletic or band competition shall submit annually a statement from a physician licensed to practice in the state indicating that the student has been examined and is physically able to participate in the athletic and band program. The District may provide additional screening as District and community resources permit.

Parents of students identified through any screening programs as needing treatment or further examination shall be advised of the need and referred to appropriate health agencies.

PLAN OF STUDY

Our school is accredited by the Texas Education Agency for all subjects taught. This means that grades received on all subjects taught in our school will be recognized at their face value by all colleges and universities.

It is possible that even though our high school is affiliated with the above agency, a graduate may not have the necessary requirements as set forth by a specific college or university for a particular field of study. Students and parents are strongly encouraged to investigate post-secondary options and choose a field of study as early as the freshman year to make certain that required subjects are included within the four years of high school. The school administration will be happy to help determine the necessary requirements upon request.

In the spring of the eighth grade year, students and parents meet with counseling staff to design an individualized plan called a Texas Graduation Plan. The TGP identifies a course of study for each student in order to promote college and workforce readiness and facilitate the transition from high school to post-secondary education. The TGP is kept on file and should be reviewed and approved each following year to adjust according to changing interests and academic progress.

PLEDGES OF ALLEGIANCE AND A MOMENT OF SILENCE

Texas law requires students to recite the Pledge of Allegiance to the United States flag and the Pledge of Allegiance to the Texas flag each day. Parents may submit a written request to the principal to excuse their child from reciting a pledge.

A moment of silence will follow recitation of the pledges. Each student may choose to reflect, pray, meditate, or engage in any other silent activity during that moment so long as the silent activity does not interfere with or distract others. [See policy EC for more information.]

POSTERS

Signs and posters that a student wishes to display must first be approved by the Principal. Posters displayed without authorization will be removed. Any student who posts printed material without prior approval shall be subject to disciplinary action.

PRAYER 1036

Each student has a right to individually, voluntarily, and silently pray or meditate in school in a manner that does not

disrupt instructional or other activities of the school. The school will not require, encourage, or coerce a student to engage in or to refrain from such prayer or meditation during any school activity.

PREGNANT STUDENTS

Students who become pregnant are to report their condition to the school nurse, counselor or principal. Pregnancy Related Services (PRS) are support services a pregnant student receives to help her adjust and stay in school during the prenatal and postpartum periods. These services are provided

- While the student is still attending classes on her assigned campus
- When the pregnancy prevents the student from attending her regular classes
- During the postpartum period

Pregnancy related services include:

- Documentation of parent and physician contact
- Communication with parents as to specific services provided
- School nurse having regular contact with student to record statistics (i.e. blood pressure, weight) and for counseling on health issues
- Academic counseling
- Compensatory Education Home Instruction (CEHI) during any prenatal confinement period that is documented as a medical necessity by a medical practitioner licensed to practice in the United States as well as during the postpartum confinement period
- One final follow-up visit with the school nurse within 3 days of students return to school after delivery to complete documentation and withdraw the student from PRS

PRIVATE LESSONS

Students will not be allowed to leave school to take any type of private lessons such as music, art, etc...

PROGRESS REPORTS

Progress reports will be given to students the third week of each grading period. Faculty members desire and appreciate comments or suggestions from parents which may help the teacher better understand the student and any special problems he/she may have regarding a particular subject. Faculty members also welcome personal conferences.

RELEASE OF STUDENTS FROM SCHOOL

Because class time is important, doctor's appointments should be scheduled, if possible, at times when the student will not miss instructional time.

A student will not be released from school at times other than at the end of the school day except with permission from the principal or designee and according to the campus sign-out procedures. Unless the Principal or Superintendent has granted approval because of extenuating circumstances, a student will not regularly be released before the end of the instructional day.

A student who will need to leave school during the day must bring a note from his or her parent that morning or have a parent call the school to request the student to leave. A student who becomes ill during the school day should, with the teacher's permission, report to the school nurse. The nurse will decide whether or not the student should be sent home and will notify the student's parent.

REPORT CARDS

Report cards with each student's grades and absences in each subject shall be given to students at least once every nine weeks. The last report card of the year will be mailed home to the student's address on file on the Friday following the last day of school.

Questions about grade calculation should first be discussed with the teacher; if the question is not resolved, the student or parent may request a conference with the principal in accordance with FNG(LOCAL).

Tutorials are recommended for a student who receives a grade below 70 in a class or subject.

SAFETY

Student safety on campus and at school-related events is a high priority of the District. Although the District has implemented safety procedures, the cooperation of students is essential to ensure school safety. A student should:

- Avoid conduct that is likely to put the student or other students at risk.
- Follow the behavioral standards in this handbook and the Student Code of Conduct, as well as any additional rules for behavior and safety set by the principal, teachers, or bus drivers.
- Remain alert to and promptly report to a teacher or the principal safety hazards, such as intruders on campus or threats made by any person toward a student or staff member.
- Know emergency evacuation routes and signals.
- Follow immediately the instructions of teachers, bus drivers, and other District employees who are overseeing the welfare of the students.

SCHEDULE CHANGES/DROPPING COURSES

A student may exit a course he/she is enrolled in and move to another course (e.g., exit Speech and enroll in Art I) if done by the end of the 2nd week of school each semester, provided there is space available in the desired course along with teacher conference, parent permission, and counselor approval. The student will be responsible for making up all missed work.

Students may elect out of Pre-AP and AP classes with parent/guardian permission at the end of the 1st or 2nd nine weeks grading period. In this case, students will be transferred to an equivalent academic core course that is available. Grade points are awarded for courses at semester. If a student moves at the end of the first nine weeks, the grade transfers "as is" to the next class. If a student moves at the end of the semester, the semester grade will receive the weighted grade points.

SCHOLARSHIPS

Assistance to help pay for college expenses is available for all students in the form of scholarships from universities and other organizations. All information received in the counseling office is made available to students in the form of public announcements during the school day and posting on the high school website. Students are encouraged to visit the counseling center on a regular basis to check the latest information. Students should also contact the financial aid office of their college. Furthermore, it is recommended that all students apply for financial aid using the FAFSA (Free Application for Federal Student Aid) during the spring of their senior year.

SCHOOL BUSES (STATE REGULATIONS)

Students being transported in school-owned vehicles shall comply with the Student Code of Conduct. Any student who fails to comply with that code or established rules of conduct while on school transportation may be denied transportation services and shall be subject to disciplinary action. Students are only to be transported to their proper destination which is defined as the registered physical address on file with the school.

The following rules shall apply to student conduct on school transportation:

1. Passengers shall follow the driver's directions at all times.
2. Passengers shall board and leave the bus in an orderly manner at the designated bus stop nearest their home.
3. Passengers shall not stand if there is a seat available. If a passenger must ride standing, the passenger shall face the front, and hold on to the seat rails.
4. Passengers shall keep books, band instrument cases, feet, and other objects out of the aisle of the bus.
5. Passengers shall not deface the bus and/or its equipment.
6. Passengers shall not extend head, hands, arms or legs out of the window nor hold any object out of the window nor throw objects within or out of the bus.
7. Passengers shall not possess or use any form of tobacco on school buses.
8. Usual classroom conduct shall be observed. Unruly conduct, including the use of obscene language, will subject the passenger to disciplinary action.
9. Upon leaving the bus, the passenger will wait for the driver's signal before crossing in front of the bus.

The following procedures shall be followed when a discipline concern arises on a bus serving a regular route or an extracurricular activity.

1. A conference involving the principal, the student passenger, the driver, and the parent(s) may be required.
2. The principal may suspend the student's bus-riding privileges. If such suspension occurs, the parents will be notified prior to the time the suspension takes effect.
3. In the case of serious misconduct that endangers the safety of other passengers or the driver, the driver shall have the authority to put the student off the bus or to call for law enforcement assistance; the principal and parents shall be notified of the situation as soon as possible. The student shall not be provided bus service again until a Conference involving all persons listed above has been held.

Disciplinary sanctions and changes in transportation for a student with a disability shall be made in accordance with the provisions of the student's Individual Education Plan (IEP) for students considered disabled under IDEA or the individually designed program for students considered disabled under Section 504.

While Waiting or Going to or from the Bus:

1. Pupils must be on time; the bus cannot wait for those who are tardy.
2. Pupils must never stand in the roadway while waiting for the bus.
3. When leaving the bus, pupils must observe directions of the bus patrol.
4. Students going to and from the bus stop will walk on the left hand side of the highway on the shoulder.
5. In crossing the highway, pupils should walk at right angles to the road and clear the pavement as quickly as possible.

In Case of an Accident

Any damage to the bus must be reported at once to the driver and/or principal. Disciplinary sanctions and changes in transportation for a handicapped student shall be made in accordance with the provisions of the student's Individual Education Plan (IEP).

Emergency Situations

In the event of an emergency, a student is permitted to ride another bus to an existing stop if they have an official Bellville ISD bus pass signed by the campus administrator only. No other bus passes will be accepted. Emergency situations are defined as situations that cannot be planned for. Going home with a friend is not an emergency and a bus pass will not be issued.

Transportation Policies

For any other questions about transportation policies please visit the transportation webpage at http://www.bellvilleisd.org/departments/transportation_department/transportation_policies/.

NOTE: FOR VIOLATION OF ANY OF THE ABOVE RULES, A PUPIL WILL BE REPORTED TO THE SCHOOL PRINCIPAL. TEMPORARY OR PERMANENT SUSPENSION FROM RIDING THE BUS CAN RESULT.

SCHOOL FACILITIES

The taxpayers of the community have made a sustained financial commitment for the construction and upkeep of school facilities. To ensure that school facilities can serve those for whom they are intended - both this year and in the coming years - littering, defacing, or damaging school property is not tolerated. Students will be required to make restitution for damages they cause and shall be subject to disciplinary consequences in accordance with the Student Code of Conduct.

SCHOOL PARTIES AND PUPIL ACTIVITIES

All parties and other student activity events must be arranged by the teachers through the Administration.

The rules of good conduct and grooming shall be observed for school social events. Guests will be expected to observe the same rules as students attending the event; the person inviting the guest will share responsibility for the conduct of the guest. Students attending a party or social may be asked to sign out when leaving before the end of the party; anyone leaving before the official end of the party will not be readmitted. 1038

SEARCH BY TRAINED DOGS

The district will use trained dogs to alert school officials to the presence of prohibited or illegal items, including drugs and alcohol. At any time, trained dogs may be used around lockers and the areas around vehicles parked on school property. Searches of classrooms, common areas, or student belongings may also be conducted by trained dogs **when students are not present**. An item in a classroom, a locker, or a vehicle to which a trained dog alerts may be searched by school officials.

SEARCHES

In the interest of promoting student safety and attempting to ensure that schools are safe and drug free, District officials may from time to time conduct searches. Such searches are conducted without a warrant and as permitted by law.

SMOKING

Students may not possess, smoke or use tobacco products including electronic cigarettes on school property or at a school-related or school-sanctioned activity, on or off school property. See the Student Code of Conduct for information regarding disciplinary sanctions.

SOCIAL EVENTS

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

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

SPECIAL PROGRAMS

The District provides special programs for gifted and talented students, homeless students, bilingual students, migrant students, students with limited English proficiency, dyslexic students, and students with disabilities. The coordinator of each program can answer questions about eligibility requirements, as well as programs and services offered in the District or by other organizations. A student or parent with questions about these programs should contact a high school counselor.

Providing Assistance to Students Who Have Learning Difficulties or Need Special Education Services

For those students who are having difficulty in the regular classroom, all school districts and open enrollment charter schools must consider tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention (RtI). The implementation of RtI has the potential to have a positive impact on the ability of districts and charter schools to meet the needs of all struggling students.

If a student is experiencing learning difficulties, his or her parent may contact the individual(s) listed below to learn about the school's overall general education referral or screening system for support services. This system links students to a variety of support options, including making a referral for a special education evaluation or for a Section 504 evaluation to determine if the student needs specific aids, accommodations, or services. A parent may request an evaluation for special education or Section 504 services at any time.

Special Education Referrals:

If a parent makes a written request for an initial evaluation for special education services to the director of special education services or an administrative employee of the school district or open enrollment charter school, the district or charter school must respond no later than 15 school days after receiving the request. At that time, the district or charter school must give the parent a prior written notice of whether it agrees to or refuses to evaluate the student, along with a copy of the Notice of Procedural Safeguards. If the school district or charter school agrees to evaluate the student, it must also give the parent the opportunity to give written consent for the evaluation.

Please note that a request for a special education evaluation may be made verbally and does not need to be in writing. Districts and charter schools must still comply with all federal prior written notice and procedural safeguard requirements and the requirements for identifying, locating, and evaluating children who are suspected of being a child with a disability and in need of special education. However, a verbal request does not require the district or charter school to respond within the 15-school-day timeline.

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

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

Upon completing the evaluation, the district or charter school must give the parent a copy of the evaluation report at no cost. Additional information regarding special education is available from the district or charter school in a companion document titled Parent's Guide to the Admission, Review, and Dismissal Process.

Contact Person for Special Education Referrals:
The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for special education services is:
Contact Person: Dr. Megan Pape
Phone Number: 979-865-7012

Section 504 Referrals:
Each school district or charter school must have standards and procedures in place for the evaluation and placement of students in the district's or charter school's Section 504 program. Districts and charter schools must also implement a system of procedural safeguards that includes notice, an opportunity for a parent or guardian to examine relevant records, an impartial hearing with an opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

Contact Person for Section 504 Referrals:
The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for Section 504 services is:
Contact Person: Dr. Megan Pape
Phone Number: 979-865-7012

STEROIDS

State law prohibits students from possessing, dispensing, delivering, or administering an anabolic steroid. Anabolic steroids are for medical use only, and only a physician can prescribe use.

Under state law, body building, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a healthy student is not a valid medical use and is a criminal offense.

STUDENT CODE OF CONDUCT

In the printed philosophy of the Bellville Independent School District, it is stated that the district always must have as one of its goals - "Productive Citizens". This philosophy continues in the belief that the individual teacher is the most dynamic force in the education process. Effective teacher and pupil relationships are a common bond for proper classroom decorum. Discipline is one of the elements that aids the process of maturing, and becoming a productive member of society. Developing habits of self-discipline characterizes the move of an individual from extensive external control toward becoming an effective self-directed adult in a democratic society.

Superintendent of Schools, as the chief executive officer of the Board of Trustees, is charged with implementing the Board's policies and enforcing state and local laws pertaining to student conduct and behavior. The district administrative staff assists the Superintendent in supporting the administrative rules and regulations, which represent implementation of Board policies. The Board of Trustees further recognizes the need for the Superintendent to provide for periodic review of the rules and regulations by the district's professional staff. The building principal is charged by the Superintendent of Schools with developing and maintaining an appropriate climate for learning, and the building principal is further responsible for establishing and enforcing effective disciplinary procedures which support that climate. The principal may delegate to the assistant principal such duties as the building principal may deem necessary for the maintenance of appropriate conduct, but the building principal coordinates the effort of school administrators, guidance counselors, and teachers, in their contact with parents to insure the optimum in achieving cooperation for appropriate student conduct.

For all disciplinary procedures refer to Bellville I.S.D. Discipline Management Plan-Student Code of Conduct. This will be handed out to all students at the beginning of the school year. The Certificate of Understanding should be signed and returned to the school.

STUDENT COUNCIL

The Student Council is an organization designed to provide student leadership opportunities and to promote good rapport among the students and between the student body and the faculty and administration. The membership of the council is made up of five officers elected from the student body at large and representatives elected from each class, grades 9 through 12.

The Student Council Constitution states the following concerning membership:

1. Each class, grades 9 through 12, elects seven representatives, with representation remaining at this number until total enrollment of the school reaches 800.
2. One additional representative from each class shall be appointed by a committee composed of faculty members. The faculty committee shall be appointed by the principal. Students appointed by this committee must have run for representative in the election.

The Student Council president must be a senior and must have served at least one term on the Student Council. The vice president may be a junior or a senior and have served at least one term on Student Council. Any student is eligible to be a candidate for all other offices. All officers must maintain a cumulative high school GPA of 80 (3.0 GPA) or above.

STUDENTS' DESKS AND LOCKERS

Students' desks and lockers are school property and remain under the control and jurisdiction of the school even when assigned to an individual student. Students are fully responsible for the security and contents of their assigned desks and lockers. Students must be certain that their lockers are locked, and that the combinations are not available to others.

Searches of desks or lockers may be conducted at any time there is reasonable cause to believe that they contain articles or materials prohibited by District policy, whether or not a student is present. The parent will be notified if any prohibited items are found in the student's desk or locker.

STUDENT RECORDS

A parent may review his/her child's student records. These records include:

- Attendance records
- Test Scores
- Grades
- Disciplinary records
- Counseling records

STUDENT RIGHTS

Obtaining Information and Protecting Student Rights

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

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

Opting Out of Surveys and Activities

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

- Any survey concerning the private information listed above, regardless of funding.
- School activities involving the collection, disclosure, or use of personal information gathered from your child for the purpose of marketing or selling that information.

Displaying a Student's Artwork and Projects

The district will seek parental consent before displaying students' artwork, special projects, photographs taken by students, and the like on the district's Web site, in printed material, by video, or by any other method of mass communication.

SUMMER SCHOOL

Summer school will be offered through Bellville High School. Students will have the opportunity to make up credit in a required academic course that was failed previously in order to remain on target for graduation. Details regarding specific dates and times are generally available in May. Counselor approval should be sought prior to registration. Parents should contact the counseling office if their child fails a course during the school year to determine if summer school is advised.

TARDIES – (per six weeks)

We encourage students to be responsible for getting himself/herself to class promptly on a consistent basis. It is extremely important for students to arrive to all classes on time in order that they do not interfere with the learning process or infringe on the teachers' time for instruction.

TARDY POLICY – Total (All classes, per 9-Weeks)

4th Tardy	1 hour detention	8th Tardy	2 Days IBS
5th Tardy	1 hour detention	9th Tardy	3 Days IBS
6tn Tardy	Saturday School	10tn Tardy	Long term IBS
7th Tardy	1 Day IBS		

TECHNICAL SCHOOL ADMISSION

1. Check admission requirements of schools in which you have an interest. School catalogs are now generally available online.
2. Complete an application for enrollment.
3. Make sure you meet Texas Success Initiative standards if attending a state-supported school. Students must demonstrate academic skills at a certain level in order to enroll and earn credit in college courses. The THEA (Texas Higher Education Assessment) test measures these skills. Register online: www.thea.nesinc.com
4. Arrange for college visits. Be sure to make appointments with an academic advisor and the financial aid office.
5. Complete the FAFSA (Free Application for Federal Student Aid) after January 1 of the senior year of high school.
6. Check for the availability of scholarships. Stop by the counseling office on a regular basis. Also check the BHS webpage for scholarship opportunities.
7. Finalize your college plans. Notify the school of your choice by the appropriate deadline.
8. Attend summer orientation programs if available.

Bellville ISD – BYOD Policy

Bellville School District is committed to assisting students and staff in creating a 21st century learning environment. We are beginning a BYOD(Bring Your Own Device) policy which will assist our district in reaching this goal. We will now be incorporating the use of such items as laptops, iPads, netbooks and cell phones with browsing capabilities for **educational purposes only**. Students will not be required to bring in outside technology to school. All students will continue to be able to utilize our school equipment. No student will be left out of the instruction process.
By allowing students to use their own technology on campus we are hoping to increase the access all students have to the technology they need to be successful.
For intentions of BYOD, "device" means a privately-owned wireless and/or portable electronic hand held equipment that includes, but is not limited to, existing and emerging mobile communication systems and smart technologies, portable internet devices,
Personal Digital Assistants (PDAs), hand held entertainment systems or portable information technology systems that can be used for word processing, wireless Internet access, image capture/recording, sound recording and information transmitting/receiving/ storing, etc.

Student Expectations:

- Students will follow the Student Guidelines. Students may bring their own technology devices and utilize personal electronic communication devices at school in the classroom when the teacher deems them appropriate for educational purposes. All devices must remain off and put away unless being used within a lesson during class time.
- Internet access is filtered by the District on personal telecommunication devices in the same manner as District-owned equipment. If network access is needed, connection to the filtered, wireless network provided by the District is required.
- Personal devices are the sole responsibility of the student owner. The campus or District assumes no responsibility for personal telecommunication devices if they are lost, loaned, damaged or stolen and only limited time or resources will be spent trying to locate stolen or lost items.
- Personal devices have educational and monetary value. Students are prohibited from trading or selling these items to other students on District property, including school buses.
- Each student is responsible for his/her own device: set-up, maintenance, charging, and security. Staff members will not store student devices at any time, nor will any District staff diagnose, repair, or work on a student's personal telecommunication device.
- Telecommunication devices will not be used as a factor in grading or assessing student work. Students who do not have access to personal telecommunication devices will have access to comparable District-owned equipment or given similar assignments that do not require access to electronic devices.
- Telecommunication devices are only to be used for educational purposes at the direction of a classroom teacher or as stated for specific age groups.
- All teachers will have the ability to allow students to use personal wireless communication devices during their instructional period. If a personal wireless device is not needed or is not deemed educationally appropriate students will not be allowed to use the device. The classroom teacher has the discretion to allow or not allow the use of a personal device in their classroom environment.
- If the assignment/lesson requires the use of technology, the teacher will need to make arrangements for all students to have access to required technology. Personal devices can be used, but no student can be excluded from the assignment/lesson due to the fact that they do not have the required technology.
- Campus administrators and staff members have the right to prohibit use of devices at certain times or during designated activities (i.e. campus presentations, theatrical performances, testing days/ periods, or guest speakers) that occur during the school day.
- An appropriately-trained administrator may examine a student's personal telecommunication device and search its contents, in accordance with disciplinary guidelines.

Students;
The same procedures and school rules apply to using your cell phone and other electronic devices during class. If you are participating in the BYOD program, your teacher will monitor and give permission for you to use your device at certain times in class. You are only permitted to use your mobile device for programs, websites, and tools specified by your teacher. The same school rules apply. If your teacher finds you using your mobile device for off-task activities, you may lose your privilege to use your mobile device at your teacher's discretion. The use of technology to provide educational material is not a necessity but a privilege. A student does not have the right to use his or her laptop, cell phone or other electronic device while at school. When abused, privileges will be taken away. When respected, they will benefit the learning environment as a whole. Students and parents/guardians participating in BYOD must adhere to the Student Code of Conduct, as well as all Board policies, particularly the Internet Acceptable Use and Internet Safety Policies. Violation of this policy will result in the following consequences:

- Telecommunication device will be confiscated.
- A $15.00 administrative fee will be assessed each time the phone is confiscated.
- Parent must pick up phone from a campus administrator.
- Any searches of personal telecommunications or other personal electronic devices will be conducted in accordance with law, and the device may be confiscated in order to perform a lawful search. Aconfiscated device may be turned over to law enforcement to determine whether a crime has been committed.

Security and Damages

Responsibility to keep the device secure rests with the individual owner. **The School System, nor its staff or employees, is not liable for any device stolen or damaged on campus.** If a device is stolen or damaged, it will be handled through the administrative office similar to other personal artifacts that are impacted in similar situations.

The Bellville ISD BYOD program will enable students to become information producers, self-directed learners as well as team players. In creating a technology rich learning environment with the devices students will depend on in their professional lives our students will have the skills to be a productive digital citizen.

Other Electronic Devices

Students are not permitted to possess such items as radios, CD players, MP3 players, video or audio recorders, DVD players, cameras, or games unless prior permission has been obtained from the principal. Without such permission, teachers will collect the items and turn them in to the principal's office. The principal will determine whether to return items at the end of the day or to contact parents to pick up the items.

Any disciplinary action will be in accordance with the Student Code of Conduct. The district will not be responsible for any damaged, lost, or stolen electronic device.

Requesting Limited or No Contact with a Student through Electronic Media

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

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

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

TELEPHONE

The school phone is for the purpose of school business. In case of illness or emergency, students are to use the telephone in the Reception Office ONLY.

No student will be called to the phone during class hours except in the case of an emergency. A message will be delivered to the student at the close of a class period in non-emergency cases.

TESTING DATES

Please see school website for testing dates.

TEXTBOOKS

State approved textbooks are provided free of charge for each subject or class, the only exceptions are college courses. Textbooks and book covers will be issued by teachers at the first meeting of each class period. Books will be covered at all times. Students will be responsible for textbooks as follows:

1. Fines will be assessed for damages to books.
2. Any textbooks not returned to the school (regardless of the reason) will be paid for by the student.

TOP TEN PERCENT RULE

Texas students who are in the top ten percent of their graduating class are guaranteed automatic admission to all state-funded universities provided they complete one of the two criteria:

1. Complete the Distinguished level of achievement under the Foundation High School Program.
2. Satisfy the ACT college Readiness Benchmarks.
3. Receive a minimum score of 480 on the Evidenced-Based Reading and Writing (EBRW) test and a minimum score of 530 on the mathematics test (no combined score) if the SAT was administered on or after March 5, 2016.

Students must make certain that they also submit an application to the Texas public university for admission before the appropriate deadline. This ruling applies only to admissions, students are not guaranteed acceptance into their desired choice of major. Keep in mind that most students will apply to college during the fall semester of their senior year. Therefore, the ranking that will be seen when applying is determined after the second semester of the junior year, or also known as the sixth-semester ranking.

Exemption to the Top Ten Percent Rule –

Senate Bill 175 changed the Top Ten Percent Rule as it applies to the University of Texas at Austin ONLY. Each Fall, UT-Austin must notify secondary schools of its intentions for the coming school year. For those entering as freshmen in the Summer/Fall of 2021 and Spring 2022 sessions, the top 6% of their graduating class will be admitted automatically.

TRANSCRIPTS

An Academic Achievement Record, also known as a transcript, is a student's record of semester grades and credit earned in high school. The transcript includes a student's grade point average and rank in class.

All post-secondary schools will require this information in order to be considered for admission. In order to request that a transcript be sent to a college or university, a student must either complete a request form in the counseling office or request online via the Bellville High School web page, list the school(s) where information will be sent, and sign indicating permission to send information. Three school days should be allowed to process this request. Transcripts sent through the electronic system, called TRex, will be sent at no cost to the student. Transcripts that must be mailed through the postal system or transcripts requested for personal use will be available for a charge of $1.00.

A paper version of a transcript may also be requested. In order to be considered official, the transcript must be enclosed in a sealed envelope and stamped. Students should follow the same procedure when requesting a paper copy of their transcript: complete a request form, list that the transcript will be for personal use, and sign for permission. Students must also indicate if the transcript should be official or non-official. Three school days should be allowed process the request. Senior students will be provided free copies of their official transcript at the beginning of each semester to be used at their own discretion. Beyond these copies, a charge of $1.00 will be assessed for each paper transcript requested.

TRAVEL - SCHOOL SPONSORED

Students who participate in school-sponsored trips are required to use transportation provided by the school to and from the event. The principal, however, may make an exception if the parent personally requests that the student be permitted to ride with the parent, or the parent presents - no later than the day before the scheduled trip - a written request that the student be permitted to ride with an adult designated by the parent.

USE OF BUILDING AFTER SCHOOL HOURS

If a student wishes to remain after school hours to do additional work, to work out in the gym, to practice in the band hall, etc. that student must be accompanied by an authorized school person who must stay with that student or students during the time the building is in use.

VEHICLES ON CAMPUS

Vehicles parked on school property are under the jurisdiction of the school. School officials may search any vehicle any time there is reasonable cause to do so, with or without the permission of the student. A student has full responsibility for the security and content of his/her vehicle and must make certain that it is locked and that the keys are not given to others.

Students will be held responsible for any prohibited objects or substances, such as alcohol, drugs, and weapons that are found in their cars and will be subject to disciplinary action. Students must adhere to campus speed limit of 15 m.p.h. and designated parking areas. Any violation of these rules or reckless driving in the parking lot will result in loss of privilege to bring a vehicle on school grounds.

VISITORS

Parents and other visitors are welcome to visit District schools. Building access will be automated at all campuses to increase safety and security for all students and staff. All visitors must enter through the main entrance in the front of the building and report to the front office to sign-in. If arriving after the start of the school day (8:00 am), you will need to proceed to the main entrance, be buzzed in by the front office and then report in to the front office to sign-in. Visits to individual classrooms during instructional time are permitted only with approval of the principal and teacher, and such visits are not permitted if their duration or frequency interferes with the delivery of instruction or disrupts the normal school environment. Students may not have student visitors.

All visitors are expected to demonstrate the highest standards of courtesy and conduct. Disruptive behavior will not be permitted.

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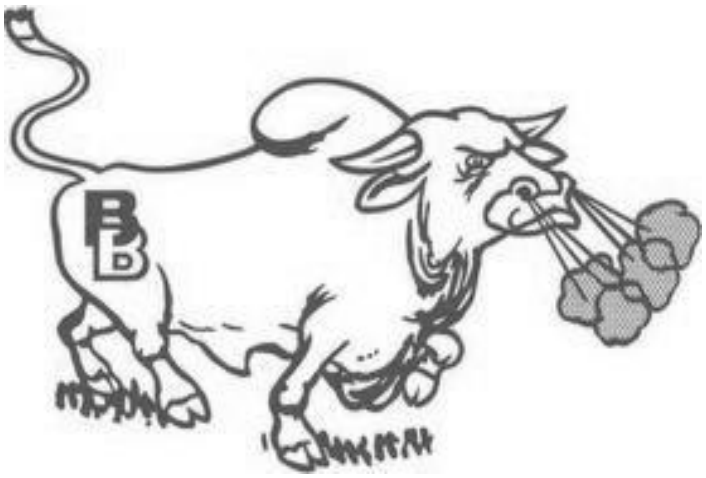
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SCHOOL SONG

Hail, Bellville High School
Hats off to you.
Ever you'll find us loyal and true.
Firm, and undaunted always we'll be,
hail to the School we love,
Here's a toast to thee!

Bellville Junior High School



Learners Today. Leaders Tomorrow.

Student Handbook 2020 – 2021

Mailing: 518 S. Mathews Physical: 1305 S. Tesch St.
Bellville, Texas 77418
Telephone: (979) 865-5966

Daniel Symm, Principal
Emily Barrera, Assistant Principal
Karen Peschel, Counselor

Si tiene preguntas o necesita asistencia en traducir este documento, por favor llame a la escuela al (979) 865-5966.

August, 2020

Dear Students and Parents:

Welcome to the 2020-2021 school year! At BJHS we take great pride in being a BRAHMA and encourage you to become an active participant in your school and to support it in any way possible. The staff of BJHS is dedicated to providing our students with the best possible education in an environment that is safe and conducive to learning for all students. Education is a team effort, and at Bellville Junior High we believe that students, parents, teachers, and other staff members all working together will make this a successful school year! Parent and family involvement in education is essential to the educational growth and achievement of each one of our students. At Bellville Junior High we want to work with parents and families to establish partnerships that support student's learning and improve the performance of our school.

The Bellville Junior High School Student Handbook is designed to provide a resource for some of the basic information that students and families will need during the school year. Please be aware that it is not a complete statement of all policies, procedures, or rules that may be applicable in a given circumstance. In an effort to make it easier to use, the handbook is divided into general alphabetized sections. Please be aware that the term "the student's parent" is used to refer to the parent, legal guardian, or any other person who has agreed to assume school-related responsibility for a student.

Both students and parents must be familiar with the Bellville ISD Student Code of Conduct, required by state law and intended to promote school safety and an atmosphere for learning. That document is a separate document which is available in the Principal's office or on the BISD website by clicking on the following link: BISD Student Code of Conduct.

The student handbook is designed to be in harmony with board policy and the Student Code of Conduct. Please be aware that the student handbook is updated yearly, while policy adoption and revision may occur throughout the year. Changes in policy that affect student handbook provisions will be made available to students and parents through the website, newsletters, and other communications. In case of conflict between board policy or the Student Code of Conduct and any provisions of student handbooks, the provisions of board policy or the Student Code of Conduct that were most recently adopted by the board are to be followed.

We encourage parents to review the entire student handbook with their children and keep it as a reference during this school year. If you or your child have questions about any of the material in this handbook, please contact a teacher, a counselor, the assistant principal, or the principal. The **Parental and Student Acknowledgement Form** is part of the online enrollment process. If we can be of service or help you at any time during the year, please do not hesitate to come by or call us at (979) 865-5966.

Sincerely,

Daniel Symm, Principal
Bellville Junior High School

BELLVILLE JUNIOR HIGH SCHOOL MISSION STATEMENT

Bellville Junior High School strives to educate students through high expectations, parental and community involvement combined with a positive educational environment that fosters active learning so that they may be productive and moral citizens for a changing world.

ACADEMIC ACHIEVEMENT IN REGARDS TO PROMOTION, RETENTION, AND PLACEMENT

In grades 6-8 promotion to the next grade level shall be based on an overall average of 70 on a scale of 100 based upon course level, grade-level standards (essential knowledge and skills) for all subject areas; a grade of 70 or above in english language arts and reading, mathematics, science and social studies is required for promotion to the next grade level.

The parent or guardian of each student who has not successfully completed a subject or course for any semester shall be notified by the District as soon as practical of any summer program available in the District that may permit the student to successfully complete the failed subject or courses.

In addition, eighth grade students will be required to pass the Mathematics and Reading portions of the State of Texas Assessments of Academic Readiness (STAAR), if the student is enrolled in a public Texas school any day between January 1 and the date of the first administration of the STAAR. In order to be promoted to grade 9, students enrolled in grade 8 must perform satisfactorily on the mathematics and reading sections of the grade 8 assessment in English.

Parents of a student in grades 6-8 who does not perform satisfactorily on his or her exams will be notified that their child will participate in special instructional programs designed to improve performance. The student may be required to participate in this instruction before or after normal school hours or outside the normal school year.

A student in grade 8 will have two additional opportunities to take a failed assessment. If a student fails a second time, a grade placement committee, consisting of the principal or designee, the teacher, and the student's parent, will determine the additional special instruction the student will receive. After a third failed attempt, the student will be retained; however, the parent can appeal this decision to the committee. In order for the student to be promoted, based on standards previously established by the district, the decision of the committee must be unanimous and the student must complete additional special instruction before beginning the next grade level. Whether the student is retained or promoted, an educational plan for the student will be designed to enable the student to perform at grade level by the end of the next school year. [See policies at EIE.]

If a student in grade 8 is enrolled in Algebra I which is a course that earns high school credit and for which an end-of-course (EOC) assessment will be administered, the student will not be subject to the promotion requirements described above for the relevant grade 8 assessment. However, for federal accountability purposes, the student may be required to take both the grade level assessment and EOC assessment.

ACCIDENT INSURANCE

Soon after the school year begins, parents will have the opportunity to purchase low-cost accident insurance that would help meet medical expenses in the event of injury to their child.

ACCOMMODATIONS FOR CHILDREN OF MILITARY FAMILIES

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

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

In addition, absences related to a student visiting with his or her parent, including a stepparent or legal guardian, who has been called to active duty for, is on leave from, or is returning from a deployment of at least four months will be excused by the district. The district will permit no more than five excused absences per year for this purpose. For the absence to be excused, the absence must occur no earlier than the 60th day before deployment or no later than the 30th day after the parent's return from deployment.

Additional information may be found at http://www.tea.state.tx.us/index2.aspx?id=7995

ADVANCED CLASSES/PRE-AP

BJHS will offer Pre-AP 6th Grade Math, Pre-AP 7th Grade Math, 8th Grade Algebra I for High School Credit, as well as Pre-AP ELAR for 6th, 7th, and 8th Grade, Pre-AP Science for 6th, 7th, and 8th grade, and Pre-AP Social Studies for 6th, 7th, and 8th grade.

Standards

- Students who are enrolled in a Pre-AP course must maintain an average of 70 or above.
- A failing six week course grade will result in automatic removal to the equivalent regular course.
- Pre-AP courses are not subject to the district/campus Reteach Policy.
- Students who do not meet passing standard on STAAR are not eligible for a Pre-AP course in that core area.

Students who do not meet qualification criteria may appeal to the campus Pre-AP Committee to be considered for enrollment.

Qualifications

Pre-AP 6th and 7th Grade Math *Students must meet 2 out of the 3 criteria below.

- Student has a Gifted and Talented (GT) Label and is a current GT student (not on furlough).
- Student earned a 90 or above on the final grade for the preceding math class.
- Student earned Masters Grade Level on the preceding state assessment.

Algebra I (High School Credit) *Students must meet 3 out of the 4 criteria below.

- Student has a Gifted and Talented (GT) Label and is a current GT student (not on furlough).
- Student earned a 90 or above on the final grade for the preceding math class.
- Student earned Masters Grade Level on the preceding state assessment.
- Student earned an above average aptitude through performance on the Algebra Prognosis Exam.

Pre-AP 6th, 7th, and 8th Grade English Language Arts and Reading *Students must meet 2 out of the 3 criteria below.

- Student has a Gifted and Talented (GT) Label and is a current GT student (not on furlough).
- Student earned a 90 or above on the final grade for the preceding English class.
- Student earned Masters Grade Level on the preceding state assessment.

Pre-AP 6th, 7th, and 8th Grade Science *Students must meet 2 out of the 3 criteria below.

- Student has a Gifted and Talented (GT) Label and is a current GT student (not on furlough).
- Student earned a 90 or above on the final grade for the preceding science class.
- Student earned Masters Grade Level on the preceding state assessment.

Pre-AP 6th, 7th, and 8th Grade Social Studies *Students must meet 1 out of the 2 criteria below.

- Student has a Gifted and Talented (GT) Label and is a current GT student (not on furlough).
- Student earned a 90 or above on the final grade for the preceding social studies class.

AIDING STUDENTS WHO HAVE LEARNING DIFFICULTIES OR WHO NEED SPECIAL EDUCATION OR SECTION 504 SERVICES

For those students who are having difficulty in the regular classroom, all school districts and open enrollment charter schools must consider tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention (RtI). The implementation of RtI has the potential to have a positive impact on the ability of districts and charter schools to meet the needs of all struggling students.

If a student is experiencing learning difficulties, his or her parent may contact the individual(s) listed below to learn about the school's overall general education referral or screening system for support services. This system links students to a variety of support options, including making a referral for a special education evaluation or for a Section 504 evaluation to determine if the student needs specific aids, accommodations, or services. A parent may request an evaluation for special education or Section 504 services at any time.

Special Education Referrals:

If a parent makes a written request for an initial evaluation for special education services to the director of special education services or an administrative employee of the school district or open enrollment charter school, the district or charter school must respond no later than 15 school days after receiving the request. At that time, the district or charter school must give the parent a prior written notice of whether it agrees to or refuses to evaluate the student, along with a copy of the Notice of Procedural Safeguards. If the school district or charter school agrees to evaluate the student, it must also give the parent the opportunity to give written consent for the evaluation.

Please note that a request for a special education evaluation may be made verbally and does not need to be in writing. Districts and charter schools must still comply with all federal prior written notice and procedural safeguard requirements and the requirements for identifying, locating, and evaluating children who are suspected of being a child with a disability and in need of special education. However, a verbal request does not require the district or charter school to respond within the 15-school-day timeline.

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

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

Upon completing the evaluation, the district or charter school must give the parent a copy of the evaluation report at no cost.

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

Contact Person for Special Education Referrals:

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for special education services is:

Contact Person: Dr. Megan Pape

Phone Number: 979-865-7012

Section 504 Referrals:

Each school district or charter school must have standards and procedures in place for the evaluation and placement of students in the district's or charter school's Section 504 program. Districts and charter schools must also implement a system of procedural safeguards that includes notice, an opportunity for a parent or guardian to examine relevant records, an impartial hearing with an opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

Contact Person for Section 504 Referrals:

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for Section 504 services is:

Contact Person: Dr. Megan Pape

Phone Number: 979-865-7012

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

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

The designated person to contact regarding options for a child experiencing learning difficulties or a referral for evaluation for special education is the Director of Special Education at 979-865-7021.

Students with Physical or Mental Impairments Protected Under Section 504

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

formed to determine if the child is in need of services and supports under Section 504 to receive a free appropriate public education (FAPE), as this is defined in federal law. Please contact the counselor's office regarding any additional information or a referral under Section 504.

ASBESTOS MANAGEMENT PLAN

The district works diligently to maintain compliance with federal and state law governing asbestos in school buildings. A copy of the district's Asbestos Management Plan is available in the superintendent's office. If you have any questions or would like to examine the district's plan in more detail, please contact the district's designated asbestos coordinator at (979) 865-3133.

ATTENDANCE

Students are expected to be present and punctual for all classes throughout the year. It is impossible to keep up with the progress of classes if students develop a pattern of non-attendance.

In order to account for all students enrolled in school, it is important that specific procedures be followed by parents and students. The following sections are included in an effort to reduce the confusion as to what constitutes the various types of absences and the procedures to follow when you are absent.

ATTENDANCE FOR CREDIT

Regular school attendance is essential for the student to make the most of his or her education—to benefit from teacher-led activities; to build each day's learning on the previous day and to grow as an individual. Absences from class may result in serious disruption of a student's mastery of the instructional materials; therefore, the student and parent should make every effort to avoid unnecessary absences. Attendance incentives will be given throughout the year to encourage and promote school attendance.

State Law requires:

To receive credit in a class, a student must attend at least 90 percent of the days the class is offered. A student who attends at least 75% but fewer than 90% of the days the class is offered may receive credit for the class if he or she completes a plan, approved by the principal that allows the student to fulfill the instructional requirements for the class. If a student is involved in a criminal or juvenile court proceeding, the approval of the judge presiding over the case will also be required before the student receives credit for the class.

A student in grades 6-8 will be required to attend any assigned accelerated instruction program, which may occur before or after school or during the summer, if the student does not meet the passing standards on the state assessment for his or her grade level and applicable subject area.

If a student attends less than 75% of the days a class is offered or has not completed the plan approved by the principal, then the student will be referred to the attendance review committee to determine whether there are extenuating circumstances for the absences and how the student can regain credit, if appropriate. In determining whether there were extenuating circumstances for the absences, the attendance committee will use the following guidelines:

- All absences, whether excused or unexcused, will be considered in determining whether a student has attended the required percentage of days. If makeup work is completed, absences for the reasons listed below for exemptions to the compulsory attendance requirement.
- A transfer or migrant student begins to accumulate absences only after he or she has enrolled in the district.

- In reaching a decision about a student's absences, the committee will attempt to ensure that it is in the best interest of the student.
- The committee will consider the acceptability and authenticity of documented reasons for the student's absences.
- The committee will consider whether the absences were for reasons over which the student or the student's parent could exercise any control.
- The committee will consider the extent to which the student has completed all assignments, mastered the essential knowledge and skills, and maintained passing grades in the course or subject.
- The student or parent will be given the opportunity to present any information to the committee about the absences and to talk about ways to earn or regain credit.

The student or parent may appeal the committee's decision to the board of trustees by filing a written request with the superintendent in accordance with policy FNG(LOCAL).

School employees must investigate and report violations of the state compulsory attendance law. A student absent without permission from school or from required tutorials will be considered in violation of the compulsory attendance law and subject to disciplinary action.

A court of law may also impose penalties against both the student and his or her parents if a school-aged student is deliberately not attending school. A complaint against the parent may be filed in court if the student:

■ Is absent without excuse from school on ten or more days or parts of days within a six-month period in the same school year, or

■ Is absent without excuse on three or more days or parts of days within a four-week period.

For a student younger than 12 years of age, the student's parent could be charged with an offense based on the student's failure to attend school. If a student age 12 through 17 violates the compulsory attendance law, both the parent and student could be charged with an offense.

The actual number of days a student must attend in order to receive credit will depend on whether the class is for a full semester or for a full year. If credit is lost, the attendance committee will decide how the student may regain credit. The student or parent may appeal the committee's decision to the District's Board of Trustees by filing a written request with the Superintendent.

State law allows exemption to the compulsory attendance requirement for several types of absences if the student makes up all the work. These include the following activities and events: religious holy days; required court appearances; activities relating to obtaining United States citizenship; service as an election clerk; and documented health care appointments, including students diagnosed with autism spectrum disorders.

TYPES OF ABSENCES

Excused Absences may be granted only for the following reasons; (1) personal illness, (extended illnesses may require a doctor's note), (2) emergencies such as serious illness or death in the immediate family, (3) weather conditions severe enough to make travel hazardous, (4) observance of religious holy days, if

request in writing is made to the principal prior to the initial absence, (5) extenuating circumstances as designated by BISD board policy.

Unexcused Absences are given to students who miss school without a school authorized reason.

Truancy is when a student willfully misses school without parent's knowledge. The student will be subject to disciplinary action. Truancy is marked as an unexcused absence.

Extra-Curricular Absences are recorded for students who miss class due to school sanctioned, or state approved activities. These absences are recorded but do not count against a student provided they do not exceed ten per year for a full-year course, or five per semester for a one-semester course.

STEPS TO FOLLOW WHEN ABSENT

1. Have parent/ guardian write an excuse detailing: student name, the date, reason for absence, dates absent, and the signature of the parent/guardian.

2. Present the note to the office immediately upon arrival at school.

3. Be sure to request work from teacher for each day of class you missed. It is the student's responsibility to initiate the effort to do make-up work.

Failure to bring a note signed by the parent/ guardian will result in the absence being recorded as unexcused.

BACKPACKS/BOOKBAGS

We continue to encourage use of the clear/mesh backpacks for safety reasons. Student backpacks are to be secured in the student's locker for the duration of the school day.

BULLYING

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

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

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

Bullying is prohibited by the district and could include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor-spreading, or ostracism. In some cases, bullying can occur through electronic methods, called "cyberbullying."

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

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

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

Upon recommendation of the administrator the board may, in response to an identified case of bullying, decide to transfer a student found to have engaged in bullying to another classroom at the campus. In consultation with the student's parent, the student may also be transferred to another campus in the district. The parent of a student who has been determined by the district to be a victim of bullying may request that his or her child be transferred to another classroom or campus within the district. A copy of the district's policy is available in the principal's office, superintendent's office, and on the district's Web site.

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

CAFETERIA SERVICES

Nutritious, well-balanced meals are provided in our school cafeteria. The price for breakfast and lunch is set by the district and is subject to change each year. Each student will have an account in which they deposit money for their breakfasts and lunches. The current cost for student breakfast is $1.25 and lunch is $2.60.

The School Nutrition Department of BISD implemented an innovative online service for payments and account balance information called ***Lunch Money Now***. This program will permit parents to check a student's balance, view the student's purchase history and make deposits to the student's lunch money account using a credit card. Parents are also able to subscribe for email warnings when their child's account dips below a certain amount. The credit card deposits are made using a secure transaction site and are typically available within the hour of the transaction during the regular school day. Parents can make multiple deposits using the same credit card transaction. There is a $2.50 convenience fee per transaction which is paid to the processor and not BISD.

To access your student's account you will need:

- the district student ID number
- the last four digits of the student's social security number
- the child's birthday.

You can gain access to Lunch Money Now via the BISD website www.bellvilleisd.org and click the ***Lunch Money Now*** logo link. If you have any questions, please contact the Food Service Director at (979) 865-7017.

Free and Reduced Price Meals

The District participates in the National School Lunch Program and offers free and reduced price meals based on a student's financial need or household situation. Information may be obtained from the BISD Food Service Director. Enrollment is available online. Parents will be notified if their child qualifies for this program. Participating students will be offered the same meal options as their peers and will not be treated differently from their peers. If you have any questions, please contact the Food Service Director at (979) 865-7017.

Texas Public School Nutrition Policy

The Texas Department of Agriculture issued the Texas Public School Nutrition Policy, which was effective beginning August 1, 2004. These nutrition guidelines are a result of a collaborative effort among parents, school administrators, health professionals and members of the food industry to promote a healthier environment in Texas schools and help ensure a healthier future for Texas children. All Texas schools participating in the federal child nutrition programs must comply with the nutrition policies. (For additional information, visit www.squaremeals.org).

CELL PHONES/PERSONAL TELECOMMUNICATION DEVICES

The Junior High campus will not be participating in BYOD (Bring your Own Device). The campus will provide devices for all instructional technology that will be used during the school day.

The use of cell phones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas while at school or at a school-related or school-sponsored event. Violations of this nature will be subject to disciplinary action as deemed appropriate by campus administration.

Student cell phones should be turned off and left in the student's locker during the school day.

If a student uses a telecommunications device without authorization during the school day or if a device disrupts instruction, the device will be confiscated. In order for the device to be released to the owner, a $15.00 administrative fee will be assessed before it will be returned. The student's parent may pick up the confiscated telecommunications device from the principal's office. The district is not responsible for any damaged, lost, or stolen electronic device.

CHEERLEADER ELIGIBILITY REQUIREMENTS

Any student wishing to try out for cheerleader must have a 70 or better overall average for each course through the current grading period in which tryouts are held. All candidates running for cheerleader must not have been guilty of more than one major disciplinary infraction during the current school year. This includes IBS or suspension.

Students trying out for cheerleader must have participated at least one year in the Pep Squad unless the student was not enrolled with Bellville ISD during the football season. Age requirements as specified in the U.I.L. Handbook will be followed for eligibility to participate in the cheering squad. U.I.L. eligibility requirements will be applicable in regard to academic progress.

A cheerleader must maintain satisfactory or above in conduct in all subjects in order to participate. If this standard is not maintained, the cheerleader will be put on probation for a minimum of two weeks and it will continue until the behavior improves. A cheerleader represents BJHS. The cheerleader should not be a discipline problem at school or outside of school. If a problem occurs, it will be left to the discretion of the principal and sponsor as to what action will be taken. It is possible for a cheerleader to be removed from the squad.

Cheerleaders will be elected by secret ballot and judges during the spring semester for the following year. The secret ballot will be worth a total of 30%, and the judges' ballot will comprise 70% of the total score.

If at the end of the school year, during which a cheerleader has been elected, the cheerleader does not meet the academic requirements to be promoted to the next grade level, the cheerleader will forfeit this position as cheerleader. The next highest-ranking candidate, for that grade level, will replace them for the upcoming school year.

In order for a cheerleader to be able to participate in game activities, the cheerleader must be present for the entire school day on the day of the game.

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CITIZENSHIP AND CONDUCT

Students of Bellville Junior High School are expected to maintain high standards of citizenship and conduct themselves in a manner that will bring credit to themselves and their community. Some of the factors involved include respect for fellow citizens, respect for property of others, obedience of rules and regulations, and respect for authority.

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

CITIZENSHIP AND SPORTSMANSHIP

Students of BJHS are expected to show the highest characteristics of citizenship and sportsmanship at all times and in all places involving any school-sponsored activities.

COMPLAINTS BY STUDENTS/PARENTS

Usually student or parent complaints or concerns may be addressed simply--by a phone call or conference with the teacher. For those complaints and concerns that cannot be so easily handled, the District has adopted a standard complaint policy. In general, a parent or student should first raise the complaint with the teacher and then the campus principal. If unresolved, a written complaint and a request for a conference should be sent to the Superintendent. If still unresolved, the District provides for the complaint to be presented to the Board of Trustees, members of the community elected to set policy and priorities for the District. Should a parent or student feel a need to file a formal complaint, the parent or student should file a district complaint for within the timelines established in policy FNG (LOCAL), available on the district's website at https://pol.tasb.org/Home/Index/143.

Some complaints require different procedures. Any campus office or the Superintendent's office can provide information regarding specific complaint processes for the following:

- Discrimination on the basis of gender.
- Bullying, harassment, or the creation of "hit lists".
- Sexual abuse or sexual harassment of a student.
- Loss of credit on the basis of attendance.
- Teacher removal of a student for disciplinary reasons.
- Expulsion of a student.
- Identification, evaluation, or educational placement of a student with a disability.
- Instructional materials.
- On-campus distribution of non-school materials to students.
- Complaints against District Peace Officers.

For additional information, also see the Bellville ISD Student Code of Conduct.

CONDUCT GRADES

In addition to the academic achievement grade in each subject, the student also earns a citizenship or conduct grade. This gives the student and the parents an indication of the progress he is making toward

the final goal of our public school, which is a worthwhile citizenship. This will be indicated on the student's report card each six weeks.

E – Excellent; S – Satisfactory; N - Needs Improvement; U - Unsatisfactory

CORRIDOR (HALL) PASSES

Any student needing to be in the hall at any time during school hours, other than a regular class break, must have a corridor passes. This pass should be signed by the teacher of the class from which the student left.

COUNSELING SERVICES

A Guidance Counselor is on duty at BJHS. The counselor will help provide the services that will give each individual student the opportunity to achieve success within the limits of his abilities.

Individual counseling will be available to every student by faculty referral or by student request for academic, social, or personal problems. Any student may make an appointment with a counselor. This can be done by making the request through any BJ HS staff member or teacher.

CREDIT BY EXAM WITHOUT PRIOR INSTRUCTION

The District shall give a student in grades 6-12 credit for an academic subject in which the student has received no prior instruction if the student scores 90 percent or above on a criterion-referenced examination for acceleration for the applicable course. See policy EHDC (Local).

The parent or guardian must write a letter to the campus principal at least 30 days prior to the testing window to register for credit by exam testing. The exact dates will be posted on the district website or contact the campus counselor for more information.

DATING VIOLENCE/DISCRIMINATION/HARASSMENT/RETALIATION

The district believes that all students learn best in an environment free from dating violence, discrimination, harassment, and retaliation and that their welfare is best served when they are free from this prohibited conduct while attending school. Students are expected to treat other students and district employees with courtesy and respect, to avoid behaviors known to be offensive, and to stop those behaviors when asked or told to stop. District employees are expected to treat students with courtesy and respect.

Dating Violence

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense. This type of conduct is considered harassment if the conduct is so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of dating violence against a student may include, but are not limited to, physical or sexual assaults; name-calling; put-downs; threats to hurt the student, the student's family members, or members of the student's household; destroying property belonging to the student; threats to commit suicide or homicide if the student ends the relationship; threats to harm a student's current dating partner; attempts to isolate the student from friends or family; stalking; or encouraging others to engage in these behaviors.

Discrimination

Discrimination is defined as any conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, or any other basis prohibited by law, that negatively affects the student.

Harassment

Harassment, in general terms, is conduct so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; or substantially interferes with the student's academic performance.

Examples of harassment may include, but are not limited to, offensive or derogatory language directed at a person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

Sexual Harassment and Gender-Based Harassment

Sexual harassment and gender-based harassment of a student by an employee, volunteer, or another student are prohibited. Examples of sexual harassment may include, but not be limited to, touching private body parts or coercing physical contact that is sexual in nature; sexual advances; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

Gender-based harassment includes harassment based on a student's gender, expression by the student of stereotypical characteristics associated with the student's gender, or the student's failure to conform to stereotypical behavior related to gender. Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include, but not limited to, offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Retaliation

Retaliation against a person who makes a good faith report of discrimination or harassment, including dating violence, is prohibited. A person who makes a false claim or offers false statements or refuses to cooperate with a district investigation, however, may be subject to appropriate discipline. Retaliation against a person who is participating in an investigation of alleged discrimination or harassment is also prohibited. Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

Reporting Procedures

Any student who believes he or she has experienced dating violence, discrimination, harassment, or retaliation should immediately report the problem to a teacher, counselor, principal, or other district employee. The report may be made by the student's parent. See policy FFH(LOCAL) for the appropriate districts officials to whom to make a report.

Investigation of Report

To the extent possible, the district will respect the privacy of the student; however, limited disclosures may be necessary to conduct a thorough investigation and to comply with law. Allegations of prohibited conduct, which includes dating violence, discrimination, harassment, and retaliation, will be promptly investigated. The district will notify the parents of any student alleged to have experienced prohibited conduct by an adult associated with the district.

In the event prohibited conduct involves another student, the district will notify the parents of the student alleged to have experienced the prohibited conduct when the allegations, if proven, would constitute a violation as defined by policy. If the district's investigation indicates that prohibited conduct occurred, appropriate disciplinary or corrective action will be taken to address the conduct. The district may take disciplinary action even if the conduct that is the subject of the complaint was not unlawful.

All involved parties will be notified of the outcome of the district investigation within the parameters and limits allowed under the Federal Educational Records and Privacy Act (FERPA).

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

DELIVERIES

Except in emergencies, delivery of messages or packages to students will not be allowed during instructional time. A parent may leave a message or a package, such as a forgotten lunch, for the student to pick up from the front office during a passing period or lunch.

DESIGNATED STUDENT AREAS

Before School: Upon arrival at school, students will enter the building and go directly to the cafeteria and remain until the first bell rings.

After School: Upon dismissal from school, all students riding buses home will report to the cafeteria where they will remain seated until their bus arrives.

All students being picked up by private transportation will proceed to the outside pick-up area in the front of the school.

Students must report to the designated areas immediately after the last class of the day. Students entering or leaving the building must use only the doors on the north and west sides of the building.

DISRUPTIONS

Disruption of classes or any school activities by a student or others is prohibited and is subject to disciplinary action and/or referral for criminal prosecution. **We must ask that parents remain out of the classroom hallways during the school day. Parents are required to sign in at the office every time they come to the school for safety purposes.**

In order to protect student safety and sustain an educational program free from disruption, state law permits the District to take action against any person-student or non-student-who:

- Interferes with the movement of people in an exit, an entrance, or a hallway of a District building without authorization from an administrator.
- Interferes with an authorized activity by seizing control of all or part of a building.
- Uses force, violence, or threats in an attempt to prevent participation in an authorized assembly.

- Uses force, violence, or threats to cause disruption during an assembly.
- Interferes with the movement of people at an exit or an entrance to District property.
- Uses force, violence, or threats in an attempt to prevent people from entering or leaving District property without authorization from an administrator.
- Disrupts classes while on District property or on public property that is 500 feet of District property. Class disruption includes making loud noises; trying to entice a student away from, or to prevent a student from attending, a required class activity; entering a classroom without authorization, and disrupting the activity with profane language or misconduct.
- Interferes with transportation of students in District vehicles.

DISTRIBUTION OF SCHOOL MATERIALS

Publications prepared by and for the school may be posted or distributed only with the prior approval of the principal from the sponsor or teacher. Such items may include school posters, brochures, flyers, etc. All school publications are under the supervision of the teacher, sponsor, and principal. A school yearbook will be available for students to purchase.

Non-School Materials…from students

Written materials, handbills, photographs, pictures, petitions, films, tapes, posters, or other visual or auditory materials may not be sold, circulated, or distributed on any school campus by a student or a non-student without the prior approval of the Superintendent. Materials displayed without authorization will be removed. If the material is not approved within two school days of the time it was submitted, it should be considered disapproved. Disapprovals may be appealed by submitting the disapproved material to the Superintendent; material not approved by the Superintendent within three days is considered disapproved. This disapproval may be appealed to the Board at its next regular meeting when the student or non-student will have a reasonable period of time to present his or her viewpoint. Any student who posts, sells, circulates, or distributes material without prior approval will be subject to disciplinary action.

Non-School Materials…from others

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the district or by a district-affiliated school-support organization will not be sold, circulated, distributed, or posted on any district premises by any district employee or by persons or groups not associated with the district, except as permitted by policy GKD [Local]. To be considered for distribution, any non-school material must meet the limitations on content established in the policy, include the name of the sponsoring person or organization, and be submitted to the Superintendent for prior review. The Superintendent will approve or reject the materials within two school days of the time the materials are received. The requestor may appeal a rejection in accordance with the appropriate district complaint policy. [See policies at DGBA, or GF.]

DRILLS

Students, teachers, and other district employees will participate in drills of emergency procedures such as fire drills, severe weather drills and lock-down drills. When the alarm is sounded or announcement given from the office, students should follow the direction of teachers or others in charge quickly, quietly, and in an orderly manner. Drills will be practiced throughout the school year to prepare in the event of an emergency. Safety of all students and staff members is our number one priority. Drills and Emergency events should always be taken seriously.

DRUGS AND ALCOHOL

REASON FOR POLICY

Because the use of drugs, alcohol, and other chemicals among young people has become a major problem in our country and because the use and availability of these substances on school campuses interfere with the educational process, this policy is being implemented. The policy is designed to help eradicate the influence of drugs, alcohol, and other chemicals within the school environment. It is designed to act as punishment, deterrent, and protection for the students.

WHEN AND WHERE APPLICABLE

This policy applies to any student who is on school property, who is in attendance at school or at a school sponsored activity or whose conduct at any time or in any place interferes with, obstructs, or endangers the missions or operations of the school district or the safety or welfare of students or district employees.

PROHIBITED ACTIVITIES

It shall be against school policy for any student:

1. To sell, supply, give, or attempt to sell, supply, or give to any person any of the substances listed in this policy or what the student represents or believes to be any of the substances listed in this policy.

2. To possess, procure or purchase, to attempt to possess, procure or purchase, to be under the influence of (legal intoxication not required), or to use or consume or attempt to use or consume, the substances listed in this policy or what the student believes is any of the substances in this policy.

Any student found in violation of the offenses listed below will be disciplined according to District Code of Conduct.

1. Alcohol or any alcoholic beverage.

2. Any controlled substance or dangerous drug as defined by the Controlled Substances Act, Article 4476-15, Ve1"non's Revised Civil Statutes of Texas, or as defined by Section 812, Schedules 1-V, of Title 21, United States Code, Section 801, et seq., including but not limited to marijuana, any narcotic drug, any hallucinogen, any stimulant, or any depressant.

3. Any abuse able glue or aerosol paints as defined by Article 15, 4476-15 or any other chemical substance, including but not limited to lighter fluid and reproduction fluid, for inhalation.

4. Any prescription or non-prescription drug, medicine, vitamin or other chemical (including, but not limited to aspirin, other pain relievers, stimulants, diet pills, multiple or other type vitamins, pep pills, "no-doze" pills, cough medicines and syrups, cold medicines, laxatives, stomach or digestive remedies, depressants and sleeping pills).

AUTHORIZED USE

Any student whose parent or guardian requests that he or she be given any prescription or non-prescription medicine, drug, or vitamin shall follow the procedures of Policy FFAC, FFAC (LOCAL) which requires that the school nurse dispense such medicine, drug, or vitamin to the student.

ELMER HATTON CHAPTER OF THE NATIONAL JUNIOR HONOR SOCIETY

The purpose of the National Junior Honor Society is to promote scholarship, develop character, encourage good citizenship, leadership, and to stimulate a desire to render service. It is a service organization, and its members will be involved in many types of activities throughout the school year.

Membership is limited to eighth grade students; students are selected and inducted at the end of their seventh grade year. Student selection is based on outstanding scholarship with consideration given to character, leadership, service, and citizenship. Once members have been selected, they have the responsibility to continue to demonstrate these qualities. The following criteria will also be used to determine acceptance into NJHS:

1. Overall cumulative numerical average of 93 or above for the 1st through 5th six weeks in English Language Arts, Math, History and Science. (Students in Pre-AP courses will receive an unwritten 5 point credit for those classes.)

2. Students with N's or U's in any class during any 6-week period during the seventh grade year are not eligible for consideration for selection into the NJHS.

3. All NJHS candidates must not have been guilty of more than one major disciplinary infraction during the current school year. This includes IBS or suspension.

4. Demonstrate a degree of leadership and participation in the classroom, school activities, and the community.

Students must meet all qualifications to ensure selection to the NJHS at Bellville Junior High. To maintain eligibility in NJHS, students must adhere to all requirements in maintaining the standards of outstanding scholarship, leadership, service, character, and citizenship.

EMERGENCY MEDICAL TREATMENT

Parents shall complete emergency care information each year, which makes provisions for parental consent for school officials to obtain medical treatment for the student, as provided by law. Parents are also requested to supply other information that could be required in case of an emergency. Parents should update this information during the year as the need arises. Please provide all necessary phone numbers, as these are critical in an emergency situation. The school district shall not be responsible for the costs resulting from emergency medical treatment or assume liability for any other costs associated with an injury.

EXTRA-CURRICULAR ELIGIBILITY REQUIREMENTS

A student participating in University Interscholastic League (U.I.L.) will be suspended from participation after a grading period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class. This suspension continues for three weeks. The grades will be subsequently reviewed at the end of each three-week period; the suspension will be removed if the student's grade is equal to or greater than the equivalent of 70.

Ineligible students may practice or rehearse but may not participate in any competitive activity.

Students involved in UIL athletic activities and their parents can access the UIL Parent Information Manual at https://www.uiltexas.org/athletics/manuals; a hard copy can be provided by the coach or sponsor of the activity on request. To report a complaint of alleged noncompliance with required safety training or an alleged violation of safety rules required by law and the UIL, please contact the curriculum division of the Texas Education Agency at (512) 463-9581 or curriculum@tea.state.tx.us.

FEES

Materials that are part of the basic educational program are provided without charge to students. Students are expected to provide their own supplies of pencils, paper, erasers, and notebooks, and may be required to pay certain other fees or deposits, including:

1. The materials for a class project the student will keep.
2. Personal physical education and athletic equipment and apparel.
3. Voluntary purchases of pictures, publications, etc.
4. Student accident insurance and insurance on school-owned instruments.
5. Fees for damaged library books and school-owned equipment, textbooks, etc.

FOUNDATION GRADUATION PROGRAM

Every student in a Texas public school who enters grade 9 in the 2014–15 school year and thereafter will graduate under a new program called the "foundation graduation program." Within the foundation graduation program are "endorsements," which are paths of interest that include Science, Technology, Engineering, and Mathematics (STEM); Business and Industry; Public Services; Arts and Humanities; and Multidisciplinary Studies. Endorsements earned by a student will be noted on the student's transcript and diploma. The foundation graduation program also involves the term "distinguished level of achievement," which reflects the completion of at least one endorsement and Algebra II as one of the required advanced mathematics credits. A personal graduation plan will be completed for each high school student, which will be completed with all current eighth graders. State law and rules prohibit a student from graduating solely under the foundation graduation program without an endorsement unless, after the student's sophomore year, the student and student's parent are advised of the specific benefits of graduating with an endorsement and submit written permission to the school counselor for the student to graduate without an endorsement. A student who anticipates graduating under the foundation graduation program without an endorsement and who wishes to attend a four-year university or college after graduation must carefully consider whether this will satisfy the admission requirements of the student's desired college or university.

Graduating under the foundation graduation program will also provide opportunities to earn "performance acknowledgments" that will be acknowledged on a student's diploma and transcript. Performance acknowledgments are available for outstanding performance in bilingualism and biliteracy; in a dual credit course; on an AP or IB exam; on the PSAT, ACT-Aspire, SAT, or ACT exam, which are national exams; or for earning a nationally or internationally recognized license or certificate. The criteria for earning these performance acknowledgments are prescribed by state rules, and the school counselor can provide more information about these acknowledgments.

A student enrolled in high school prior to the 2014–15 school year has the option of graduating under the foundation graduation program rather than the programs identified above that would otherwise be applicable to that student. See the school counselor for additional information.

GANG-FREE ZONES

Certain criminal offenses, including those involving organized criminal activity such as gang-related crimes, will be enhanced to the next highest category of offense if they are committed in a gang-free zone. For purposes of the district, a gang-free zone includes a school bus and a location in, on, or within 1,000 feet of any district-owned or leased property or campus playground.

GENERAL INSTRUCTIONS AND REGULATIONS MAIN OFFICE

The principal's office is the main office of BJHS and is open from 7:30-4:30 each day. All school business should be handled during these hours.

Any student needing to conduct business should ask to speak with the school secretary and she will make the necessary arrangements.

Students should make an effort to conduct office business before or after school or during their lunch period.

GRADE LEVEL COURSE REQUIREMENTS

SIXTH GRADE

Required subjects: English Language Arts and Reading, Mathematics, Science, Social Studies, Exploring Pathways - Technology, and Physical Education. Students are allowed a choice of a Fine Art Elective of Beginning Art, Beginning Band, or Beginning Theater Arts. Students may also be able choose an additional elective of Project Lead The Way, Outdoor Education, Beginning Art, or Beginning Theater Arts.

SEVENTH GRADE

Required subjects: English Language Arts and Reading, Mathematics, Science, Texas History, Social and Emotional Well Being (non-athletics), and Physical Education or Athletics/Social and Emotional Well Being. Students will select one Exploring Pathways course of Engineer/Robotics, Education, Entrepreneurship, Construction, or Health Science. Students may also be able to choose from one of these electives: Beginning Band, 7th Grade Band, Beginning Art, Advanced Art, 7th/8th Grade Theater Arts, Outdoor Education, Technology – Coding, or Journalism/Yearbook.

EIGHTH GRADE

Required subjects: English Language Arts and Reading, Mathematics, Science, U.S. History, Physical Education or Athletics/Personal Health and Wellness. Students will select one Exploring Pathways course of Engineer/Robotics, Education, Entrepreneurship, Construction, or Health Science. Students may also be able to choose from one of these electives: Beginning Band, 8th Grade Band, Beginning Art, Advanced Art, 7th/8th Grade Theater Arts, Outdoor Education, Technology – Coding, Journalism/Yearbook, an additional Exploring Pathway course, or Student Aide.

GRADES

Grades earned by the student will be indicated in numerical form. Students scoring below 70 during a grading period are considered to be failing in that subject. The grading scale at BJHS, per guidelines, adopted by the State Board of Education, is as follows:

A = 90-100; B = 80-89; C = 70-79; F = Below 70.

For more information on grading and reporting, please refer to the BISD Instructional Grading and Reporting Guidelines.

GROOMING AND DRESS

The development of acceptable standards of personal appearance is considered to be a most important function of the Bellville schools. In keeping with this objective, the necessity of encouraging desirable dress and grooming habits is evident.

Changing trends in fashion necessitate periodic revisions in the District's dress code. However, extreme styles shall be recognized as being inappropriate for school Wear.

Students are responsible for following the dress code. Students who do not adhere to the dress code will be dealt with according to the District Code of Conduct. See District Code of Conduct for specific dress code guidelines.

GUM CHEWING

In order to promote and maintain the cleanliness and appearance of the Bellville Junior High School building, there will be NO GUM CHEWING ALLOWED. Appropriate disciplinary measures will be taken for those in violation of this campus-wide regulation. This campus policy will be strictly enforced.

HAZING

Hazing is defined as intentional, knowing, or reckless act occurring on or off campus directed against a student that endangers mental or physical health or the safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include other students.

Hazing will not be tolerated by the district. If an incident of hazing occurs, disciplinary consequences will be handled in accordance with the Student Code of Conduct. It is a criminal offense if a person engages in hazing; solicits, encourages, directs, aids, or attempts to aid another in hazing; or has firsthand knowledge of an incident of hazing being planned or having occurred and fails to report this to an administrator or counselor.

HONOR ROLL PROGRAM

The staff at BJHS feels it is very important to recognize those students who have demonstrated outstanding achievements in their academics. At the conclusion of each six weeks grading period, those students who earned all A's, all A's and one B, or all A's and two B's, will have earned the privilege of making the Honor Roll for that six weeks. Please refer to the grading scale for information concerning letter grade/numerical equivalents.

BELLVILLE ISD HEALTH POLICIES

MEDICINE AT SCHOOL

District employees will not give a student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements, with the following exceptions:

Only authorized employees, in accordance with policies at FFAC, may administer:

- Prescription medication, in the original, properly labeled container provided by the parent/guardian, along with a written request including name of student, name of medication, dosage, date, and parent/guardian signature. Medication will not be administered differently than the label specifies without a new prescription or written documentation from the physician.
- Nonprescription medication, in the original, properly labeled container, provided by the parent/guardian along with a written request including name of student, name of drug, dosage, date, and parent/guardian signature. Medication will be administered based on the manufacturer's recommendations for age and/or weight. **Note:** Insect repellant is considered a nonprescription medication.
- Herbal or dietary supplements provided by the parent only if required by the student' s individualized education program (IEP) or Section 504 plan for a student with disabilities.

The district does not accept or administer medications that contain narcotics for the safety of the student(s) and in compliance with the district drug abuse policy. If a student has been prescribed medication in this category for pain, cough etc., they are asked to remain at home until they are able to replace the medication with an over-the counter product or a non-narcotic prescription medication while at school for symptom control.

In certain emergency situations, the district will maintain and administer to a student nonprescription medication, but only:

- In accordance with the guidelines developed with the district's medical advisors; and
- When the parent has previously provided written consent for emergency treatment on the district's registration form.

All medications are to be kept in the nurse's office. Medications will be kept in a locked cabinet.

When dispensing medications, the qualified district employee administering the medication(s) will keep records indicating the date, time, dosage and will initial and provide his/her signature.

At the end of the school year, all medication must be picked up from the school clinic by the last day of school. Any medication left at the school will be disposed.

Students violating this procedure will be subject to disciplinary action under the district's drug abuse policy.

CONTAGIOUS DISEASES/ CONDITIONS

To protect other students from contagious illnesses, students infected with certain diseases are not allowed to come to school while contagious. If a parent suspects that his or her child has a contagious disease, the parent should contact the school nurse or principal so that other students who might have been exposed to the disease can be alerted.

The school nurse can provide information from the Department of State Health Services regarding these diseases.

Students that present to the nurse with symptoms of a possible contagious nature or with a temperature of 100 degrees or higher will be sent home.

The district requests that students not return to school until they have been symptom free and fever free (1ess than 100 degrees) for 24 hours without a fever reducing medication such as Tylenol or Ibuprofen.

The student may be required to present a note from their doctor stating that they have been examined and released before they will be allowed to return to school.

IMMUNIZATION

A student must be fully immunized against certain diseases or must present a certificate or statement that, for medical reasons or reasons of conscience, including a religious belief, the student will not be immunized. For exemptions based on reasons of conscience, only official forms issued by the Texas Department of State Health Services (DSHS), Immunization Branch, can be honored by the district. This form may be obtained by Writing the DSHS Immunization Branch (MC 1946), P.O. Box 149347, Austin, Texas 78714-9347; or online at https://corequest.dshs.texas.gov. The form must be notarized and submitted to the principal or school nurse within 90 days of notarization. If the parent is seeking an exemption for more than one student in the family, a separate form must be provided for each student. Exemptions have to be renewed every two years.

The immunizations required are: diphtheria, rubeola (measles), rubella (German measles), mumps, tetanus, pertussis, poliomyelitis (polio), hepatitis A, hepatitis B, and varicella (chicken pox), and Pneumococcal for Pre K.

All students entering seventh grade will be required to have a Tdap (Td) booster, menigiococcal and a second varicella dose. The school nurse can provide information on age-appropriate doses or on an acceptable physician-validated history of illness required by the Department of State Health Services. Proof of immunization may be established by personal records from a licensed physician or public health clinic with a signature or rubber-stamp validation.

If a student should not be immunized for medical reasons, the student or parent must present a certificate signed by a U.S. licensed physician stating that, in the doctor's opinion, the immunization required poses a significant risk to the health and well-being of the student or member of the student's family or household. This certificate must be renewed yearly unless the physician specifies a life-long condition. [For further information, see policy FFAB(LEGAL) and the Department of State Health Services Web

ASTHMA/ALLERGIC REACTION

A student with asthma or severe allergic reaction (anaphylaxis) may be permitted to possess and use prescribed asthma or anaphylaxis medication at school or school-related events only if he or she has written authorization from his or her parent and a physician or other licensed health-care provider. The student must also demonstrate to his or her physician or health-care provider and the school nurse the ability to use the prescribed medication, including any device required to administer the medication.

If the student has been prescribed asthma or anaphylaxis medication for use during the school day, the student and parents should discuss this with the school nurse or principal.

Parents are required to provide the school nurse yearly with the students' individual health asthma management plan. See school nurse for forms.

DIABETES

In accordance with a student's individual health plan for management of diabetes, a student with diabetes will be permitted to possess and use monitoring and treatment supplies and equipment while at school or at a school-related activity. See the school nurse or principal for information. [See policy FFAF (LEGAL).]

FOOD ALLERGY

The district requests to be notified when a student has been diagnosed with a food allergy, especially those allergies that could result in dangerous or possibly life-threatening reactions either by inhalation, ingestion, or skin contact with the particular food. It is important to disclose food to which the student is allergic, as well as the nature of the allergic reaction. Please contact the school nurse or campus principal if your child has a known food allergy or as soon as possible after any diagnosis of a food allergy.

PSYCHOTROPIC DRUGS

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

Teachers and other district employees may discuss a student's academic progress or behavior with the student's parents or another employee as appropriate; however, they are not permitted to recommend use of psychotropic drugs. A district employee who is a registered nurse, an advanced nurse practitioner, a physician, or a certified or credentialed mental health professional can recommend that a student be evaluated by an appropriate medical practitioner, if appropriate. [For further information, see policies at FFAC.]

STEROIDS

State law prohibits students from possessing, dispensing, delivering, or administering an anabolic steroid. Anabolic steroids are for medical use only, and only a physician can prescribe use.

Body building, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a healthy student is not a valid medical use and is a criminal offense.

Students participating in UIL athletic competition may be subject to random steroid testing. More information on the UIL testing program may be found on the UIL website at http://www.uil.utexas.edu/athletics/health/steroid_information.html.

INJURY/RESTRICTION POLICY

Temporary Restriction from Participation in Physical Education

Students who are temporarily restricted from participation in physical education will remain in the class and shall continue to learn the concepts of the lessons but not actively participate in the skill demonstration.

If a student requires physical restrictions or supportive equipment such as crutches, supportive braces, or ace bandage, a written note from the parent is required indicating the restriction(s) and time frame of restriction.

The request will be honored for three (3) days. If more than 3 days is required, a note must be presented to the nurse.

Once released by the doctor, written authorization to return to normal activity level is required.

Please present all notes to the nurse. The nurse will inform appropriate teachers and coaches.

Students in athletics should refer to the athletic policy.

LICE POLICY

Students found to have live lice will be sent home for treatment and removal of nits. Parents must treat the lice with an approved lice killing treatment.

The student may return to school after treatment is completed and all live lice have been removed.

Once the student has been sent home, they are to report to the nurse with a parent or legal guardian for re-assessment before returning to the classroom.

The district does not adhere to a no-nits policy but does reserve the right not to allow the student(s) back in the classroom if there is not adequate evidence that the situation is being addressed and monitored.

PREGNANT STUDENTS

Students who become pregnant are to report their condition to the school nurse, counselor, or principal. Pregnancy Related Services (PRS) are support services a pregnant student receives to help her adjust and stay in school during the prenatal and postpartum periods. These services are provided:

- While the student is still attending classes on her assigned campus
- When the pregnancy prevents the student from attending her regular classes
- During the postpartum period

Pregnancy Related Services (PRS) include:

- Documentation of parent and physician contact
- Communication with parents as to specific services provided
- School nurse having regular contact with student to record statistics (i.e. blood pressure, weight) and for counseling on health issues
- Academic counseling
- Compensatory Education Home Instruction (CEHI) during any prenatal confinement period that is documented as a medical necessity by a medical practitioner licensed to practice in the United States as well as during the postpartum confinement period
- One final follow up visit with the school nurse within 3 days of student's return to school after delivery to complete documentation and withdraw the student from PRS

OTHER HEALTH-RELATED MATTERS

Bacterial Meningitis

State law specifically requires the district to provide the following information:

What is meningitis?

Meningitis is an inflammation of the covering of the brain and spinal cord. It can be caused by viruses, parasites, fungi, and bacteria. Viral meningitis is most common and the least serious. Bacterial meningitis is the most common form of serious bacterial infection with the potential for serious, long-term complications. It is an uncommon disease, but requires urgent treatment with antibiotics to prevent permanent damage or death.

What are the symptoms?

Someone with meningitis will become very ill. The illness may develop over one or two days, but it can also rapidly progress in a matter of hours. Not everyone with meningitis will have the same symptoms. Children (over 1 year old) and adults with meningitis may have a severe headache, high temperature, vomiting, sensitivity to bright lights, neck stiffness or joint pains, and drowsiness or confusion. In both children and adults, there may be a rash of tiny, red-purple spots. These can occur anywhere on the body.

The diagnosis of bacterial meningitis is based on a combination of symptoms and laboratory results.

How serious is bacterial meningitis?

If it is diagnosed early and treated promptly, the majority of people make a complete recovery. In some cases it can be fatal or a person may be left with a permanent disability.

How is bacterial meningitis spread?

Fortunately, none of the bacteria that cause meningitis are as contagious as diseases like the common cold or the flu, and they are not spread by casual contact or by simply breathing the air where a person with meningitis has been. The germs live naturally in the back of our noses and throats, but they do not live for long outside the body. They are spread when people exchange saliva (such as by kissing, sharing drinking containers, utensils, or cigarettes).

The germ does not cause meningitis in most people. Instead, most people become carriers of the germ for days, weeks, or even months. The bacteria rarely overcome the body's immune system and cause meningitis or another serious illness.

How can bacterial meningitis be prevented?

Do not share food, drinks, utensils, toothbrushes, or cigarettes. Limit the number of persons you kiss.

While there are vaccines for some other strains of bacterial meningitis, they are used only in special circumstances. These include when there is a disease outbreak in a community or for people traveling to a country where there is a high risk of getting the disease. Also, a vaccine is recommended by some groups for college students, particularly freshmen living in dorms or residence halls. The vaccine is safe and effective (85-90 percent). It can cause mild side effects, such as redness and pain at the injection site lasting up to two days. Immunity develops within seven to ten days after the vaccine is given and lasts for up to five years.

What should you do if you think you or a friend might have bacterial meningitis?

You should seek prompt medical attention.

Where can you get more information?

Your school nurse, family doctor, and the staff at your local or regional health department are excellent sources for information on all communicable diseases. You may also call your local health department or Regional Department of State Health Services office to ask about a meningococcal vaccine. Additional information may also be found at the Web sites for the Centers for Disease Control and Prevention, http://www.edc.gov, and the Department of State Health Services, http://www.dshs.state.tx.us/.

Physical Activity for Students in Elementary and Middle School

In accordance with policies at EHAB, EHAC, [and FFA], the district will ensure that students in middle or junior high school shall engage in 30 minutes of moderate or vigorous physical activity per day for at least four semesters OR at least 225 minutes of moderate or vigorous physical activity within a two-week period for at least four semesters.

For additional information on the district's junior high school student physical activity requirements, please see the principal.

Physical Examinations/Health Screenings

A student who wishes to participate in, or continue participation in, the district's athletics program governed by the UIL must submit certification from a health-care provider authorized under UIL rules that the student has been examined and is physically able to participate in the athletic program.

Physical Fitness Assessment

Annually, the district will conduct a physical fitness assessment of students in grades 3—12 who are enrolled in a physical education course or a course for which physical education credit is awarded. At the end of the school year parents may request the results of the assessment.

School Health Advisory Council

During the preceding school year, the district's School Health Advisory Council held meetings. Additional information regarding the district's School Health Advisory Council is available from the Superintendent. [See also policies at BDF and EHAA.]

Vending Machines

The district has adopted policies and implemented procedures to comply with state and federal food service guidelines for restricting student access to vending machines. For more information regarding these policies and guidelines see the campus principal or the Food Service Director. [See policies at CO and FFA.]

Pest Management Plan

The district applies only pest control products that comply with state and federal guidelines. Except in an emergency, signs will be posted 48 hours before application. Parents who want to be notified of the times and types of applications prior to pesticide application inside their child's school assignment area may contact the head Building Operator at 979-865-3133.

INAPPROPRIATE ITEMS AT SCHOOL

Whistles, radios, mp3 players, iPods, cameras or any other electronic devices are inappropriate items at school. Also, water guns, and any type of "toy" will serve no useful purpose at school and will not be allowed at school. Students bringing such items to school will have them collected and turned in to the principal's office.

LAW ENFORCEMENT AGENCIES

QUESTIONING OF STUDENTS

When law enforcement officers or other lawful authorities wish to question or interview a student at school:

- The principal will verify and record the identity of the authority and ask for an explanation of the need to question or interview the student.
- The principal ordinarily will make reasonable efforts to notify the parents unless the interviewer raises what the principal considers to be a valid objection.
- The principal ordinarily will be present unless the interviewer raises what the principal considers to be a valid objection.
- The principal will cooperate fully regarding the conditions of the interview, if the questioning or interview is part of a child abuse investigation.

STUDENTS TAKEN INTO CUSTODY

State law requires the District to permit a student to be taken into legal custody:

- To comply with an order of the juvenile court.
- To comply with the laws of arrest.
- By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
- By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court.
- To comply with a properly issued directive to take a student into custody.
- By an authorized representative of Child Protective Services, Texas Department of Protective and Regulatory Services, a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to the student's physical health or safety.

Before a student is released to a law enforcement officer or other legally authorized person, the principal will verify the officer's identity and, to the best of his or her ability, will verify the off1cial's authority to take custody of the student.

The principal will immediately notify the Superintendent and will ordinarily attempt to notify the parent unless the officer or other authorized person raises what the principal considers to be a valid objection to notifying the parents. Because the principal does not have the authority to prevent or delay a custody action, notification will most likely be after the fact.

NOTIFICATION OF LAW VIOLATIONS

The District is also required by state law to notify:

- All instructional and support personnel who have responsibility for supervising a student who has been arrested or referred to the juvenile court for any felony offense or for certain misdemeanors.
- All instructional and support personnel who have regular contact with a student who has been convicted or adjudicated of delinquent conduct for any felony offense or certain misdemeanors.

LOCKERS

Each student will be issued a combination locker. **The combination is to be kept confidential** by the student. Under no circumstances is the student to change lockers or use in any way a locker not assigned to them. Students are not allowed to share a locker with **anyone else.**

Students are expected to keep their lockers locked, neat and clean. Students are responsible for the contents of their locker.

LOST AND FOUND

The "Lost and Found" articles are kept in the main foyer/office area and students having lost personal or school materials should check there to see if the materials have been turned in to the lost and found area.

Any items "found" on the school campus are to be immediately turned in to the main office. Possession of stolen rather than lost items may result in severe disciplinary action.

MAKE-UP WORK

It is the responsibility of the student to make arrangements with each teacher for the purposes of making up missed schoolwork. Students are allowed one day of make-up work for each day of absence. On the second consecutive day of absence, parents are encouraged to call the office by 10:30 a.m. to get their assignments.

MOTORIZED VEHICLES AT SCHOOL

Motorcycles, motor scooters, automobiles, etc. are not allowed to be brought to school by any Junior High student.

NONDISCRIMINATION

In its efforts to promote nondiscrimination, and as required by law, Bellville ISD does not discriminate on the basis of race, religion, color, national origin, gender, sex, disability, age, or any other basis prohibited by law, in providing education services, activities, and programs. The Superintendent: Nicole Poenitzsch, 518 S. Mathews, Bellville, TX 77418, 979-865-3133, has been designated to coordinate compliance with these legal requirements.

PICTURES/VIDEOS

Student's pictures will be taken during the day for publication in the Bellville newspaper for news items. Video pictures may be taken for demonstration of lessons or discipline purposes. If parents do not want to have pictures or videos taken of their child, please write a letter stating that you do not want your child's picture to be taken. If we do not have a letter on file stating that you do not want your child's picture taken or your child to be part of a video we will assume you give us permission to film your child or to take their picture.

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

- When it is to be used for school safety;
- When it relates to classroom instruction or a co-curricular or extracurricular activity; or
- When it relates to media coverage of the school.

Pictures will be taken in the fall for the school yearbook. If you want to purchase a package, the company will send home order information. Spring individual pictures are also taken and will be available as well as pictures for athletic events.

PARENT AND FAMILY ENGAGEMENT

Education succeeds best when there is a strong partnership between home and school that thrives on communication. Parents are partners with teachers, administrators, and the Board, and are encouraged to:

1. Review the Student Handbook with your child prior to signing and returning to the school the written statement that you understand and consent to the responsibilities outlined in the Student Handbook and District Code of Conduct.

2. Encourage your child to put a high priority on education and to commit to making the most of the educational opportunities provided by the school.

3. Become familiar with the academic program offered in the District and feel free to ask the principal any questions, including concerns about placement, assignment, or early graduation.

4. Attend Board meetings to learn more about ongoing operations of the District.

5. Exercise your right to review teaching materials, textbooks, and other aids, and to examine tests that have been administered to your child.

6. Be aware of your right to temporarily remove your child an instructional activity that conflicts with your religious or moral beliefs. However, such a removal cannot be for the purpose of avoiding a test and may not prevent the student from attending for an entire semester. Further, such removal does not exempt the student from satisfying grade level or graduation requirements as determined by the school and by the Texas Education Agency.

7. Review your child’s school records when needed. Monitor your child’s progress; contact teachers as needed.

8. Become a school volunteer. For further information, contact the school office.

9. Participate in campus parent organizations. The activities are varied, ranging from band boosters to campus and district committees that assist the Board of Trustees in formulating educational goals and objectives for campuses and the District.

PERMISSION TO LEAVE SCHOOL

If a student becomes ill and wishes to go home, he must obtain permission from the nurse or principal along with parent consent. If, for any reason other than illness a student wishes to leave school, he must have his parent or guardian write a request for permission to leave school stating the exact time that the student is to be dismissed and explanation of the reason for the absence. At no time may a student leave the campus during the school day without first obtaining permission from the office. Any student who has received permission to leave the campus must come to the main and check out at the time he leaves.

Students who leave campus during the day for any reason must adhere to Steps To Follow When Absent (on page 3) in order to be readmitted to class.

PLEDGES OF ALLEGIANCE

Texas law requires students to recite the Pledge of Allegiance to the United States flag and the Pledge of Allegiance to the Texas flag each school day. Parents may submit a written request to the principal to excuse their child from reciting a pledge.
A minute of silence will follow recitation of the pledges. The student may choose to reflect, pray, meditate, or engage in any other silent activity so long as the silent activity does not interfere with or distract others.

State law requires students in grade 3-12 to recite a portion of the Declaration of Independence during Celebrate Freedom Week (the week of September 17th). Parents may submit a written request that their child be excused from this recitation if applicable.

PROTECTION OF STUDENT RIGHTS

The school will notify parents of the right to inspect all instructional materials to be used in connection with a survey, analysis, or evaluation as part of a federally funded program. Notice will be sent home before such a survey, analysis, or evaluation is administered, and parent consent (or student consent of 18 or older) will be requested if information regarding any of the following is part of the survey, analysis, or evaluation:

- Political affiliations.
- Mental and psychological problems potentially embarrassing to the student or family.
- Sexual behavior and attitudes.
- Illegal, anti-social, self-incriminating, and demeaning behavior. Critical appraisals of other individuals with whom the student or the student's family has close family relationship.
- Legally recognized privileged or analogous relationships, such as lawyers, physicians, and ministers.
- Income, other than as required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

REPORT CARDS AND PROGRESS REPORTS

Students will receive an academic achievement and conduct grade at the conclusion of each grading period. One report card is given to the student for all classes. The report card is to be taken home to the parents to be signed and returned to school the next day, in accordance with State law.

Deficiency or Progress Reports will be sent home to parents of all students who are not making satisfactory progress during each grading period.

SAFETY

Student safety on campus or at school-related events is a high priority of the District. Although the District has implemented safety procedures, the cooperation of students is essential to ensure school safety. Students should:

- Avoid conduct that is likely to put the student or other students at risk.
- Follow the Student Code of Conduct and any additional rules for behavior and safety set by the principal or teachers, and bus drivers.
- Remain alert to and promptly report safety hazards, such as intruders on campus.
- Know emergency evacuation routes and signals.
- Follow immediately the instructions of teachers, bus drivers, and other district employees who are overseeing the welfare of students.

SCHOOL BUS CONDUCT

Students being transported in school owned vehicles shall comply with the Student Code of Conduct. Any student who fails to comply with that code or established rules of conduct while on school transportation may be denied transportation privileges and shall be subject to disciplinary action. Disciplinary sanctions and changes in transportation for a handicapped student shall be made in accordance with the provisions of the student's Individual Education Plan (IEP).

SCHOOL CLOSING INFORMATION

In case of an emergency closing of schools, the District-wide ***School Messenger*** phone notification system will notify parents and guardians via the phone numbers provided on the student identification registration card. Please notify the school of phone number changes in order to continue to receive these notices. Parents and students are also encouraged to listen to KTEX, 106.1 FM or KWHI 1280 AM on the radio; or listen to Channel 2, 11, and 13 on the Houston TV stations for information about the Bellville Independent School District. The Superintendent will determine when schools will be closed for emergency weather or other factors, which may be dangerous.

SCHOOL DAY

The first bell to release students to class is at 7:52. School begins and the tardy bell rings at 8:00. School is dismissed at 3:33.

SCHOOL PROPERTY

Students of BJHS take pride in the care of their building and equipment.

Abuses of school property will result in disciplinary action against those involved. Any student who destroys any school property will be held responsible for the damage and will be required to repair or pay for the damage, as well as being subject to disciplinary measures.

SCHOOL-SPONSORED FIELD TRIPS

The district periodically takes students on field trips for educational purposes.

A parent must provide permission for a student to participate in a field trip.

The district may ask the parent to provide information about a student's medical provider and insurance coverage, and may also ask the parent to sign a waiver allowing for emergency medical treatment in the case of a student accident or illness during the field trip.

The district may require a fee for student participation in a field trip to cover expenses such as transportation, admission, and meals; however, a student will not be denied participation because of financial need.

SEARCH AND SEIZURE

District Property

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice. Students have no expectation of privacy in district property.

Students are responsible for any item—found in district property provided to the student—that is prohibited by law, district policy, or the Student Code of Conduct.

Searches in General

In the interest of promoting student safety and attempting to ensure that schools are safe and drug free, district officials may occasionally conduct searches.

District officials may conduct searches of students, their belongings, and their vehicles in accordance with law and district policy. Searches of students will be conducted without discrimination, based on, for example, reasonable suspicion, voluntary consent, or pursuant to district policy providing for suspicionless security procedures, including the use of metal detectors.

In accordance with the Student Code of Conduct, students are responsible for prohibited items found in their possession, including items in their personal belongings or in vehicles parked on district property. If there is reasonable suspicion to believe that searching a student's person, belongings, or vehicle will reveal evidence of a violation of the Student Code of Conduct, a district official may conduct a search in accordance with law and district regulations.

Metal Detectors

To maintain a safe and disciplined learning environment, the district reserves the right to subject students to metal detector searches when entering a district campus and at off-campus, school-sponsored activities.

Trained Dogs

The district will use trained dogs to screen for concealed, prohibited items, including drugs and alcohol. Screenings conducted by trained dogs will not be announced in advance. The dogs will not be used with students, but students may be asked to leave personal belongings in an area that is going to be screened, such as a classroom, a locker, or a vehicle. If a dog alerts to an item or an area, it may be searched by district officials.

Telecommunications and Other Electronic Devices

Use of district-owned equipment and its network systems is not private and will be monitored by the district. [See policy CQ for more information.]

Any searches of personal telecommunications or other personal electronic devices will be conducted in accordance with law, and the device may be confiscated to perform a lawful search. A confiscated device may be turned over to law enforcement to determine whether a crime has been committed.

[See policy FNF(LEGAL) and TECHNOLOGY on page 35 for more information.]

SEXUAL HARASSMENT/SEXUAL ABUSE

The District encourages parental and student support in its efforts to address and prevent sexual harassment and sexual abuse in the public schools. Students and/or parents are encouraged to discuss their questions or concerns about expectations in this area with a teacher, counselor, principal or designee.

Unwanted and un-welcomed conduct of a sexual nature--words, gestures or any other sexual conduct, including requests for sexual favors--directed toward another student or a District employee is unacceptable.

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

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

As a parent, if your child is a victim of sexual abuse, the campus counselor or principal will provide information regarding counseling options for you and your child available in your area. The Texas Department of Family and Protective Services (TDFPS) also manages early intervention counseling programs. To find out what services may be available in your county, see http://www.dfps.state.tx.us/Prevention_and_Early_Intervention/Programs_Available_In_Your_County/default.asp.

The following Web sites might help you become more aware of child sexual abuse:
http://www.childwelfare.gov/pubs/factsheets/whatiscan.pdf
http://kidshealth.org/en/parents/child-abuse.html
http://www.taasa.org/member/resources-2/
Reports may be made to:
The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (1-800-252-5400 or on the Web at http://www.txabusehotline.org).

Students must not engage in unwanted and unwelcome verbal or physical conduct of a sexual nature directed toward another student or a District employee. This prohibition applies whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors. All students are expected to treat other students and District employees with courtesy and respect; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop.

A substantial complaint against a student will result in appropriate disciplinary action, according to the nature of the offense. *See the Student Code of Conduct.*

SPECIAL PROGRAMS

The district provides special programs for gifted/talented students, homeless students, bilingual students, migrant students, students with limited English proficiency or who are English learners, students diagnosed with dyslexia, and students with disabilities. The coordinator of each program can answer questions about eligibility requirements and programs and services offered in the District or by other organizations. A student or parent with questions about these programs should contact the school counselor.

STUDENT CONDUCT/DISCIPLINE

Students who violate the Bellville I.S.D. Student Code of Conduct shall be subject to disciplinary action. The district's disciplinary options include using one or more discipline management techniques, I.B.S. (In Building Suspension), removal to an alternative education program, suspension, and expulsion. Disciplinary measures are applied in accordance with the Bellville ISD Disciplinary Management Program as determined by the nature of the offense. Each student will receive a copy of the discipline management plan at the beginning of each year. More information can be provided by contacting the principal's office.

STUDENT COUNCIL

The purpose of this student organization is to help promote in each student at BJHS a desire for good citizenship based on democratic processes.

While there are many important objectives of the Student Council, the opportunity to actively participate in one's student government, as well as representing one's peers, is a valuable experience to be gained in learning about the democratic process.

STUDENT COUNCIL REQUIREMENTS:

QUALIFICATIONS FOR OFFICERS

1. All candidates for officers must have at least a 70 in each class each grading period, during the current year. Once elected:

   a. The President and Vice President shall have and maintain an average of 85 and have no grade lower than a 75 in each subject at all times. They shall have and shall maintain at all times no less than a satisfactory grade in conduct in each subject each six weeks throughout their entire terms in office.

   b. All other officers must maintain an average of 80 with no grade lower than a 75 in each subject at all time. They shall have and maintain no less than a satisfactory grade in conduct in each subject for each grading period throughout their entire terms in office.

2. All candidates running for officer must not have been guilty of more than one major disciplinary infraction during the current school year. This includes IBS or suspension.

CANDIDATE FOR CLASS REPRESENTATIVE

a. Eight (8) from each class.

b. Once elected, candidates must maintain at least a 75 in each class each six weeks.

c. All candidates running for representative must not have been guilty of more than one major disciplinary infraction during the current school year. This includes IBS or suspension.

STUDENT RECORDS

The Bellville Independent School District maintains general education records required by law. A student's school records are private and are protected from unauthorized inspection or use. A cumulative record is maintained for each student from the time the student enters the district until the student withdraws or graduates. This record moves with the student from school to school.

By law, both parents, whether married, separated, or divorced, have access to the records of a student who is a minor or a dependent for tax purposes, as do students who are 18 years of age or older. A parent whose rights have been legally terminated will be denied access to the records if the school is given a copy of the court order terminating these rights.

The principal is custodian of all records for currently enrolled students at the assigned school. The Superintendent is the custodian of all records for students who have withdrawn or graduated. Records may be reviewed during regular school hours. The record custodian or designee will respond to reasonable requests for explanation and interpretation of the records. The address of the Superintendent's office is 518 South Mathews, Bellville, Texas 77418. The physical address of the principal's office is 1305 South Tesch, Bellville, Texas 77418.

Parents of a minor or a student who is a dependent for tax purposes, the student (if 18 or older), and school officials with legitimate educational interests are the only persons who have general access to a student's records. "School officials with legitimate educational interests" include any employees, agents or Trustees of the District, cooperatives, or contractual placement facilities, as well as their attorneys and consultants, who are:

1. Working with the student;

2. Considering disciplinary or academic actions, the student's case, or a handicapped student's individual education plan;

3. Compiling statistical data; or

4. Investigating or evaluating programs.

STUDENT RIGHT TO PRAY

The school recognizes a student's right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. The school will not require, encourage, or coerce a student to engage in or to refrain from such prayer or meditation during any school activity.

SUBSTANCE ABUSE PREVENTION AND INTERVENTION

If you are worried that your child may be using or is in danger of experimenting, using, or abusing illegal drugs or other prohibited substances, please contact the school counselor. The school counselor can provide you with a list of community resources that may be of assistance to you. The TDSHS maintains information regarding children's mental health and substance abuse intervention services on its website: Mental Health and Substance Abuse.

SUICIDE AWARENESS

The district is committed to partnering with parents to support the healthy mental, emotional, and behavioral development of its students. If you are concerned about your child, please access http://www.texassuicideprevention.org or contact the school counselor for more information related to suicide prevention services available in your area.

TARDY POLICY

The focus of our tardy policy deals directly with the student's responsibility for promptness to their classes. Students must also understand that their tardiness to class interrupts and infringes on the teacher's instructional time.

A cumulative record of tardies is kept each grading period. Excessive tardies will result in conferencing with the assistant principal, notifying parents, and students may be assigned to detention or given another appropriate consequence.

TECHNOLOGY

Computer Resources

To prepare students for an increasingly technological society, the District has made a substantial investment in the use of district-owned technology resources for instructional purposes; specific resources may be issued individually to students. Use of these technological resources, which include the district's network systems and use of district equipment, is restricted to students working under a teacher's supervision and for approved purposes only. Students and parents will be given a copy of the District's *Acceptable Use Policy*.

Students who abuse the computers or do not follow the *Acceptable Use Policy* as specified in the Bellville ISD Student Code of Conduct Handbook will lose the privilege of using a computer. Abuse and misuse of the computers will result in disciplinary actions as specified in the Bellville ISD Discipline Handbook. The complete District Acceptable Use Policy is located in the Student Code of Conduct Handbook.

Unacceptable and Inappropriate Use of Technology Resources

Students are prohibited from sending, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition applies to conduct off school property, whether the equipment used to send such messages is district-owned or personally owned, if it results in a substantial disruption to the educational environment. Any person taking, disseminating, transferring, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as "sexting," will be disciplined in accordance with the Student Code of Conduct and may, in certain circumstances, be reported to law enforcement. Because engaging in this type of behavior can lead to bullying or harassment, as well as possibly impede future endeavors of a student, we encourage you to review with your child http://beforeyoutext.com , a state-developed program that addresses the consequences of engaging in inappropriate behavior using technology.

If you **do not want** to allow your child access to the Bellville ISD computer network and the Internet, you need to send a note to your campus office. You need to state in the note that you do not want your child to participate in the electronic educational resources that Bellville ISD provides through the Internet.

Students and parents should be aware that electronic communications--e-mail--using District computers are not private and may be monitored by District staff.

Computer Access

Only students who have been authorized by the District and who are under direct supervision of designated District employees are permitted to use a District computer or to access any local network or

outside telecommunications resources such as the Internet. Students are expected to observe network etiquette by being polite and using appropriate language. Students are prohibited from pretending to be someone else; transmitting obscene messages or pictures; revealing personal addresses or telephone numbers-either their own or another person's; or using the network in a way that would disrupt use by others.

Students who want to use computers in the library must have special computer passes stating their assignments as well as the signature of the teacher making the assignments. This rule does not apply when a teacher accompanies an entire class to the computer lab to work on a project.

TEXTBOOKS, ELECTRONIC TEXTBOOKS, TECHNOLOGICAL EQUIPMENT, AND OTHER INSTRUCTIONAL MATERIALS

Textbooks and other district-approved instructional materials are provided to students free of charge for each subject or class. Any books must be covered by the student, as directed by the teacher, and treated with care. Electronic textbooks and technological equipment may also be provided to students, depending on the course and course objectives. A student who is issued a damaged item should report the damaged item to the teacher. Any student failing to return an item in acceptable condition loses the right to free textbooks and technological equipment until the item is returned or the damage paid for by the parent; however, the student will be provided the necessary instructional resources and equipment for use at school during the school day.

TOBACCO PROHIBITED

Students are prohibited from possessing or using any type of tobacco product, including electronic cigarettes or any other electronic vaporizing device, while on school property at any time or while attending an off campus school-related activity.

The district and its staff strictly enforce prohibitions against the use of all tobacco products, including electronic cigarettes or any other electronic vaporizing device, by students and others on school property and at school-sponsored and school-related activities. [See the Student Code of Conduct and policies at FNCD and GKA.]

TWIRLER ELIGIBILITY REQUIREMENTS

1. All students trying out must have completed the 6th grade band.

2. All students trying out must be in the 7th or 8th grade.

3. All students trying out must meet the extracurricular academic requirements set forth by state law. For more information, refer to the extracurricular eligibility requirements in this handbook.

4. Twirlers are an extra part of the band. Therefore, all twirlers selected must also fulfill all the band requirements in order to participate.

5. Twirling practices will be scheduled twice a week for one hour each. Attendance at practices is mandatory.

VANDALISM

The taxpayers of the community have made a sustained financial commitment for the construction and upkeep of school facilities. To ensure that school facilities can serve those for whom they are intended – both this year and in the coming years – littering, defacing, or damaging school property is not tolerated. Students will be required to pay for the damages they cause and will be subject to criminal proceedings as well as disciplinary consequences in accordance with the Student Code of Conduct.

VIDEOS OF STUDENTS

For safety purposes, video/audio equipment will be used to monitor student behavior on buses (and in common areas on campus). Students will not be told when the equipment is being used. The principal will review the video routinely and document student misconduct.

Discipline will be in accordance with the Student Code of Conduct. A parent who wants to view a video following discipline of that parent's child may request access in accordance with policy FL in the District's policy manual.

In accordance with state law, a parent of a student who receives special education services, a staff member (as this term is defined by law), a principal or assistant principal, or the board may make a written request for the district to place video and audio recording equipment in certain self-contained special education classrooms. The district will provide notice to before placing a video camera in a classroom or other setting in which your child receives special education services. For more information or to request the installation and operation of this equipment, speak with the principal or the Executive Director for Administration, who the district has designated to coordinate the implementation of and compliance with this law.

VISITORS

Parents are always welcome to visit the school at any time. All visitors upon entering the building must check in at the main office. All visitors, parents, and substitutes are required to wear name identification tags.

WEAPONS ON SCHOOL CAMPUS

Anything that may be construed or interpreted as being dangerous to students or other persons is expressly prohibited from the BJHS campus. Any student in violation of this rule may be expelled for the balance of the year in accordance with the procedures required for expulsion.

WITHDRAWALS

When a student under age 18 withdraws from school, the parent or guardian must submit a written request to the principal, specifying the reasons for withdrawal and the final day the student will be in attendance. Withdrawal forms are available from the principal's office.

A student who is age 18 or older, who is married, or who has been declared by a court to be an emancipated minor may withdraw without parental signature.

Please provide the school at least three days' notice of withdrawal so that records and documents may be prepared.

Students withdrawing from Bellville Junior High School must clear textbook records with each teacher and turn in any supplies issued. Textbooks and all other debts to the school must be cleared before records may be forwarded to another school. The parent/ guardian must initiate the request for withdrawal.

ACKNOWLEDGMENT FORM

(Hard Copy Request Only)

Bellville Junior High Student Handbook

My child and I acknowledge that the Bellville Junior High Student Handbook and the District Student Code of Conduct for 2020–2021 are online on the school's website at http://bjhs.bellvilleisd.org/home under the School Resources tab. We have read the documents and understand that the handbook contains information that my child and I may need during the school year and acknowledge that all students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code of Conduct.

Print name of student:_____

Signature of student:_____

Signature of parent:_____

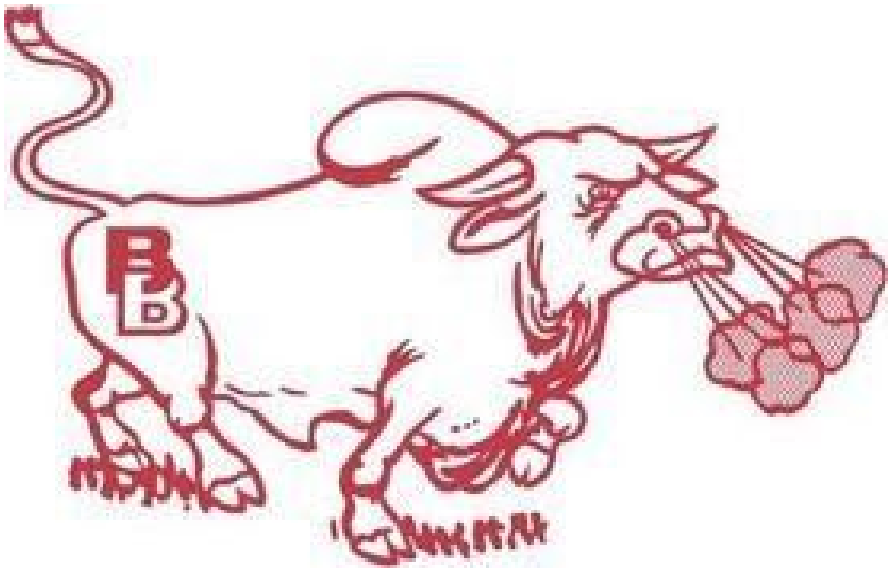
Date:_____

Check if applicable to your family:

☐ We would like to receive a hard copy of the BJHS Student Handbook.

******Please complete this form and return it to the BJHS Front Office.******

O'BRYANT INTERMEDIATE SCHOOL



Learners Today, Leaders Tomorrow

Student Handbook 2020-2021

414 S. Tesch St.
Bellville, Texas 77418
Telephone: (979) 865-3671
Fax: (979) 865-7049

Si tiene preguntas o necesita asistencia en traducir este documento, por favor llame a la escuela al 865-7091.

O'BRYANT INTERMEDIATE STUDENT HANDBOOK

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Dear Students and Parents:

Welcome to the 2020-2021 school year! We are dedicated to providing our students with the best possible education in an environment that is safe and conducive to learning for all children. Education is a team effort, and at O'Bryant Intermediate School we believe that students, parents, teachers, and other staff members all working together will make this a successful school year! Parent and family involvement in education is essential to the educational growth and achievement of each one of our students. At O'Bryant Intermediate School we want to work with parents and families to establish partnerships that support children's learning and improve the performance of our school!

The O'Bryant Intermediate School Student Handbook is designed to provide a resource for some of the basic information that you and your child will need during the school year. In an effort to make it easier to use, the handbook is divided into general alphabetized sections, and an index is located for specific subjects in the back of the book. Please be aware that the term "the student's parent" is used to refer to the parent, legal guardian, or any other person who has agreed to assume school-related responsibility for a student.

Both students and parents must be familiar with the Bellville ISD Student Code of Conduct, required by state law and intended to promote school safety and an atmosphere for learning. That document is a separate document sent home to the parents, and is available in the Principal's office or at the Bellville ISD website at http://www.bellvilleisd.org.

The student handbook is designed to be in harmony with board policy and the Student Code of Conduct. Please be aware that the handbook is updated yearly, while policy adoption and revision may occur throughout the year. Changes in policy that affect student handbook provisions will be made available to students and parents through newsletters and other communications. In case of conflict between board policy or the Student Code of Conduct and any provisions of student handbooks, the provisions of board policy or the Student Code of Conduct that were most recently adopted by the board are to be followed.

We encourage parents to review the entire handbook with their children and keep it as a reference during this school year. If you or your child has questions about any of the material in this handbook, please contact a teacher, the counselor, or the principal. Also, please complete and return the **Acknowledgement Form** (p.46) to your child's homeroom teacher.
If we can be of service or help you at any time during the year, please do not hesitate to come by or call us at 865-3671.

Marcus McLemore ▪Principal

O'Bryant Intermediate School
Philosophy of Education

The staff of O'Bryant Intermediate School believes in the uniqueness of each child. Our philosophy is that each child has the right to an education that is conducive to his/her learning style. We also believe that through a cooperative effort of home, school, and community, each child will achieve his/her highest potential.

O'Bryant Intermediate School
Mission Statement

The mission of the O'Bryant Intermediate staff is to prepare students for a productive life by giving them lessons and practice in problem solving, critical thinking, and responsible living. These skills will help them in our diverse society. We believe that all students can learn, achieve, and be successful. Students have the responsibility of working hard to accomplish these goals. Parents, teachers, staff, and students must work together as a team to provide a nurturing environment where students are successful, confident, responsible, and have a positive self-image.

O'Bryant Intermediate School
Campus Goals

- O'Bryant Intermediate will meet Yearly Progress as defined by the Federal Accountability Plan
- O'Bryant Intermediate will provide an environment where all students will be successful by participating in programs that meet their individual needs.
- O' Bryant Intermediate will encourage opportunities for parental and community involvement that supports the educational processes.
- O'Bryant Intermediate students will be taught by appropriately certified teachers as required by TEA.
- O'Bryant Intermediate will provide a safe, drug free, positive learning and teaching environment for students and staff members.
- O'Bryant Intermediate will establish a foundation to successfully graduate 100% of its students from high school.
- O'Bryant Intermediate will promote participation in extra-curricular academic competitions.

O'Bryant Intermediate
Office Staff Contact Information

Please let us know if you have any questions or if we can assist you in any way.

School Phone 865-3671

Office Hours 7:45-4:00
Monday-Friday

Marcus McLemore, Principal
mmclemore@bellvillebrahmas.org

Sean McEnerney, Assistant Principal/Counselor
smcenerney@bellvilleisd.org

Suzanne Lockett , Nurse
slockett@bellvilleisd.org

Stepahnie Reynolds, Secretary
sreynolds@@bellvilleisd.org

BELLVILLE I.S.D. SCHOOL CALENDAR
2020 - 2021

FIRST DAY OF SCHOOL
August 18th

HOLIDAYS

September 7 (Labor Day)
October 7-9 (Fair)
November 23-27 (Thanksgiving)
December 23 – January 3 (Christmas)
January 4 (Student Holiday/Teacher Work Day)
January 18 (MLK Day)
February 15 (Student Holiday/ Staff Dev.)
March 15-19 (Spring Break)
April 2 (Easter)
May 31 (Memorial Day)
July 4 (Independence Day)

TEACHER WORKDAYS
August 12,13,14,17
Sept. 28, October 12, January 5, February 12, April 19, May 27
STAFF DEVELOPMENT DAYS
August 10,11, January 4, February 12, April 19
EARLY DISMISSAL DAYS
December 18, May 26

INCLEMENT WEATHER DAYS
5/27, 5/28

LAST DAY OF SCHOOL
5/26

REPORTING PERIODS

ADMISSIONS

A student's parent or guardian who wants to enroll in Bellville Independent School District should contact the school office at 414 South Tesch or call 865-3671 for grades 4 and 5. Requirements for admission include a birth certificate, up-to-date immunization records, Social Security card with a clear number, proof of residence, and a copy of the parent/guardian's driver's license or I.D. card.

Custody of Students

If a student is to be picked up by specific individuals, that information MUST be recorded on the Student Enrollment Card. In cases of divorce or child custody, the school MUST have legal documents of verification on record.

Withdrawal from School

A student may be withdrawn from school only by a parent. A parent wishing to withdraw a student from school must present a signed statement to the principal explaining the reason for the withdrawal and the effective date. The school requests notice from the parent at least three days in advance so that records and documents may be prepared. The parent may obtain a withdrawal form from the principal's office. On the students' last day, the withdrawal form must be presented to each teacher for current grade averages and book clearance; to the librarian to assure a clear library record; to the clinic for health records; to the counselor for the last report card and course clearance; and finally, to the principal. A copy of the withdrawal form will be given to the student and a copy placed in the student's permanent record.

ATTENDANCE

Regular school attendance is essential for the student to make the most of his or her education--to benefit from teacher-led activities; to build each day's learning on the previous day and to grow as an individual. Absences from class may result in serious disruption of a student's mastery of the instructional materials; therefore, the student and parent should make every effort to avoid unnecessary absences. In order for a student to be counted present, he/she must be in school at the 10:00 a.m. accounting time. Students arriving after 10:00 a.m. will be marked absent for the day UNLESS they have a medical or dental excuse from the doctor's office.

The **Tardy Bell** rings each day at 8:05 a.m. Any students arriving to class after this bell (and morning announcements) will be asked to get a Tardy Slip. Medical excuses are the only "excused" tardy, all others are considered "unexcused". We appreciate everything our parents do to help our students achieve a quality education. Students who have excessive tardies will need to make up missed time in an after-school detention or other actions as deemed appropriate by the OBI Attendance Committee or in accordance with the ***Student Code of Conduct***.

State Law requires:

To receive credit in a class, a student must attend at least 90 percent of the days the class is offered. A student who attends at least 75% but fewer than 90% of the days the class is offered may receive credit for the class if he or she completes a plan, approved by the principal that allows the student to fulfill the instructional requirements for the class. If a student is involved in a criminal or juvenile court proceeding, the approval of the judge presiding over the case will also be required before the student receives credit for the class.

A student in grades 4-5 will be required to attend any assigned accelerated instruction program, which may occur before or after school or during the summer, if the student does not meet the passing standards on the state assessment for his or her grade level and applicable subject area.

If a student attends less than 75% of the days a class is offered or has not completed the plan approved by the principal, then the student will be referred to the attendance review committee to determine whether there are extenuating circumstances for the absences and how the student can regain credit, if appropriate.

In determining whether there were extenuating circumstances for the absences, the attendance committee will use the following guidelines:

- All absences will be considered in determining whether a student has attended the required percentage of days. If makeup work is completed, absences for the reasons listed below for exemptions to the compulsory attendance requirement.
- A transfer or migrant student begins to accumulate absences only after he or she has enrolled in the district.
- In reaching a decision about a student's absences, the committee will attempt to ensure that it is in the best interest of the student.
- The committee will consider the acceptability and authenticity of documented reasons for the student's absences.
- The committee will consider whether the absences were for reasons over which the student or the student's parent could exercise any control.
- The committee will consider the extent to which the student has completed all assignments, mastered the essential knowledge and skills, and maintained passing grades in the course or subject.
- The student or parent will be given the opportunity to present any information to the committee about the absences and to talk about ways to earn or regain credit.

The student or parent may appeal the committee's decision to the board of trustees by filing a written request with the superintendent in accordance with policy FNG(LOCAL).

School employees must investigate and report violations of the state compulsory attendance law. A student absent without permission from school or from required tutorials will be considered in violation of the compulsory attendance law and subject to disciplinary action.

A court of law may also impose penalties against both the student and his or her parents if a school-aged student is deliberately not attending school. A complaint against the parent may be filed in court if the student:

- Is absent from school on ten or more days or parts of days within a six-month period in the same school year, or
- Is absent on three or more days or parts of days within a four-week period.

The actual number of days a student must attend in order to receive credit will depend on whether the class is for a full semester or for a full year. If credit is lost, the attendance committee will decide how the student may regain credit. The student or parent may appeal the committee's decision to the District's Board of Trustees by filing a written request with the Superintendent.

State law allows exemption to the compulsory attendance requirement for several types of absences if the student makes up all the work. These include the following activities and events: religious holy days; required court appearances; activities relating to obtaining United States citizenship; service as an election clerk; and documented health care appointments, including students diagnosed with autism spectrum disorders.

When a student must be absent from school, the student--upon returning to school--must bring a note, signed by the parent that describes the reason for the absence.

A student absent for any reason should promptly make up specific assignments missed and/or complete additional in-depth study assigned by the teacher. A student who does not make up assigned work within the time allotted by the teacher will receive a grade of zero for the assignment.

Class time is important. Doctor's appointments should be scheduled, if possible, at times when the student will not miss instructional time.

Types Of Absences

Excused Absences may be granted only for the following reasons; (1) personal illness, (extended illnesses may require a doctor's note), (2) emergencies such as serious illness or death in the immediate family, (3) weather conditions severe enough to make travel hazardous, (4) observance of religious holy days, if request in writing is made to the principal prior to the initial absence, (5) extenuating circumstances as designated by BISD board policy.

Unexcused Absences are given to students who miss school without a school authorized reason.

Truancy is when a student willfully misses school without parent's knowledge. The student will be subject to disciplinary action. Truancy is marked as an unexcused absence.

Extra-Curricular Absences are recorded for students who miss class due to school sanctioned, or state approved activities. These absences are recorded but do not count against a student provided they do not exceed ten per year for a full-year course, or five per semester for a one-semester course.

Parent Note After an Absence

When a student must be absent from school, the student—upon returning to school—must bring a note, signed by the parent that describes the reason for the absence. A note signed by the student, even with the parent's permission, will not be accepted.

Release of Students from School

A student will not be released from school at times other than at the end of the school day except with permission from the principal or designee and according to the campus sign-out procedures. Unless the principal or superintendent has granted approval because of extenuating circumstances, a student will not be regularly released before the end of the instructional day.

A student who will need to leave school during the day must bring a note from his or her parent that morning. A student who becomes ill during the school day should, with the teacher's permission, report to the school nurse. The nurse will decide whether or not the student should be sent home and will notify the student's parent.

ADVANCED PLACEMENT

A student in any grade may take an examination for acceleration to be advanced one grade level or to gain credit for a course he/she has not formally taken for credit. For additional information, contact Dr. Michael Coopersmith at 518 S. Mathews or call 865-3133.

BULLYING

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

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

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

Bullying is prohibited by the district and could include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor-spreading, or ostracism. In some cases, bullying can occur through electronic methods, called "cyberbullying."

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

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

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

Upon recommendation of the administrator the board may, in response to an identified case of bullying, decide to transfer a student found to have engaged in bullying to another classroom at the campus. In consultation with the student's parent, the student may also be transferred to another campus in the district. The parent of a student who has been determined by the district to be a victim of bullying may request that his or her child be transferred to another classroom or campus within the district. A copy of the district's policy is available in the principal's office, superintendent's office, and on the district's Web site.

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

Bullying and Safety Reporting can be found on the BISD Website, www.bellvilleisd.org, under the Parent Resources tab.

CAFETERIA SERVICES

Nutritious, well-balanced meals are provided in our school cafeteria. The price for breakfast and lunch is set by the district and is subject to change each year. Each student will have an account in which they deposit money for their breakfasts and lunches.

The School Nutrition Department of BISD implemented an innovative online service for payments and account balance information called *Lunch Money Now*. This program will permit parents to check a student's balance, view the student's purchase history and make deposits to the student's lunch money account using a credit card. Parents are also able to subscribe for email warnings when their child's account dips below a certain amount. The credit card deposits are made using a secure transaction site and are typically available within the hour of the transaction during the regular school day. Parents can make multiple deposits using the same credit card transaction. There is a $2.50 convenience fee per transaction which is paid to the processor and not BISD.

To access your student's account you will need:

- **the district student ID number**
- **the last four digits of the student's social security number**
- **the child's birthday.**

You can gain access to Lunch Money Now via the BISD website www.bellvilleisd.org and click the *Lunch Money Now* logo link. If you have any questions please contact the Food Service Director at 865-7017.

Free and Reduced Price Meals

The District participates in the National School Lunch Program and offers free and reduced price meals based on a student's financial need. Information may be obtained from the BISD Food Service Director. Application for the free-lunch program requires that papers be filled out and turned into the office during the first two weeks of school enrollment. Parents will be notified if their child qualifies for this program.

Texas Public School Nutrition Policy

The Texas Department of Agriculture issued the Texas Public School Nutrition Policy, which was effective beginning August 1, 2004. These nutrition guidelines are a result of a collaborative effort

among parents, school administrators, health professionals and members of the food industry to promote a healthier environment in Texas schools and help ensure a healthier future for Texas children. All Texas schools participating in the federal child nutrition programs must comply with the nutrition policies. (For additional information, visit www.squaremeals.org).

School Celebrations/Parties

Due to O'Bryant Intermediate's participation in this program, school birthday treats are to be distributed **ONLY** in the afternoon. Other sanctioned school celebrations (i.e. Christmas party, End of Year Party) may distribute Foods of Minimal Nutritional Value (FMNV) throughout the day. Contact your child's teacher or the principal for further clarifications.

CONDUCT / DISCIPLINE

Code of Conduct

Refer to the Bellville Independent School District's Student Code of Conduct, which is a separate document sent home to parents. The Student Code of Conduct, which sets out the consequences for wrong or inappropriate behavior, is required by state law and is intended to promote school safety.

Conduct Expectations

In order for students to take advantage of available learning opportunities and to be productive members of our campus community, each student is expected to:

- **Demonstrate courtesy--even when others do not.**
- **Behave in a responsible manner, always exercising self-discipline.**
- **Attend all classes, regularly and on time.**
- **Prepare for each class; take appropriate materials and assignments to class.**
- **Meet District or campus standards of grooming and dress.**
- **Obey all campus and classroom rules.**
- **Respect the rights and privileges of other students, teachers, and other district staff.**
- **Respect the property of others, including District property and facilities.**
- **Cooperate with or assist the school staff in maintaining safety, order, and discipline.**
- **Avoid violations of the Student Code of Conduct.**

Applicability of School Rules and Discipline

To achieve the best possible learning environment for all our students, O'Bryant Intermediate School rules and discipline will apply:

- During the regular school day or when a student goes to and from school on district transportation.
- During lunch periods in which a student is allowed to leave campus.
- Within 300 feet of school property.
- While a student is in attendance at any school-related activity, regardless of time or location.

This includes school social events to which a student brings a guest. Guests are expected to observe the same rules as students attending the event, and the person inviting the guest will share responsibility for the conduct of the guest. A student attending a social event will be asked to sign out when leaving before the end of the event; anyone leaving before the official end of the event will not be readmitted.

Academic Dishonesty/Cheating/Plagiarism

Academic dishonesty--as in cheating or plagiarism--is not acceptable. Cheating includes the copying of another student's work-- such as homework, class work, or test answers --as one's own. Plagiarism is the use of another person's original ideas or writing without giving credit to the true author. A student found to have engaged in academic dishonesty will be subject to loss of credit for the work in question, as well as disciplinary penalties, according to the Student Code of Conduct.

Corporal Punishment

Corporal punishment--spanking or paddling the student-- may be used as a discipline management technique in accordance with the Student Code of Conduct and as determined by the principal. Corporal punishment will be administered in the presence of one other District professional employee and out of view of the other students.

*** ***A record will be maintained of each instance of corporal punishment***.

PARENTS WHO DESIRE THAT THEIR CHILDREN NOT RECEIVE CORPORAL PUNISHMENT MUST PUT THIS REQUEST IN WRITING ADDRESSED TO THE PRINCIPAL DURING THE FIRST TWO WEEKS OF SCHOOL

Parties and Social Events

The rules of good conduct and grooming will be observed at school social events held outside the regular school day. Guests are expected to observe the same rules as students attending the event, and the person inviting the guest will share responsibility for the conduct of the guest.

Smoking

The district and its staff strictly enforce prohibitions against the use of tobacco products by students and others on school property and at school-sponsored and school-related activities. [See the Student Code of Conduct and policies at FNCDE and GKA.]

Violations of Law—Alcohol, Drugs, Tobacco, and Weapons

Under state and federal law, a student is not allowed to: possess, sell, give away, or use alcohol, illegal drugs, tobacco products, guns, or other weapons on school property or at a school-related or

school-sanctioned activity, on or off school property. Having one of these items in a privately owned vehicle that the student may have driven to school and parked on District property is also prohibited.

DISCIPLINE

The students at O'Bryant Intermediate School are expected to behave in a manner which permits uninterrupted learning to take to place. Students are expected to follow the rules and regulations established by the school by the school district and the classroom teacher. Students are expected to conduct themselves in a manner that is neither disruptive nor disrespectful and which does not violate the rights of others.

Students that threaten to bring a weapon to school, or make threats may be assigned go to ISS (In School Suspension). Once a student has received a referral, he/she will be sent to the principal's office. A referral will result in loss of privileges. The principal will make every effort to contact a parent or guardian on each referral. Fighting and profanity may result in In-School Suspension (ISS).

A non-custodial parent may request in writing that he or she be provided a copy of any written notices usually provided to a parent related to your child's misconduct that may involve expulsion.

Phones/Electronics/Articles from Home

Do not allow your children to bring articles to school that could be harmful to others or distract the learning process. **Cell Phones are not allowed at O'Bryant Intermediate. The Administrator will collect any phones brought to school and notify the parents.** Violation of this policy will result in the phone being confiscated and the parents must pick up the phone from the administrator. A **$15.00 administrative fee** will be assessed should multiple violations occur. The money collected will be placed in the student activity fund.

Students must not bring valuables or irreplaceable items to school, unless prior permission has been obtained from the principal. Examples include, but are not limited to: toys of all kinds, electronic games, radios, ipods / mp3 players, CDs / DVDs or CD / DVD players, cameras, large sums of money, expensive jewelry, laser pointers, etc. If items are brought to school, teachers will collect the item and turn it in to the principal's office. The principal will determine whether to return the item at the end of the day for the student to take home or whether the parent will be contacted to pick up the item. Any disciplinary action will be in accordance with the Student Code of Conduct. The school will not be responsible for lost or stolen articles.

Disruptions

Disruption of classes or any school activities by a student or others is prohibited and is subject to disciplinary action and/or referral for criminal prosecution.

We must ask that parents remain out of the classroom area during the school day. Parents are requested to sign in at the office every time they come to the school for safety purposes. At the end of the day, parents may wait for their children **outside** of the building. The teachers are responsible for their entire class and they are put in an unfavorable situation if parents bring children to the room late, or come early in order to beat the rush.

In order to protect student safety and sustain an educational program free from disruption, state law permits the District to take action against any person – student or non-student – who:

- Interferes with the movement of people in an exit, an entrance, or a hallway of a District building without authorization from an administrator.
- Interferes with an authorized activity by seizing control of all or part of a building.

- Uses force, violence, or threats in an attempt to prevent participation in an authorized assembly.
- Uses force, violence, or threats to cause disruption during an assembly.
- Interferes with the movement of people at an exit or an entrance to District property.
- Uses force, violence, or threats in an attempt to prevent people from entering or leaving District property without authorization from an administrator.
- Disrupts classes while on District property or on public property that is 500 feet of District property. Class disruption includes making loud noises; trying to entice a student away from, or to prevent a student from attending, a required class or activity; **entering a classroom without authorization**, and disrupting the activity with profane language or misconduct.
- Interferes with the transportation of students in District vehicles.

In-School Suspension (ISS) Center Rules And Regulations

1. Upon reporting to In-School Suspension (ISS), you must bring the following materials:
   A. All books and materials needed to complete assignments for each class.
   B. A school lunch will be sent to students. If the student does not want the school lunch, a lunch should be brought from home. Cokes, candy, gum, and fast food or special treats are not permitted. Visitors are not permitted (other than mentors and PALS).
2. To be released from ISS you must successfully fulfill the following obligations:
   A. Attend ISS each day assigned. Absences from ISS Center must be made up.
   B. Bring all materials listed above. (1A)
   C. Complete all assignments which are submitted by your classroom teachers. Students will be given credit for work completed in ISS.
   D. Conduct yourself according to the regulations which are listed below, to the satisfaction and approval of the ISS supervisor.
3. Conduct Regulations
   A. While in ISS, the student may not engage in talking, gesturing, or any voluntary activity which, in the opinion of the ISS supervisor may be designed to be distracting, disruptive, or destructive.
   B. While in ISS, the student may not leave their assigned seat or study carrel unless, under proper procedures of conduct, they are recognized by the ISS supervisor and are given specific approval to be out of their assigned seats.
   C. Regular school rules and dress code apply for ISS Center.
   D. Students will remain alert throughout the time they are assigned to ISS.
4. Restroom visits will not be excessive, are on an individual basis, and are monitored.
5. Lunch Regulations:
   A. You will be required to eat in the ISS Center but there should be NO conversation during lunch break. Lunch break will be a maximum of 30 minutes.
   B. Upon completion of lunch and proper disposal of trash, you should quietly continue to work on incomplete assignments.
6. Upon dismissal, you will be brought by the ISS supervisor back to the office to meet with the principal or counselor and discuss the student's behavior for that day.

COUNSELING

The school counselor is available to assist students with a wide range of personal concerns, including such areas as social, family, emotional, or substance abuse needs. The counselor may also make available information about community resources to address personal concerns. Other duties of the counselor include Character Education: Character Counts!, Special Education Referrals and ARD Meetings, Testing Coordinator for STAAR and Section 504, At-Risk Classification, GPC Meetings and Classroom Visits.

Students or Parents who wish to meet with the counselor should contact the O'Bryant Intermediate School Counselor at 979-865-3671. The school will not conduct a psychological examination, test, or treatment without requesting the parent's written consent.

CURRICULUM RELATED INFORMATION

Honors and Awards

Student honor rolls are posted in the paper throughout the school year at the end of each six weeks. Special recognition is given to students who achieve honor roll status. Students in grades four and five that receive all A's and no more than two B's per 6-weeks, will be on the AB honor roll. Students that receive all A's will be on the Distinguished Honor Roll. Any student that is on the Distinguished Honor Roll for the entire school year will be awarded a medal. End of the year special awards are given to the student(s) with outstanding achievements.

Grading Policy

- All academic grades given on the report card should be substantiated by a minimum of six (6) grades in the teacher's grade book.
- Daily grades count once. Daily grades include class work, homework, and quizzes.
- Major grades count twice. Major grades include most tests, projects, and some class work.

Re-Teach/Re-Assessment Policy

4th-5th grade Tests:

A student SHALL be permitted a reasonable opportunity to retake a test for which the student initially received a failing grade. The student must be given at least 2 school days from the date the graded test is returned to the student to retake the test. The student will receive a grade no higher than a 70 on a test that is retaken.

4th-5th Assignments:

A student SHALL be permitted a reasonable opportunity to redo an assignment for which the student initially received a failing grade. The student must be given at least 2 school days from the date the graded assignment is returned to the student to redo an assignment. The student will receive a grade no higher than a 70 on an assignment that is redone.

Homework/Assignment Notebooks (Student Planners)

Homework will consist of assignments needed to be completed by students at home which reinforce skills learned at school. Since children need independent practice on skills presented in class, homework is very important. Teachers will assign homework as needed to reinforce concepts that are presented in the classroom. Parents are encouraged to supervise students when homework is being done. Every student at O'Bryant Intermediate School will be given an assignment notebook/student planner to record homework assignments daily. Please check over your child's homework assignments before signing the assignment notebook/student planner. There are times your child might have time to complete homework in class, but we ask for you to still check over their work. The assignment book/student planner is a great source of communication from school to home. Your child's discipline marks will be recorded in this notebook daily as well as homework assignments or other communication from school. Students who repeatedly do not complete homework assignments will be subject to disciplinary action.

Conduct Grades

In order for us to communicate more efficiently and consistently, we provide your child with an assignment book/planner. Please be aware that students are to write down their homework assignment in the daily planner and parents should sign the planner Monday through Friday indicating you have checked your child's completed assignments. Generally, there is no homework on Fridays or weekends.

Testing Schedule

5th Grade

Monday-Science (Tuesdays when Monday is a holiday.)
Tuesday-Open
Wednesday-ELAR
Thursday-Math
Friday-ELAR
Social Studies-When finished with a unit, they will test but it will be communicated through assignment book/planner and not on a day of other subject tests.

4th Grade

Monday-Open
Tuesday-Math
Wednesday-Science
Thursday-Open
Friday-ELAR
Social Studies-When finished with a unit, they will test but it will be communicated through assignment book/planner and not on a day of other subject tests.

***In a case where a test needs to be scheduled on a non-testing open day, teachers will communicate with each other and make sure they are not scheduling more than one subject area on the same day.

Make-up Work

For any class missed, the teacher may assign the student makeup work which will be allowed for any absence (excused or unexcused). It is the student's responsibility to request makeup work, to complete the work, and to hand it in on time without the teacher's reminders. Students have one (1) plus the total number of days absent to turn in makeup work. In most situations, except in the case of extended illness, students should wait until their return to school to catch up on work missed during their absence. A student who does not make up the assigned work within the time frame allotted will receive a grade of zero for the assignment(s). A student will be permitted to make up tests and to turn in projects due in any class missed because of an absence. Teachers may assign a late penalty to any long-term project in accordance with time lines approved by the principal and previously communicated to students.

Requests for makeup work by calling the school office can be made if a student is absent for two (2) or more days. The office must be contacted prior to 8:30 a.m. and every effort will be made to fill the request. The work can be picked up in the school office at the end of the school day.

Late Work Policy

Teachers at O'Bryant Intermediate School give students plenty of time to complete assignments. If students cannot complete and turn in work in a reasonable amount of time, teachers have the right to impose a homework check in the students assignment book:

- 2 Days to make-up Tests
- 2 Days to make up daily work

Promotion and Retention

Bellville ISD adopted a new promotion/retention policy for grades 1-5 beginning with the 2010-11 school year. The new promotion/retention policy states:

In grades 1-5, promotion to the next grade level shall be based on an overall average of 70 on a scale of 100 based upon course-level, grade-level standards (essential knowledge and skills) for all subject areas; a grade of 70 or above in English language arts, mathematics, science and social studies is required for promotion to the next grade level.

The English language arts (ELAR) grade for grades 1-5 will consist of the following:

- Reading…….70%
- English……..20%
- Spelling……. 5%
- Handwriting.. 5%

In addition, fifth grade students will be required to pass the State of Texas Assessments of Academic Readiness (STAAR). In order to be promoted to grade 6, students enrolled in grade 5 must perform satisfactorily on the mathematics and reading sections of the grade 5 assessment in English or Spanish.

Parents of a student in grades 4-5 who does not perform satisfactorily on his or her exams will be notified that their child will participate in special instructional programs designed to improve

performance. The student may be required to participate in this instruction before or after normal school hours or outside the normal school year.

A student in grade 5 will have two additional opportunities to take a failed assessment. If a student fails a second time, a grade placement committee, consisting of the principal or designee, the teacher, and the student's parent, will determine the additional special instruction the student will receive. After a third failed attempt, the student will be retained; however, the parent can appeal this decision to the committee. In order for the student to be promoted, based on standards previously established by the district, the decision of the committee must be unanimous and the student must complete additional special instruction before beginning the next grade level. Whether the student is retained or promoted, an educational plan for the student will be designed to enable the student to perform at grade level by the end of the next school year. [See policies at EIE.]

Certain students—some with disabilities and some with limited English proficiency—may be eligible for exemptions, accommodations, or deferred testing. For more information, see the principal, counselor, or special education director.

Report Cards

Written reports of absences and student grades or performance in each class or subject are issued to parents at least once every six weeks. At the end of the first three weeks of a grading period, parents are notified if the student's grade average is near or below 70, or below the expected level of performance. If a student receives a grade of less than 70 in any class or subject during a grading period, the parents are requested to schedule a conference with the teacher of that class or subject.

Report cards and unsatisfactory progress reports ***must be signed*** by the parent and ***returned to the school*** within five days. If your child does not return the progress report/report card after five days, he/she will be subject to consequences.

Student Schedules

The school day begins at 8:05 a.m. & ends at 3:25 p.m. No student should arrive before 7:30 a.m. each morning because teachers are not on duty before that time. The school is not responsible for students on campus before 7:30 a.m.or after 4:00 p.m. except for scheduled tutorial sessions.

Testing—STAAR (State of Texas Assessments of Academic Readiness

In addition to routine tests and other measures of achievement, students at certain grade levels will take state-mandated assessments, such as the STAAR, in the following subjects:

- Mathematics, annually in grades 4–5
- Reading, annually in grades 4–5
- Writing in grade 4
- Science in grade 5

Successful performance on the reading and math assessments in grade 5 is required by law in order for the student to be promoted to the next grade level. See **Promotion and Retention** on page 17 for additional information.

Physical Activity for Students in Elementary Grades

In accordance with state policy, Bellville ISD will ensure that students in Kindergarten through grade 5 engage in moderate or vigorous physical activity for at least 30 minutes per day or 135 minutes per week. Annually, the District will conduct a physical fitness assessment of students in grades 4 and 5. At the end of the school year, a parent may submit a written request to obtain the results of his or her child's physical fitness assessment conducted during the school year.

Extracurricular Activities / UIL

Students will be given an opportunity to participate in the University Interscholastic League literary competition. Contestants will be chosen on the basis of ability in the particular event and will be coached by O'Bryant faculty and staff. The events are:

- 4th Grade: Art, Music Memory, Number Sense, Oral Reading, Ready Writing, and Spelling
- 5th Grade: Art, Music Memory, Number Sense, Oral Reading, Ready Writing, Spelling, Dictionary Skills, Listening Skills, and Maps, Graphs, and Charts

Participation in school and school-related activities is an excellent way for a student to develop talents, receive individual recognition, and forge strong friendships with other students. Participation is a privilege. UIL rules include:

- A student who receives, at the end of any grade evaluation period, a grade below 70 in any academic class, or a student with disabilities who fails to meet the standards in the Individual Education Plan (IEP) may not participate in extra-curricular activities for at least three weeks. An ineligible student may practice or rehearse however. The student regains eligibility when the principal and teachers determine that he or she has: (1) earned a passing grade 70 or above in all academic classes, and (2) completed three weeks of ineligibility.
- A student is allowed up to ten absences from a class during the school year for extracurricular activities or public performances. All UIL activities and activities approved by the Board are subject to these restrictions. A student who misses class because of participation in a non-approved activity will receive an unexcused absence. Students who participate in the Austin County Fair, Houston Livestock Show, or San Antonio Livestock Show must meet the criteria above.

DRESS AND GROOMING

O'Bryant Intermediate will follow the BISD Dress Code Guidelines as stated below. Students with questions regarding the dress code should use this rule of thumb: If in doubt, don't wear it.

Standards For Attire

a) Appropriate undergarments will be worn at all times. (Shorts are to be worn under skirts and dresses at the elementary level.)

b) students back, chest, backside, stomach, and top of shoulders must be covered.

c) clothing shall be of appropriate size, length, and fitting to cover undergarments when the student is standing, sitting, stooping, or bending. Oversized clothing and outerwear, such as trench coats (or other long coats that resemble the style of a trench coat) are not permitted.

d) Pants/shorts must be worn in a secured manner at the waist and shall not "sag." They are to fit the student in an acceptable and appropriate manner.

e) Form-fitting, stretch clothing such as biking shorts, bodysuits, leotards, tights, leggings, yoga pants, etc., shall not be worn except when worn appropriately as an undergarment beneath a garment that extends at or below mid-thigh.

f) Shorts/skirts/dresses/slits in dresses/skirts should extend to mid-thigh or below while standing upright. Shorts should have no less than a 4 inch in-seam. (Athletic shorts are allowable at the elementary level.)
g) Appropriate footwear is required. Appropriate shoes are required for PE and/or any other student activity as determined by the campus administrator.

Standards for Grooming
a) Hair shall be clean, neat, and well-groomed. Boys' hairstyles may not be worn in a ponytail or bun and must be trimmed to the base of the collar, base of the earlobe, and kept clean, neatly trimmed, and combed out of the eyes.
b) Extreme hairstyles or non-natural colors that are distracting to the learning environment are not allowed.
c) Students must be clean shaven.
d) Tattoos, piercing of the body, and body painting in a noticeable or inappropriate manner are not permitted at school or while representing the school. Only female students are permitted to wear earrings.

Students May Not Wear
a) Sheer or see-through clothing and visible spaghetti straps are not allowable.
b) Revealing or low-cut apparel is not acceptable, including backless garments.
c) Pajamas/Sleepwear of any kind is not allowable.
d) Undergarments are not to be visible in any way.
e) Hats, wigs, and head-coverings of any kind are not to be worn within school buildings except in the interest of religious practices, safety, cleanliness, for medical reasons, or with the permission of the principal.
f) Shoes with wheels are not permitted. House shoes, slippers, and other similar softsoled footwear are not acceptable for school.
g) Due to the slippery nature of outdoor walkways and recess activities, flip flops and athletic slides are discouraged at the elementary level.
h) Pants/shorts/skirts with holes are not permitted on all campuses. Administrators will use their discretion on holes caused by wear at the elementary level.
i) Clothing that depicts or references alcohol, drugs, tobacco or any other substance prohibited under policy FNCF (LEGAL), weapons, nudity, gang affiliation, death, suicide, violence, vulgar or obscene language or images, and/or insults to race, religion, gender, or ethnicity, or other emblems or writing that may be expected to cause a material or substantial disruption of, or interference with, normal school operations is prohibited.

EMERGENCY SITUATIONS

Medical Treatment

If a student should have a medical emergency at school or a school-related activity when the parent cannot be reached, the school will need to have written parental consent to obtain emergency medical treatment. Therefore, parents are asked to complete an emergency care consent form. Parents should keep emergency care information (name of doctor, emergency phone numbers, allergies to medications, etc.) up-to-date: having current information will be of critical importance should an accident or injury occur that requires medical attention. Please contact the school nurse to update any information.

The District is not responsible for medical costs associated with a student's injury. The District does make available, however, an optional low-cost students accident insurance program to assist parents in meeting medical expenses. A parent who desires coverage for his or her child will be responsible for paying insurance premiums and for submitting claims through the business office.

School Closing Information

In case of an emergency closing of schools, the District-wide ***School Messenger*** phone notification system will notify parents and guardians via the phone numbers provided on the student identification registration card. Please notify the school of phone number changes in order to continue to receive these notices. Parents and students are also encouraged to listen to KTEX, 106.1 FM or KWHI 1280 AM on the radio; or listen to Channel 2, 11, and 13 on the Houston TV stations for information about the Bellville Independent School District. The Superintendent will determine when schools will be closed for emergency weather or other factors, which may be dangerous.

Drills

Students, teachers, and other district employees will participate in drills of emergency procedures. When the alarm is sounded, students should follow the direction of teachers or others in charge quickly, quietly, and in an orderly manner.

FIELD TRIPS

Permission to Attend Field Trips

Information letters and permission slips will be sent home with all children regarding planned field trips. Any child attending field trips will be required to have a signed permission slip from the parent/guardian. If the permission slip is not returned, the child will not be permitted to attend.

Field Trip Chaperones

Adult chaperones are provided for field trips. The classroom teacher will make arrangements as needed for additional help. If you are interested in being involved in field trips, please let your child's teacher know early in the year. We welcome parent involvement.

Field Trip Transportation

School district transportation is provided for field trips. All students will ride the bus to the field trip event. Student's siblings may NOT ride the bus or participate in field trip activities. Adult chaperones will need to provide their own transportation.

GOVERNMENTAL AUTHORITIES

Questioning of Students

When law enforcement officers or other lawful authorities wish to question or interview a student at school:

* The principal will verify and record the identity of the officer or other authority and ask for an explanation of the need to question or interview the student.
* The principal ordinarily will make reasonable efforts to notify parents unless the interviewer raises what the principal considers to be a valid objection.
* The principal ordinarily will be present unless the interviewer raises what the principal considers to be a valid objection.

Students Taken Into Custody

State law requires the District to permit a student to be taken into legal custody:

* To comply with an order of the juvenile court.
* To comply with the laws of arrest.
* By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
* By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court.
* To comply with a properly issued directive to take a student into custody.
* By an authorized representative of Child Protective Services, Texas Department of Protective and Regulatory Services, a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to the student's physical health or safety.

Before a student is delivered to a law enforcement officer or other legally authorized person, the principal will verify the officer's identity and, to the best of his or her ability, will verify the official's authority to take custody of the student. The principal will immediately notify the Superintendent and will ordinarily attempt to notify the parent unless the officer or other authorized person raises what the principal considers to be a valid objection to notifying the parents. Since the principal does not have the authority to block a custody action, notification will most likely be after the fact.

The district is also required by state law to notify all instructional and support personnel who have regular contact with the student who has been arrested or taken into custody by a law enforcement agency.

LIBRARY / TEXTBOOKS

Library

All students in grades 4 and 5 will visit the library on a regular basis. No student should have more than two books out of the library at one time. When a student checks out a library book, the student is responsible for the care of that book while he/she has it. If the book is lost or damaged beyond repair, the student will be required to pay the purchase price of the book. Students are not allowed to check out books until they have paid for the lost or damaged book. The average cost of a library book purchased today is $15.00.

Skills appropriate for each grade level will be taught at least one library period per six weeks. No library fines will be charged for overdue books. Students are not allowed to check out any new books until they have returned their overdue books. Students will not receive their report card at the end of the year if they have a book checked out to them. Each year the library has a Book Fair where students may purchase books to begin a collection of their own.

Textbooks

State-approved textbooks are provided for each subject or class; students are required to use these books carefully. The student, as directed by the teacher, must cover books; students who are issued a damaged book should report that fact to the teacher. Any students failing to return a book issued by the school shall lose the right to have free textbooks assigned until the book is returned or paid for by the parent or guardian. Students shall be given textbooks for use at school during the school day.

MEDICINE AT SCHOOL/OTHER HEALTH INFORMATION

BELLVILLE ISD HEALTH POLICIES

MEDICINE AT SCHOOL

District employees will not give a student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements, with the following exceptions:

Only authorized employees, in accordance with policies at FFAC, may administer:

- Prescription medication, in the original, properly labeled container provided by the parent/guardian, along with a written request including name of student, name of medication, dosage, date, and parent/guardian signature. Medication will not be administered differently than the label specifies without a new prescription or written documentation from the physician.
- Nonprescription medication, in the original, properly labeled container, provided by the parent/guardian along with a written request including name of student, name of drug, dosage, date, and parent/guardian signature. Medication will be administered based on the manufacturer's recommendations for age and/or weight.
- Herbal or dietary supplements provided by the parent only if required by the student' s individualized education program (IEP) or Section 504 plan for a student with disabilities.

The district does not accept or administer medications that contain narcotics for the safety of the student(s) and in compliance with the district drug abuse policy. If a student has been prescribed medication in this category for pain, cough etc., they are asked to remain at home until they are able to

replace the medication with an over-the counter product or a non-narcotic prescription medication while at school for symptom control.

In certain emergency situations, the district will maintain and administer to a student nonprescription medication, but only:

- In accordance with the guidelines developed with the district's medical advisors; and
- When the parent has previously provided written consent for emergency treatment on the district's registration form.

All medications are to be kept in the nurse's office. Medications will be kept in a locked cabinet.

When dispensing medications, the qualified district employee administering the medication(s) will keep records indicating the date, time, dosage and will initial and provide his/her signature.

At the end of the school year, all medication must be picked up from the school clinic by the last day of school. Any medication left at the school will be disposed.

Students violating this procedure will be subject to disciplinary action under the district's drug abuse policy.

Contagious Diseases/Conditions

To protect other students from contagious illnesses, students infected with certain diseases are not allowed to come to school while contagious. If a parent suspects that his or her child has a contagious disease, the parent should contact the school nurse or principal so that other students who might have been exposed to the disease can be alerted. The school nurse or the principal's office can provide information from the Department of State Health Services regarding these diseases.

- Students that present to the nurse with symptoms of a possible contagious nature or with a temperature of 100 degrees or higher will be sent home.
- The district requests that students not return to school until they have been symptom free and fever free(less than 100 degrees) for 24 hours without a fever reducing medication such as Tylenol or Ibuprofen.
- The student may be required to present a note from their doctor stating that they have been examined and released before they will be allowed to return to school.

Immunization

A student must be fully immunized against certain diseases or must present a certificate or statement that, for medical reasons or reasons of conscience, including a religious belief, the student will not be immunized. For exemptions based on reasons of conscience, only official forms issued by the Texas Department of State Health Services (DSHS), Immunization Branch, can be honored by the district. This form may be obtained by writing the DSHS Immunization Branch (MC 1946), P.O. Box 149347, Austin, Texas 78714-9347; or online at https://webds.dshs.state.tx.us/immco/affidavit.shtm. The form must be notarized and submitted to the principal or school nurse within 90 days of notarization. If the parent is seeking an exemption for more than one student in the family, a separate form must be provided for each student. Exemptions have to be renewed every two years.

The immunizations required are: diphtheria, rubeola (measles), rubella (German measles), mumps, tetanus, pertussis, poliomyelitis (polio), hepatitis A, hepatitis B, varicella (chicken pox), and meningococcal. The school nurse can provide information on age-appropriate doses or on an acceptable physician-validated history of illness required by the Department of State Health Services.

Proof of immunization may be established by personal records from a licensed physician or public health clinic with a signature or rubber-stamp validation.

If a student should not be immunized for medical reasons, the student or parent must present a certificate signed by a U.S. licensed physician stating that, in the doctor's opinion, the immunization required poses a significant risk to the health and well-being of the student or member of the student's family or household. This certificate must be renewed yearly unless the physician specifies a life-long condition. [For further information, see policy FFAB(LEGAL) and the Department of State Health Services Web site: http://www.dshs.state.tx.us/immunize/school/default.shtm

Asthma/Allergic Reaction

A student with asthma or severe allergic reaction (anaphylaxis) may be permitted to possess and use prescribed asthma or anaphylaxis medication at school or school-related events only if he or she has written authorization from his or her parent and a physician or other licensed health-care provider. The student must also demonstrate to his or her physician or health-care provider and the school nurse the ability to use the prescribed medication, including any device required to administer the medication.

If the student has been prescribed asthma or anaphylaxis medication for use during the school day, the student and parents should discuss this with the school nurse or principal. Parents are required to provide the school nurse yearly with the students' individual health asthma management plan. See school nurse for forms.

Diabetes

In accordance with a student's individual health plan for management of diabetes, a student with diabetes will be permitted to possess and use monitoring and treatment supplies and equipment while at school or at a school-related activity. See the school nurse or principal for information. [See policy FFAF(LEGAL).]

Psychotropic Drugs

A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication. It is intended to have an altering effect on perception, emotion, or behavior and is commonly described as a mood- or behavior-altering substance. Teachers and other district employees may discuss a student's academic progress or behavior with the student's parents or another employee as appropriate; however, they are not permitted to recommend use of psychotropic drugs. A district employee who is a registered nurse, an advanced nurse practitioner, a physician, or a certified or credentialed mental health professional can recommend that a student be evaluated by an appropriate medical practitioner, if appropriate. [For further information, see policies at FFAC.]

Steroids

State law prohibits students from possessing, dispensing, delivering, or administering an anabolic steroid. Anabolic steroids are for medical use only, and only a physician can prescribe use. Body building, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a healthy student is not a valid medical use and is a criminal offense. Students participating in UIL athletic competition may be subject to random steroid testing. More information on the UIL testing program may by found on the UIL Web site at http://www.uil.utexas.edu/athletics/health/steroid_information.html

Injury/Restriction Policy

If a student requires physical restrictions or supportive equipment such as, crutches, supportive braces or ace bandage, a written note from the parent is required indicating the restriction(s) and time frame of restriction. The request will be honored for three (3) days. If more than 3 days is required, a doctor's note must be presented to the nurse. Once released by the doctor, written authorization to return to normal activity level is required. Please present all notes to the nurse. The nurse will inform homeroom teacher and coaches. Students in athletics should refer to the athletic policy.

Lice Policy

Students found to have live lice will be sent home for treatment and removal of nits. Parents must treat students with an approved lice killing treatment. The student may return to school after treatment is completed and all live lice have been removed. Once the student has been sent home, they are to report to the nurse with a parent or legal guardian for re-assessment before returning to the classroom. The district does not adhere to a no-nits policy but reserves the right not to allow the student(s) back at school if there is not adequate evidence that the situation is being addressed / monitored.

Bacterial Meningitis

State law specifically requires the district to provide the following information:

- **What is meningitis?** Meningitis is an inflammation of the covering of the brain and spinal cord. It can be caused by viruses, parasites, fungi, and bacteria. Viral meningitis is most common and the least serious. Bacterial meningitis is the most common form of serious bacterial infection with the potential for serious, long-term complications. It is an uncommon disease, but requires urgent treatment with antibiotics to prevent permanent damage or death.
- **What are the symptoms?** Someone with meningitis will become very ill. The illness may develop over one or two days, but it can also rapidly progress in a matter of hours. Not everyone with meningitis will have the same symptoms. Children (over 1 year old) and adults with meningitis may have a severe headache, high temperature, vomiting, sensitivity to bright lights, neck stiffness or joint pains, and drowsiness or confusion. In both children and adults, there may be a rash of tiny, red-purple spots. These can occur anywhere on the body. The diagnosis of bacterial meningitis is based on a combination of symptoms and laboratory results.
- **How serious is bacterial meningitis?** If it is diagnosed early and treated promptly, the majority of people make a complete recovery. In some cases it can be fatal or a person may be left with a permanent disability.
- **How is bacterial meningitis spread?** Fortunately, none of the bacteria that cause meningitis are as contagious as diseases like the common cold or the flu, and they are not spread by casual contact or by simply breathing the air where a person with meningitis has been. The germs live naturally in the back of our noses and throats, but they do not live for long outside the body. They are spread when people exchange saliva (such as by kissing, sharing drinking containers, utensils, or cigarettes). The germ does not cause meningitis in most people. Instead, most people become carriers of the germ for days, weeks, or even months. The bacteria rarely overcome the body's immune system and cause meningitis or another serious illness.

- **How can bacterial meningitis be prevented?** Do not share food, drinks, utensils, toothbrushes, or cigarettes. Limit the number of persons you kiss. While there are vaccines for some other strains of bacterial meningitis, they are used only in special circumstances. These include when there is a disease outbreak in a community or for people traveling to a country where there is a high risk of getting the disease. Also, a vaccine is recommended by some groups for college students, particularly freshmen living in dorms or residence halls. The vaccine is safe and effective (85–90 percent). It can cause mild side effects, such as redness and pain at the injection site lasting up to two days. Immunity develops within seven to ten days after the vaccine is given and lasts for up to five years.
- **What should you do if you think you or a friend might have bacterial meningitis?** You should seek prompt medical attention.
- **Where can you get more information?** Your school nurse, family doctor, and the staff at your local or regional health department office are excellent sources for information on all communicable diseases. You may also call your local health department or Regional Department of State Health Services office to ask about a meningococcal vaccine. Additional information may also be found at the Web sites for the Centers for Disease Control and Prevention, http://www.cdc.gov, and the Department of State Health Services, http://www.dshs.state.tx.us/.

School Health Advisory Council

Bellville ISD's School Health Advisory Council holds meetings during the year. Additional information regarding the district's School Health Advisory Council is available from the school nurse at 865-3671.

PARENTAL INVOLVEMENT, RESPONSIBILITY AND RIGHTS

Education succeeds best when there is a strong partnership between home and school, a partnership that thrives on communication, and that includes parents, teachers, administrators, and the Board.

Every parent is urged to:

- ♦ Encourage his or her child to put a high priority on education and commit to making the most of the educational opportunities the school provides.
- ♦ Review the information in the Student Handbook (including the Student Code of Conduct) with his or her child and sign and return the acknowledgment form. A parent with questions is encouraged to contact the principal.
- ♦ Become familiar with all of your child's school activities and with the academic programs offered in the district. Discuss with the counselor or principal any questions, such as concerns about placement, assignments, and other options available to the child. Monitor the child's academic progress and contact teachers as needed.
- ♦ Attend scheduled conferences and request additional conferences as needed. To schedule telephone or in-person conference with a teacher, counselor, or principal; please call the school office at 865-3671 for an appointment. A teacher will usually arrange to return the call or meet with the parent during his or her conference period or at a mutually convenient time before or after school.

Parents also have the right to:

- ♦ Exercise the right to review teaching materials, textbooks, and other aids, and to examine tests that have been administered to his or her child.

- Request the transfer of your child to another classroom if your child has been determined to have been a victim of bullying as the term is defined by Education Code 25.0341. Transportation is NOT provided for a transfer to another campus.
- Request the transfer of your child to attend a safe public school in the district if your child attends school at a campus identified by TEA as persistently dangerous or if your child has been a victim of a violent criminal offense while at school or on school grounds or has been the victim of a sexual assault by another student assigned to the same campus.
- You may request information regarding the professional qualifications of your child's teachers, including whether a teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction. You also have the right to request information about the qualifications of any paraprofessional who may provide services to your child.
- Review the child's student records when needed. A parent may review (1) attendance records, (2) test scores, (3) grades, (4) disciplinary records, (5) counseling records, (6) psychological records, (7) applications for admission, (8) health and immunization information, (9) teacher and counselor evaluations, (10) reports of behavioral patterns, and (11) state assessment instruments administered.
- If an instructional activity in which the child is scheduled to participate in conflicts with the parent's religious or moral beliefs, the parent may temporarily remove the child from the classroom. The removal cannot be for the purpose of avoiding a test or may not extend for an entire semester. Further, the child must satisfy grade level requirements as determined by the school and by TEA.
- If your children are multiple birth siblings (e.g., twins, triplets, etc.) assigned to the same grade and campus, you may request that they be placed either in the same classroom or in separate classrooms. Your written request must be submitted no later than the 14th day after the enrollment of your children. District employees may advise parents in placement.

- Offer to serve as a parent representative on the District-level or campus-level planning committees formulating educational goals and plans to improve student achievement.
- Attend Board meetings to learn more about District operations.
- Our **fundraising** organization is the O'Bryant Intermediate PTO, who occasionally is permitted to conduct fund-raising drives for school purposes. For further information, contact the PTO President. (*Fund raising is not permitted on school property except through the PTO.)*

Complaints by Students/Parents

Usually student or parent complaints or concerns may be addressed simply--by a phone call or conference with the teacher. For those complaints and concerns that cannot be so easily handled, the District has adopted a standard complaint policy. In general, a parent or student should first raise the complaint with the teacher and then the campus principal. If unresolved, a written complaint and a request for a conference should be sent to the Superintendent. If still unresolved, the District provides for the complaint to be presented to the Board of Trustees, members of the community elected to set policy and priorities for the District.

Some complaints require different procedures. Any campus office or the Superintendent's office can provide information regarding specific complaint processes for the following:

- Discrimination on the basis of gender.
- Bullying, harassment, or the creation of "hit lists".

- Sexual abuse or sexual harassment of a student.
- Loss of credit on the basis of attendance.
- Teacher removal of a student for disciplinary reasons.
- Expulsion of a student.
- Identification, evaluation, or educational placement of a student with a disability.
- Instructional materials.
- On-campus distribution of non-school materials to students.
- Complaints against District Peace Officers.

For additional information, also see the Bellville ISD Student Code of Conduct.

Compact

O'Bryant Intermediate is continuously exploring ways to expand options and opportunities for our entire school population to acquire the knowledge and skills contained in the state standards. The way to accomplish the desired goals most effectively was determined to be the Title I School-Wide Program.

The key components of this plan are:

1. Conduct a comprehensive/on-going needs assessment in a timely fashion thus allowing all teachers to work toward assisting each child in achieving his/her academic potential.
2. Develop strategies for all students to succeed academically by providing assistance for students having difficulty. They participate in learning experiences with their peers while being monitored and also in small group activities in a more individualized atmosphere.
3. Continue professional staff development to prepare all teachers toward better supporting their student's academic and personal achievement. Curriculum alignment is in place and always being evaluated.
4. Involve parents in order to build a collaborative partnership between home, community, and school with all concerned being aware of their individual responsibilities toward success. This includes an open line of communication.
5. Develop accountability measures for student mastery by providing high quality curriculum and instruction. Establishing benchmarks for each grade level and the desegregation and dissemination of STAAR scores will provide the information necessary for evaluation.

Distribution of School Materials

Publications prepared by and for the school may be posted or distributed with the prior approval of the principal, sponsor, or teacher. Such items my include school posters, brochures, flyers, etc. All school publications are under the supervision of the teacher, sponsor and principal. A school yearbook will be available for students to purchase. Any non-school material approved by the Superintendent to be made available to students and families will be located on the school website under the Thursday folder tab.

Non-School Materials…from students

Written materials, handbills, photographs, pictures, petitions, films, tapes, posters, or other visual or auditory materials may not be sold, circulated, or distributed on any school campus by a student or a non-student without the prior approval of the Superintendent. Materials displayed without authorization will be removed. If the material is not approved within two school days of the time it

was submitted, it should be considered disapproved. Disapprovals may be appealed by submitting the disapproved material to the Superintendent; material not approved by the Superintendent within three days is considered disapproved. This disapproval may be appealed to the Board at its next regular meeting when the student or non-student will have a reasonable period of time to present his or her viewpoint. Any student who posts material without prior approval will be subject to disciplinary action.

Non-School Materials…from others

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the district or by a district-affiliated school-support organization will not be sold, circulated, distributed, or posted on any district premises by any district employee or by persons or groups not associated with the district, except as permitted by policy GKD[Local]. To be considered for distribution, any non school material must meet the limitations on content established in the policy, include the name of the sponsoring person or organization, and be submitted to the Superintendent for prior review. The Superintendent will approve or reject the materials within two school days of the time the materials are received. The requestor may appeal a rejection in accordance with the appropriate district complaint policy. [See policies at DGBA or GF.]

Fees

Materials that are part of the basic educational program are provided with state and local funds and are at no charge to students. A student, however, is expected to provide his or her own pencils, paper, erasers, and notebooks and may be required to pay certain other fees or deposits, including:

- Costs for materials for a class project that the student will keep.
- Personal physical education and athletic equipment and apparel.
- Voluntary purchases of pictures, publications, yearbooks, etc.
- Voluntary purchase of student accident insurance.
- Fees for damaged library books and state-owned equipment.
- Personal apparel, used in extracurricular activities
- Replacement costs for lost textbooks

Visitors

Parents and other visitors are welcome to visit O'Bryant Intermediate School. All visitors must first report to the office, submit their driver's license, and comply with all applicable district policies and procedures. Visitors are expected to wear a "visitor" sticker. Visits to individual classrooms during instructional times shall be permitted only with the principal's approval, and such visits shall not be permitted if their duration or frequency interfere with the delivery of instruction or disrupts the normal school environment.

Pictures/Videos

Children's pictures will be taken during the day for publication in the Bellville newspaper for news items. Video pictures may be taken for demonstration of lessons or discipline purposes. If parents do not want to have pictures or videos taken of their child, please write a letter stating that you do not want your child's picture to be taken. If we do not have a letter on file stating that you do not want your child's picture taken or your child to be part of a video we will assume you give us permission to film your child or to take their picture.

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

- When it is to be used for school safety;
- When it relates to classroom instruction or a co-curricular or extracurricular activity; or
- When it relates to media coverage of the school.

Pictures will be taken in the fall for the school yearbook. If you want to purchase a package, the company will send home order information. Spring class and individual pictures are also taken and will be available. Fall Individual (Yearbook) pictures and Spring group pictures will be prepaid. If you do not send the money on the day of the pictures, a packet will not be made for your child.

Videos of Students

For safety purposes, video/audio equipment will be used to monitor student behavior on buses (and in common areas on campus). Students will not be told when the equipment is being used. The principal will review the video routinely and document student misconduct.
Discipline will be in accordance with the Student Code of Conduct. A parent who wants to view a video following discipline of that parent's child may request access in accordance with policy FL in the District's policy manual.

SCHOOL FACILITIES

The taxpayers of the community have made a sustained financial commitment for the construction and upkeep of school facilities. To ensure that school facilities can serve those for whom they are intended--both this year and in the coming years--littering, defacing, or damaging school property is not tolerated. Students will be required to make restitution for damages they cause and shall be subject to disciplinary consequences in accordance with the Student Code of Conduct.

Asbestos

The District's Asbestos Management Plan, designed to be in compliance with state and federal regulations, and is available in the Bellville ISD Central Administration Office. If you have and questions, please contact the BISD Central Office at 979-865-3133.

Pest Management Plan

The district applies only pest control products that comply with state and federal guidelines. Except in an emergency, signs will be posted 48 hours before application. Parents who want to be notified prior to pesticide application inside their child's school assignment area my contact the BISD Central Office at 979-865-3133.

Safety

Student safety on campus or at school-related events is a high priority of the District. Although the District has implemented safety procedures, the cooperation of students is essential to ensure school safety. Students should:

- Avoid conduct that is likely to put the student or other students at risk.
- Follow the Student Code of Conduct and any additional rules for behavior and safety set by the principal or teachers, and bus drivers.
- Remain alert to and promptly report safety hazards, such as intruders on campus.

- Know emergency evacuation routes and signals.
- Follow immediately the instructions of teachers, bus drivers, and other district employees who are overseeing the welfare of students.

Pets

In order to provide a safe environment for our students, the following will be enforced concerning live animals / insects etc. in the building:

- No pets/insects are allowed at school (not even for show & tell).
- Prior approval must be obtained from Principal concerning any living animal project in the classroom.
- Animal projects must be curriculum related and contained in a secure childproof container.
- No children will be permitted to touch/handle anything that can possibly harm them.
- A parent of a student who uses a service animal because of the student's disability must submit a request in writing to the principal at least ten district days before bringing the service animal on campus.

Vandalism

The taxpayers of the community have made a sustained financial commitment for the construction and upkeep of school facilities. To ensure that school facilities can serve those for whom they are intended – both this year and in the coming years – littering, defacing, or damaging school property is not tolerated. Students will be required to pay for the damages they cause and will be subject to criminal proceedings as well as disciplinary consequences in accordance with the Student Code of Conduct.

Gang-Free Zones

Certain criminal offenses, including those involving organized criminal activity such as gang-related crimes, will be enhanced to the next highest category of offense if they are committed in a gang-free zone. For purposes of the district, a gang-free zone includes a school bus and a location in, on, or within 1,000 feet of any district-owned or leased property or campus playground.

SPECIAL EDUCATION

Records

Parents of a student with disabilities who has been provided special education services by the District will be notified when any information that specifically identifies the student is no longer needed. If the parent requests destruction of the information and the time established by law for retention has expired, the records will be destroyed. However, if the retention period established by law has not expired, the material will be deleted from the records but the records will be maintained until the time has expired.

For those students who are having difficulty in the regular classroom, all school districts and open enrollment charter schools must consider tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention (RtI). The implementation of RtI has the potential to have a positive impact on the ability of districts and charter schools to meet the needs of all struggling students.

If a student is experiencing learning difficulties, his or her parent may contact the individual(s) listed below to learn about the school's overall general education referral or screening system for support services. This system links students to a variety of support options, including making a referral for a special education evaluation or for a Section 504 evaluation to determine if the student needs specific aids, accommodations, or services. A parent may request an evaluation for special education or Section 504 services at any time.

Special Education Referrals:

If a parent makes a written request for an initial evaluation for special education services to the director of special education services or an administrative employee of the school district or open enrollment charter school, the district or charter school must respond no later than 15 school days after receiving the request. At that time, the district or charter school must give the parent a prior written notice of whether it agrees to or refuses to evaluate the student, along with a copy of the Notice of Procedural Safeguards. If the school district or charter school agrees to evaluate the student, it must also give the parent the opportunity to give written consent for the evaluation.

Please note that a request for a special education evaluation may be made verbally and does not need to be in writing. Districts and charter schools must still comply with all federal prior written notice and procedural safeguard requirements and the requirements for identifying, locating, and evaluating children who are suspected of being a child with a disability and in need of special education. However, a verbal request does not require the district or charter school to respond within the 15-school-day timeline.

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

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

Upon completing the evaluation, the district or charter school must give the parent a copy of the evaluation report at no cost.

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

Contact Person for Special Education Referrals:

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for special education services is:

Contact Person: Dr. Megan Pape

Phone Number: 979-865-7012

Section 504 Referrals:

Each school district or charter school must have standards and procedures in place for the evaluation and placement of students in the district's or charter school's Section 504 program. Districts and charter schools must also implement a system of procedural safeguards that includes notice, an opportunity for a parent or guardian to examine relevant records, an impartial hearing with an opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

Contact Person for Section 504 Referrals:

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for Section 504 services is:

Contact Person: Dr. Megan Pape

Phone Number: 979-865-7012

SPECIAL PROGRAMS

The district provides special programs for gifted/talented students, bilingual students, migrant students, students with limited English proficiency, dyslexic students, and students with disabilities. The coordinator of each program can answer questions about eligibility requirements and programs and services offered in the District or by other organizations. A student or parent with questions about these programs should contact the campus counselor.

STUDENT RECORDS

A student's school records are confidential and are protected from unauthorized inspection or use. A cumulative record is maintained for each student from the time the student enters the District until the student withdraws or graduates. This record moves with the student from school to school.

By law, both parents, whether married, separated, or divorced, have access to the records of a student who is under 18 or dependent for tax purposes. A parent whose rights have been legally

terminated will be denied access to the records if the school is given a copy of the court order terminating these rights.

The principal is custodian of all records for currently enrolled students at the assigned school. The Superintendent is the custodian of all records for students who have withdrawn or graduated. Records may be reviewed during regular school hours upon completion of the written request form. The records custodian or designee will respond to reasonable requests for explanation and interpretation of the records. If circumstances prevent a parent or legal guardian from inspecting the records, the District will either provide a copy of the requested records, or make other arrangements for the parent or student to review the requested records.

Parents of a minor or of a student who is a dependent for tax purposes, the student (if 18 or older) and school officials with legitimate educational interests are the only persons who have general access to a student's records. "School officials with legitimate educational interests" include any employees, agents, or Trustees of the District. A student's records can only be view if the viewer is: working with the student; considering disciplinary or academic actions, the student's case, an Individual Education Plan (IEP) for a student with disabilities under IDEA, or an individually designed program for a student with disabilities under Section 504; compiling statistical data; or investigating or evaluating programs. Such persons would include school officials (such as teachers, counselors, diagnosticians & support staff); a person or company with whom the district has contracted to provide a particular service (such as an attorney, auditor, medical consultant, or therapist); a parent or student serving on a school committee; or a parent or student assisting a school official or staff in the performance of his or her duties.

Certain officials from various governmental agencies may have limited access to the records. The District forwards a student's records on request and without prior parental consent to a school in which a student seeks or intends to enroll. Records are also released in accordance with a court order or a lawfully issued subpoena, or to a school or institution of postsecondary education to which a student seeks or intends to enroll or in which he or she is already enrolled.

A parent (or eligible student) may inspect the student's records and request a correction if the records are considered inaccurate, misleading, or otherwise in violation of the student's privacy rights. A request to correct a student's record should be submitted to the Superintendent. The request must clearly identify the part of the record that should be corrected and include an explanation of how the information in the record is inaccurate. If the district denies the request to amend the records, the parent or eligible student has the right to request a hearing. If the records are not amended as a result of the hearing, the parent or eligible student has 30 school days to exercise the right to place a statement commenting on the information in the student's record. Although improperly recorded grades may be challenged, contesting a student's grade in a course is handled through the general complaint process found in policy FNG(LOCAL). A grade issued by a classroom teacher can be changed only if, as determined by the board of trustees, the grade is arbitrary, erroneous, or inconsistent with the district's grading policy.

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

Copies of students' records are available upon request unless the District is given a copy of a court order terminating the parental rights. Parents or eligible students have the right to file a complaint with the U.S. Department of Education if they believe the district is not in compliance with federal law regarding student records. The complaint may be mailed to:

Family Policy Compliance Office

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

STUDENT RIGHTS

No student will be required to participate without parental consent in any survey, analysis, or evaluation -- funded in whole or in part by the U.S. Department of Education -- that concerns:

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

Parents shall be able to inspect any teaching materials used in connection with such a survey, analysis, or evaluation. Each parent also has a right to review all instructional materials used in his or her child's classroom and to review each test that has been administered to his or her child.

Nondiscrimination

Bellville ISD does not discriminate on the basis of race, religion, color, national origin, gender, or disability in providing education services, activities, and programs, including CTE programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Title II of the Americans with Disabilities Act of 1990 (ADA), as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended. Contact the Title IX Coordinator at 865-3133 for concerns regarding discrimination on the basis of sex. Contact the school counselor for concerns regarding discrimination on the basis of disability.

Pledges of Allegiance

Texas law requires students to recite the Pledge of Allegiance to the United States flag and the Pledge of Allegiance to the Texas flag each school day. Parents may submit a written request to the principal to excuse their child from reciting a pledge.

A minute of silence will follow recitation of the pledges. The student may choose to reflect, pray, meditate, or engage in any other silent activity so long as the silent activity does not interfere with or distract others.

State law requires students in grade 3-12 to recite a portion of the Declaration of Independence during Celebrate Freedom Week (the week of September 17th). Parents may submit a written request that their child be excused from this recitation if applicable.

Right to Pray

Each student has a right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the delivery of instruction or other activities of the school. The school will not require, encourage, or coerce a student to engage in or to refrain from such prayer or meditation during any school activity.

Search and Seizure

School officials may search a student's outer clothing, pockets, or property by establishing reasonable cause or securing the student's voluntary consent.

In the interest of promoting student safety and attempting to ensure that schools are safe and drug-free, District officials may from time to time conduct searches.

Students' desks and lockers are school property and remain under the control and jurisdiction of the school even when assigned to an individual student. Students are responsible for the security and contents of the assigned desks and lockers.

Searches of desks or lockers may be conducted at any time there is reasonable cause to believe that they contain articles or materials prohibited by District policy, whether or not a student is present. The parent will be notified if any prohibited items are found in the student's desk or locker.

Sexual Harassment/Sexual Abuse

The District encourages parental and student support in its efforts to address and prevent sexual harassment and sexual abuse in the public schools. Students and/or parents are encouraged to discuss their questions or concerns about expectations in this area with a teacher, counselor, principal or designee.

Unwanted and un-welcomed conduct of a sexual nature--words, gestures or any other sexual conduct, including requests for sexual favors--directed toward another student or a District employee is unacceptable.

As a parent, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused. Sexual Abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility, under state law, for reporting the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

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

As a parent, if your child is a victim of sexual abuse, the campus counselor or principal will provide information regarding counseling options for you and your child available in your area. The Texas Department of Family and Protective Services (TDFPS) also manages early intervention counseling programs. To find out what services may be available in your county, see http://www.dfps.state.tx.us/Prevention_and_Early_Intervention/Programs_Available_In_Your_County/default.asp.

The following Web sites might help you become more aware of child sexual abuse:
http://www.tea.state.tx.us/index.aspx?id=2820

http://sapn.nonprofitoffice.com/
http://www.taasa.org/member/materials2.php
http://www.oag.state.tx.us/AG_Publications/txts/childabuse1.shtml
http://www.oag.state.tx.us/AG_Publications/txts/childabuse2.shtml
Reports may be made to:
The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (1-800-252-5400 or on the Web at http://www.txabusehotline.org).

Students must not engage in unwanted and unwelcome verbal or physical conduct of a sexual nature directed toward another student or a District employee. This prohibition applies whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors. All students are expected to treat other students and District employees with courtesy and respect; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop.

A substantial complaint against a student will result in appropriate disciplinary action, according to the nature of the offense. *See the Student Code of Conduct.*

Harassment

Prohibited harassment, in general terms, is conduct so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; or substantially interferes with the student's academic performance. The District believes that all students learn best in an environment free from dating violence, discrimination, harassment, and retaliation and that their welfare is best served when they are free from this prohibited conduct while attending school.

The board has established policies and procedures to prohibit and promptly respond to inappropriate and offensive behaviors and discriminations that are based on a person's race, color, religion, gender, national origin, disability, or any other basis prohibited by law.

The District will not tolerate harassment. Students are expected to treat other students and District employees with courtesy and respect; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop. District employees are expected to treat students with courtesy and respect. A substantial complaint against a student will result in appropriate disciplinary action, according to the nature of the offense and the Student Code of Conduct. The District encourages parental and student support in its efforts to address and prevent harassment in any form in the public schools.

Retaliation

Retaliation of a student occurs when a student receives threats from another student or an employee or when an employee imposes an unjustified punishment or unwarranted grade reduction. Retaliation does not include petty slights and annoyances from other students or negative comments from a teacher that are justified by a student's poor academic performance in the classroom.

Retaliation against a person who makes a good faith report of discrimination or harassment is prohibited. A person who makes a false claim or offers false statements or refuses to cooperate with a district investigation, however, may be subject to appropriate discipline. Retaliation against a person who is participating in an investigation of alleged discrimination or harassment is also prohibited.

Reporting Procedures

Any student who believes he or she has experienced discrimination, harassment, or retaliation should immediately report the problem to a teacher, counselor, principal, or other district employee.

The report may be made by the student's parent. See policy FFH(LOCAL) for the appropriate districts officials to whom to make a report.

Investigation of Report

To the extent possible, the district will respect the privacy of the student; however, limited disclosures may be necessary to conduct a thorough investigation and to comply with law. Allegations of prohibited conduct, which includes discrimination, harassment, and retaliation, will be promptly investigated. The district will notify the parents of any student alleged to have experienced prohibited conduct by an adult associated with the district.

In the event prohibited conduct involves another student, the district will notify the parents of the student alleged to have experienced the prohibited conduct when the allegations, if proven, would constitute a violation as defined by policy.

If the district's investigation indicates that prohibited conduct occurred, appropriate disciplinary or corrective action will be taken to address the conduct. The district may take disciplinary action even if the conduct that is the subject of the complaint was not unlawful.

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

TECHNOLOGY

Computer Resources

To prepare students for an increasingly computerized society, the District has made a substantial investment in computer technology for instructional purposes. Use of these resources is restricted to students working under a teacher's supervision and for approved purposes only. Students and parents will be given a copy of the District's *Acceptable Use Policy*.

Students who abuse the computers or do not follow the *Acceptable Use Policy* as specified in the Bellville ISD Student Code of Conduct Handbook will lose the privilege of using a computer. Abuse and misuse of the computers will result in disciplinary actions as specified in the Bellville ISD Discipline Handbook. The complete District Acceptable Use Policy is located in the Student Code of Conduct Handbook.

Unacceptable and Inappropriate Use of Technology Resources

Students are prohibited from sending, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition applies to conduct off school property, whether the equipment used to send such messages is district-owned or personally owned, if it results in a substantial disruption to the educational environment. Any person taking, disseminating, transferring, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as "sexting," will be disciplined according to the Student Code of Conduct and may, in certain circumstances, be reported to law enforcement.

If you **do not want** to allow your child access to the Bellville ISD computer network and the Internet, you need to send a note to your campus office. You need to state in the note that you do not want your child to participate in the electronic educational resources that Bellville ISD provides through the Internet.

Students and parents should be aware that electronic communications--e-mail--using District computers are not private and may be monitored by District staff.

Computer Access

Only students who have been authorized by the District and who are under direct supervision of designated District employees are permitted to use a District computer or to access any local network or outside telecommunications resources such as the Internet. Students are expected to observe network etiquette by being polite and using appropriate language. Students are prohibited from pretending to be someone else; transmitting obscene messages or pictures; revealing personal addresses or telephone numbers-either their own or another person's; or using the network in a way that would disrupt use by others.

Students who want to use computers in the library must have special computer passes stating their assignments as well as the signature of the teacher making the assignments. This rule does not apply when a teacher accompanies an entire class to the computer lab to work on a project.

TRANSPORTATION

School Bus

The District makes school bus transportation available to all students living two or more miles from school. This service is provided at no cost to students; its cost is reimbursed by the state of Texas. Bus routes and any subsequent changes are posted at the school. Parents may also designate a child-care facility or grandparent's residence as the regular pickup and drop-off location for his or her child. The designated facility or residence must be on an approved stop or an approved route. Further information may be obtained by calling the BISD Transportation Department at (979) 865-3673. Students are expected to assist District staff in ensuring that buses remain in good condition and that transportation is provided safely.

When riding school buses, students must:

1. **Follow the driver's directions at all times.**
2. **Board and leave the bus in an orderly manner at the designated bus stop nearest home.**
3. **Be seated while the bus is moving.**
4. **Keep books, band instrument cases, feet, and other objects out of the aisle.**
5. **Do not deface the bus and/or its equipment.**
6. **Do not put head, hands, arms, or legs out of the window, or hold any object out of the window or throw objects within or out of the bus.**
7. **Observe all usual classroom rules.**
8. **Do not smoke, possess or use any form of tobacco.**
9. **Fasten seat belts (if available on the bus) at all times.**
10. **Upon leaving the bus, wait for the driver's signal before crossing in front of the bus.**

Misconduct will be punished in accordance with the Student Code of Conduct; bus-riding privileges may be suspended. Students will receive one warning. The second offense will require a

parent conference in person or via telephone. The third offense will result in the student being removed from the bus for 1-3 days. On the fourth offense, the student will be removed from the bus for one week or more (up to the remainder of the school year), depending on the offense. Fighting, disrespect to the driver, and destruction of property may result in the loss of bus privileges on the first offense. Parents will be notified about these bus write-ups.

Students at bus stops should be monitored by parents if possible. There may be incidents that occur while waiting for the bus, or after departing the bus, over which the school has little control.

Car Riders

If your child will be picked up in the afternoons, we request that you pick them up in the parent pick-up line in the circle drive between O'Bryant Intermediate and O'Bryant Primary schools. Car riders will be instructed to sit until their parents (or other designated person's) car pulls through the line.

For safety reasons, we cannot allow students to take off in every direction once the bell rings.

- Bus riders will go to the gym and wait for their bus number to be called.
- Day Care riders will be picked up in vans in the circle drive outside of O'Bryant Primary and Intermediate Schools.
- Walkers will walk out the front of the school.

Bicycle Riders/Walkers

If your child rides a bicycle or walks to school, please review the basic safety rules with them. We will require students to use crosswalks when entering or leaving campus.

Travel-School Sponsored

Students who participate in school-sponsored trips are required to use the transportation provided by the school to and from the event, unless prior arrangements have been made through the principal's office.

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Bellville Independent School District
ESSA Parent and Family Engagement Policy

Statement of Purpose

The Bellville Independent School District (BISD) is committed to providing quality education to every student in the district. Partnerships with parents, family members, and the community are essential to this goal as neither home nor school can achieve this goal independently. Everyone gains if school and home work together to promote high student achievement. Parents and family members play an important role as their children's first teachers, and their support is critical to their children's success. BISD intends to include parents and family members in all aspects of the district's Title I programs to create a school-home partnership that will promote student success. The district believes that establishing and maintaining open lines of communication will expand and enhance learning opportunities and create the best learning environment for every child.

Develop Jointly

The Title I Campus Site-Based Decision-Making (SBDM) Committees are comprised of school personnel, parents, and community members. The campus SBDM committees will annually review the District ESSA Parent and Family Engagement Policy and revise it as necessary. The BISD District SBDM committee is comprised of parents, members of the community, teachers, school principals, and district administration. This committee which develops the District Improvement Plan will incorporate the District ESSA Parent and Family Engagement Policy into the District Improvement Plan, resolve differences to the plan from the campus SBDM committees, if needed, and suggest revisions to the Title I Campus SBDM Committees as needed.

Build Capacity of Schools

BISD will provide coordination, technical assistance, and other necessary support to assist and build the capacity of all Title I, Part A schools in the district in planning and implementing effective parent and family engagement activities to improve student academic achievement and school performance. BISD will work with Title I schools to ensure that the required school-level Parent and Family

Engagement Plans meet the requirements of the ESSA. BISD will provide the following to Title I schools: support from the Executive Director of Special Programs, professional development provided to Title I Intervention Teachers and Paraprofessionals, technical assistance with Title I budget, job descriptions, time and effort documentation, TEA validation requests, private non-profit school consultation and coordination, and other compliance issues. BISD will provide technical support for Title I intervention teachers and campus staff with assessments, intervention programs, and coordination with other special programs. BISD will provide support and training to principals, teachers, and staff to promote the parent and family engagement opportunities including training developed with the assistance of parents, in the value and utility of contributions of parents/families, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between the parents and the school.

Parent Assistance

BISD will, with the assistance of Title I schools, provide assistance to parents/families in understanding such topics as the challenging state academic standards, state and local academic assessments, how to monitor a child's progress, and how to work with educators to improve the achievement of their
children. Opportunities for assistance will include campus Title I meetings, parent/teacher conferences, presentations at PTO activities, letters/text messages sent home, and ESL parent education FIESTAs.

Coordinate Services

BISD will coordinate and integrate parent and family engagement strategies, to the extent feasible and appropriate, with other federal, state, and local programs by considering these strategies in the needs assessment of the district and if necessary, integrating strategies into the District Improvement Plan.

Opportunities for Parental Involvement

Parents can become involved in their children's education through a variety of ways. BISD values both the at-home contributions of parents and those that take place at the school or in the community. Reading to children at home and talking with them at family meals or other family outings are as important as volunteering at school and serving on advisory committees. Many types of parent and family engagement are needed in school-home-community partnerships to help all children succeed. BISD will offer many opportunities for parent and family engagement in the school including, but not limited to the following:

- Parents may contribute through volunteer programs;
- Parents may participate by attending school meetings at a variety of times;
- Parents are invited to serve on committees;
- Parents are invited to develop training for educators;
- Parents are surveyed to get their input about school.

Parent/Staff Communication

Parents will be informed of school activities through various avenues of communication throughout the school year. Websites, newsletters, teacher notes, the school marquee, conferences, personal contacts, phone calls/text messages, emails, and written notices will be used to establish and maintain open lines of communication with parents. The district will welcome and respond to efforts by parents to communicate with the school. Parents may request a translator for conferences, and as much as possible, communication will be sent home in a language parents understand.

Evaluation and Response

Parents and family will be asked for their input on the content and effectiveness of the Title I parent and family engagement programs through an annual evaluation of the Title I program conducted by each Title I Campus. BISD will assess the needs of parents and children in the school community using a variety of tools including a survey or questionnaire and including parent suggestions and/or requests. The evaluation will include an assessment of overall parent and family engagement and identify barriers to parent and family participation that still need to be overcome, needs of parents and family members to assist with the learning of their children, and strategies to support successful school and family interactions. The findings will be used to revise the Title I program to meet the current needs, including any reasonable support for parental involvement activities requested by parents, to design evidence-based strategies for more effective parental involvement in the District and/or Campus Improvement Plan, and to revise, if necessary, the district and/or school parent and family engagement policies. If necessary, workshops or other training will be made available to educators and parents to address these identified needs. Parents will be notified about materials and training provided to help parents work with their children to improve their children's achievement, such as in literacy and technology. The district and each campus will welcome and receive at any time recommendations about the Title I program.

Bellville Independent School District
ESSA Parent and Family Engagement Policy
O'Bryant Intermediate

Statement of Purpose

O'Bryant Intermediate (OBI) is committed to providing quality education to every student in the school. Partnerships with parents, family members, and the community are essential to this goal as neither home nor school can achieve this goal independently. Everyone gains if school and home work together to promote high student achievement. Parents and family members play an important role as their children's first teachers, and their support is critical to their children's success. OBI intends to include parents and family members in all aspects of the school's Title I programs to create a school-home partnership that will promote student success. OBI believes that establishing and maintaining open lines of communication will expand and enhance learning opportunities and create the best learning environment for every child. OBI is a schoolwide Title I campus which allows all students the opportunity to benefit from the programs funded by Title I.

Annual Meeting

OBI will hold an annual meeting in the fall semester at a convenient time to which all parents will be invited and encouraged to attend. The purpose of this meeting is to inform parents of OBI's participation in Title I, the Title I requirements, and the right of parents to be involved.

Opportunities for Parent/Family Involvement

Parents/Families can become involved in their children's education in various ways. OBI values both the at-home contributions of parents/families and those that take place at the school or in the community. Reading to children at home and talking with them at family meals or other family outings are as important as volunteering at school and serving on advisory committees. Many types of parent and family engagement are needed in school-home-community partnerships to help all children succeed. OBI will offer many opportunities for parent and family engagement in the school including, but not limited to the following:

- Invite parents/families to contribute through volunteer programs;

- Invite parents to participate in parent-teacher conferences;
- Invite parents/families to help plan and conduct parties;
- Invite parents/families to participate by attending school meetings at a variety of times;
- Invite parents/families to serve on committees;
- Survey parents/families to get their input about school;
- Invite parents/families to eat meals with their children at school;
- Invite parents/families to speak about careers at Career Day;
- Invite parents/families to join us for school programs;
- Invite parents/families to participate in school and classroom activities;
- Invite parents/families to join and participate in Parent Teacher Organization activities
- Invite parents/families to participate in Watch D.O.G.S. (Dads of Great Students).

Parent Communication

Parents will receive timely information about school activities through various avenues of communication throughout the school year. OBI will ensure that information related to school and parent/family programs, meetings, and other activities is sent to parents/families in a format and, to the extent practicable, in a language the parents can understand. Websites, newsletters, teacher notes, the school marquee, conferences, personal contacts, phone calls/text messages, emails, and written notices will be used to establish and maintain open lines of communication with parents. Parents will receive daily communication through the student planner/assignment notebook. OBI will offer a flexible number of meetings to parents, such as morning and evening, to accommodate the needs of the parents in order to encourage full parent involvement with their student's academic success. These meetings will be in the form of Parent-Teacher conferences, Title I Annual Meeting, ESL Family FIESTA meetings, and PTO meetings. At these meetings and at other times when requested, parents/families will have opportunities to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children. OBI will welcome and respond to any such suggestions as soon as practicably possible.

Whenever requested and at meetings such as those described above, parents will be informed of the OBI curriculum as established by the TEKS Resource System and any instructional materials utilized by teachers. They will also be provided a description of the forms of academic assessment used at OBI which include teachers administering benchmarks at various times throughout the school year to monitor student performance and to use the data to address instructional interventions and needs. Teachers and staff will provide parents with assistance in how to monitor their children's progress and how to work with the teachers to improve the achievement of their children. Students will be assessed through state assessment, the STAAR test, during the year and parents will be notified of those testing days, requirements, and the achievement level of their students on the state academic standards.

Coordinate Services

OBI will coordinate and integrate parent and family engagement strategies, to the extent feasible and appropriate, with other federal, state, and local programs by considering these strategies in the needs assessment of the campus and if necessary, integrating strategies into the Campus Improvement Plan.

Evaluation and Response

Parents and families will be asked for their input on the content and effectiveness of the Title I parent and family engagement programs through an annual evaluation of the Title I program conducted by OBI. OBI will assess the needs of parents and children in the school community using a variety of

tools including a survey or questionnaire and including parent suggestions and/or requests. The OBI Site-Based Decision Making Committee which is comprised of school personnel, parents, and community members will meet throughout the year, as necessary, using these findings for the planning, review, and improvement of the OBI Parent and Family Engagement Policy and the Campus Improvement Plan including any reasonable support for parental involvement activities requested by parents. The district and OBI will welcome and receive at any time recommendations about the Title I program. If the Campus Improvement Plan is not satisfactory to parents, OBI will submit any parent comments on the plan when the school makes the plan available to the district. If necessary, workshops or other training will be made available to educators and parents to address these identified needs. Parents will be notified about materials and training provided to help parents work with their children to improve their children's achievement, such as in literacy and technology. OBI, with assistance from the district, will provide training that educates teachers, specialized instruction support personnel, principals and other school leaders, and other staff, with the assistance of parents, in the value and utility of contributions of parents/families, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between the parents and the school.

ACKNOWLEDGMENT FORM
O'Bryant Intermediate Student Handbook

My child and I acknowledge that the O'Bryant Intermediate Student Handbook and the District Student Code of Conduct for 2019–2020 are online on the school's website at http://obi.bellvilleisd.org under the School Resources tab. We have read the documents and understand that the handbook contains information that my child and I may need during the school year and that all students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code of Conduct.

Print name of student:_____

Signature of student:_____

Signature of parent:_____

Date:_____

Check if applicable to your family:

☐ We acknowledge that we have read and understand the document online but would like to also receive a hard copy of the OBP Student Handbook.

******Please complete this form and return it to your child's teacher.******

O'Bryant Primary Student Handbook



2020 - 2021

Si tiene preguntas o necesita asistencia en traducir este documento, por favor llame a la escuela al 865-7091.

O'BRYANT PRIMARY STUDENT HANDBOOK
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Dear Parents and Students,

Welcome to O'Bryant Primary School for the 2019 – 2020 school year. We are dedicated to providing our students with the best possible education. We are striving to ensure an environment that is safe and conducive to learning for all children. Education is a team effort, and we know that students, parents, teachers, and other staff members all working together will make this a successful year for our students.

The O'Bryant Primary Student Handbook is designed to provide a resource for some of the basic information that you and your child will need during the school year. In an effort to make it easier to use, the handbook is divided into general alphabetized sections, and an index is located for specific subjects in the back of the book. Please be aware that the term "the student's parent" is used to refer to the parent, legal guardian, or any other person who has agreed to assume school-related responsibility for a student.

Both students and parents must be familiar with the Bellville ISD Student Code of Conduct, required by state law and intended to promote school safety and an atmosphere for learning. That document is a separate document sent home to the parents, and is available in the Principal's office or at the Bellville ISD website (http://bellvilleisd.org)

The student handbook is a general reference guide only and is designed to be in harmony with board policy and the Student Code of Conduct. Please be aware that it is not a complete statement of all policies, procedures and or rules that may be applicable in a given circumstance. The handbook is updated yearly, while policy adoption and revision may occur throughout the year. Changes in policy that affect student handbook provisions will be made available to students and parents through newsletters, addendums or other communications. The district reserves the right to modify provisions of the Student Handbook at any time, whenever it is deemed necessary. Notice of any revisions or modifications will be given as is reasonably practicable under the circumstances.

In case of conflict between board policy or the Student Code of Conduct and any provisions of student handbooks, the current provisions of board policy or the Student Code of Conduct are to be followed.

Although the Student Handbook may refer to the rights established through law or district policy, the Student Handbook does not create any additional rights for students and parents. It does not, nor is intended to, create contractual or legal rights between any student or parent and the district.

We encourage parents to review the entire handbook with their children and keep it as a reference during this school year. If you or your child has questions about any of the material in this handbook, please contact a teacher, the counselor, the assistant principal, or the principal. **Also, please complete the Acknowledgment Form (P. 53) and return it to your child's homeroom teacher.**

As a staff, we appreciate the opportunity to work with and educate your child. We are looking forward to a wonderful and exciting year of learning. If you ever have any questions or concerns throughout the year, please feel free to call or stop by. Working together we will make this year a successful one for all of our students!

Kandis Krueger, Principal

O'Bryant Primary
Office Staff Contact Information

Please let us know if you have any questions or if we can assist you in any way.

School Phone 865-5907

Office Hours 7:45-4:00
Monday-Friday

Kandis Krueger, Principal
kkrueger@bellvillebrahmas.org

Aaron Capps, Assistant Principal
acapps@bellvillebrahmas.org

Emily Neumann, Counselor
eneumann@bellvillebrahmas.org

Stephanie Mikeska, Nurse
smikeska@bellvillebrahmas.org

Becky Matus, Secretary
bmatus@bellvillebrahmas.org

Philosophy of Education

The staff of O'Bryant Primary School has the philosophy that students on our campus are good students who can achieve and can learn lessons that will prepare them for a successful life. The staff believes that school should be a place where students can have fun in assimilating information and participating in interesting projects and new ideas. The staff believes that students will respond by working hard to attain the skills and knowledge base needed in each grade level. The core curriculum will include Reading, Writing, Mathematics, Social Studies, Science, Health, Language Arts, and Physical Fitness. Other attributes students will attain include patriotism for our nation, responsibility for supplies and textbooks, and acceptable social behavior. These students will be prepared to graduate from high school, move into higher education or enroll in other training programs, and ultimately have a productive life.

Vision Statement

The vision of O'Bryant Primary School is to commit to utilizing our resources to promote high academic and moral standards for our students. This commitment will prepare our students to successfully compete in an ever changing technological and global society. The staff of O'Bryant Primary believes that all students can learn, can achieve, and can be successful.

Mission Statement

The mission of O'Bryant Primary, as the Center of Public Education, is for the parents, teachers, staff, and community to prepare students for a successful and productive life. To accomplish this mission, we will need to provide lessons and experiences so students can successfully utilize problem solving and critical thinking skills for both academic and real life experiences. We believe that all students can learn and want to achieve success. Students have the responsibility of working to achieve success from the high quality, well-rounded education they are provided.

Campus Goals

1. O'Bryant Primary will meet Adequate Yearly Progress (AYP) as defined by ESEA.
2. O'Bryant Primary will provide an environment where all students will be successful by participating in programs that meet their individual needs.
3. O'Bryant Primary will encourage opportunities for parental and community involvement that supports the educational processes of the District.
4. O'Bryant Primary will recruit and hire highly qualified teachers as required by ESEA and appropriately certified teachers as required by TEA.
5. O'Bryant Primary will provide a safe~~provide safe~~, drug free, positive learning and teaching environment for students and staff members.
6. All O'Bryant Primary students will strive to achieve 100% success rate.
7. O'Bryant Primary will promote participation in extra-curricular academic competitions.

ADMISSIONS

A student's parent or guardian who wants to enroll in Bellville Independent School District should contact the school office at 413 South Tesch or call 865-5907 for grades ECSE~~PPCD~~, Pre-K, K, 1, 2, and 3. Requirements for admission include; birth certificate, up-to-date immunization records, Social Security card with a clear number, proof of residence, and a copy of birth certificate or driver's license of the person enrolling the student.

Custody of Students

If a student is to be picked up by specific individuals, that information MUST be recorded on the Student Enrollment Card. In cases of divorce or child custody, the school MUST have legal documents of verification on record.

Withdrawal From School

A student may be withdrawn from school only by a parent. A parent wishing to withdraw a student from school must present a signed statement to the principal explaining the reason for the withdrawal and the effective date. The school requests notice from the parent at least three days in advance so that records and documents may be prepared. The parent may obtain a withdrawal form from the principal's office. On the students' last day, the withdrawal form must be presented to each teacher for current grade averages and book clearance; to the librarian to assure a clear library record; to the clinic for health records; to the counselor for the last report card and course clearance; and finally, to the principal. A copy of the withdrawal form will be given to the student and a copy placed in the student's permanent record.

ATTENDANCE

Regular school attendance is essential for the student to make the most of his or her education--to benefit from teacher-led activities, to build each day's learning on the previous day's, and to grow as an individual. Absences from class may result in serious disruption of a student's mastery of the instructional materials; therefore, the student and parent should make every effort to avoid unnecessary absences. Students enrolled in pre-kindergarten or kindergarten are **required** to attend school. Official attendance is taken every day at 10:00AM. In order for a student to be counted present, he/she must be in school at the accounting time. Students arriving after 10:00 a.m. will be marked absent for the day UNLESS they have a medical or dental excuse from the doctor's office.

The t~~T~~**ardy B**~~b~~**ell** rings each day at 8:005~~-~~ AM. Any students arriving to class after this bell (and morning announcements) will be asked to get a Tardy Slip. It is the parent's responsibility to ensure that their child attends school and is in class each day from 8:050 AM and does not leave until 3:325 PM unless there is a verifiable illness or family emergency. Students who have excessive tardies will need to make up missed time in an after-school detention or other actions as deemed appropriate by the administration, OBP Attendance Committee ,or in accordance with the Student Code of Conduct.

All doors will be locked at 8:05 for safety purposes. To enter the building after the doors are locked, one must come to the front entrance of the building on Tesch Street and ring the bell.

State Law requires:
To receive credit in a class, a student must attend at least 90 percent of the days the class is offered. A student who attends at least 75% but fewer than 90% of the days the class is offered may receive credit for the class if he or she completes a plan, approved by the principal, that allows the student to fulfill the instructional requirements for the class. If a student is involved in a criminal or juvenile court proceeding, the approval of the judge presiding over the case will also be required before the student receives credit for the class.

If a student attends less than 75% of the days a class is offered or has not completed the plan approved by the principal, then the student will be referred to the attendance review committee to determine whether there are extenuating circumstances for the absences and how the student can regain credit, if appropriate.

The actual number of days a student must attend in order to receive credit will depend on whether the class is for a full semester or for a full year. If credit is lost, the attendance committee will decide how the student may regain credit. The student or parent may appeal the committee's decision to the District's Board of Trustees by filing a written request with the Superintendent.

School employees must investigate and report violations of the state compulsory attendance law. A student absent without permission from school or from required tutorials will be considered in violation of the compulsory attendance law and subject to disciplinary action. A court of law may also impose penalties against both the student and his or her parents if a school-aged student is deliberately not attending school.

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

A student absent for more than 5 consecutive days because of a personal illness must bring a statement from a doctor or health clinic verifying the illness condition that caused the student's extended absence from school. Otherwise, the student's absence may be considered unexcused and, if so, would be considered to be in violation of compulsory attendance laws.

Types Of Absences

Excused Absences may be granted only for the following reasons; (1) personal illness, (extended illnesses may require a doctor's note), (2) emergencies such as serious illness or death in the immediate family, (3) weather conditions severe enough to make travel hazardous, (4) observance of religious holy days, if request in writing is made to the principal prior to the initial

absence, (5) extenuating circumstances as designated by BISD board policy.

Unexcused Absences are given to students who miss school without a school authorized reason.

Truancy is when a student willfully misses school without parent's knowledge. The student will be subject to disciplinary action. Truancy is marked as an unexcused absence.

Extra-Curricular Absences are recorded for students who miss class due to school sanctioned, or state approved activities. These absences are recorded but do not count against a student provided they do not exceed ten per year for a full-year course, or five per semester for a one-semester course.

Parent's Note After an Absence

When a student is absent from school, the student must bring a note signed by a parent that describes the reason for the absence within five (5) days of returning to school. If the reason for the absence is for a doctor appointment, a letter from the doctor on the doctor's letterhead is required within five (5) days of returning to school. A note signed by a student, even with the parent's permission will not be accepted unless the student is 18 or older or is emancipated minor under state law. A phone call from a parent may be accepted, but the district reserves the right to require a written note. Please note that, unless the absence is for a statutorily allowed reason under compulsory attendance laws, the district is not required to excuse any absence.

The student should promptly make up specific assignments missed and/or complete additional in-depth study assigned by the teacher. A student who does not make up assigned work within the time allotted by the teacher will receive a grade of zero for the assignment.

Class time is important. Doctor's appointments should be scheduled, if possible, at times when the student will not miss instructional time.

Release Of Students from School

Please remember that student attendance is crucial to learning. We ask that appointments be scheduled outside of school hours as much as reasonably possible. Also note that picking up a child early on a regular basis results in missed opportunities for learning. Unless the principal has granted approval because of extenuating circumstances, a student will not regularly be released before the end of the school day.

State rules require that parental consent be obtained before any student is allowed to leave campus for any part of the school day. The district has put the following procedures in place in order to document parental consent.

- For students in elementary and middle school, a parent or otherwise authorized adult must come to the office and sign the student out. Please be prepared to show identification. Once an identity is verified, a campus representative will then call for the student to collect the student and bring him or her to the office. For safety purposes and stability of the learning environment, we cannot allow you to go to the classroom or other area unescorted to pick up the student. If the student returns to campus the same day, the parent or authorized adult must sign the student back in through the main office upon the student's return. Documentation regarding the reason for the absence will also be required.

- If a student becomes ill during the school day and the school nurse or other district personnel determines that the student should go home, the nurse will contact the student's parent and document the parent's wishes regarding release from school. Unless directed by the parent to release the student unaccompanied, the parent or other authorized adult must follow the sign-out procedures as listed above. If a student is allowed to leave campus by himself or herself, as permitted by the student's parent, or if the student is age 18 or is an emancipated minor, the nurse will document the time of day the student was released. Under no circumstances will a child in elementary or middle school be released unaccompanied by a parent or adult authorized by the parent.

ADVANCED PLACEMENT

A student in any grade may take an examination for acceleration to be advanced one grade level or to gain credit for a course he/she has not formally taken for credit. For additional information, contact the Chief Academic Officer~~Dr. Michael Coopersmith~~ at 518 S. Mathews or call 865-3133.

BULLYING

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

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

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

Bullying is prohibited by the district and could include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor-spreading, or ostracism. In some cases, bullying can occur through electronic methods, called "cyberbullying."

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

If the results of an investigation indicate that bullying has occurred, the administration will take appropriate disciplinary action. Disciplinary or other action may be taken even if the conduct did

not rise to the level of bullying. The district will also contact the parents of the victim and of the student who was found to have engaged in the bullying. Available counseling options will be provided to these individuals, as well as to any students who have been identified as witnesses to the bullying.

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

Upon recommendation of the administrator the board may, in response to an identified case of bullying, decide to transfer a student found to have engaged in bullying to another classroom at the campus. In consultation with the student's parent, the student may also be transferred to another campus in the district. The parent of a student who has been determined by the district to be a victim of bullying may request that his or her child be transferred to another classroom or campus within the district. A copy of the district's policy is available in the principal's office, superintendent's office, and on the district's Website.

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

Bullying and Safety Reporting can be found on the BISD Website, www.bellvilleisd.org, under the Parent Resources tab.

CAFETERIA SERVICES

Nutritious, well-balanced meals are provided in our school cafeteria. The price for breakfast and lunch is set by the district and is subject to change each year. Each student will have an account in which they deposit money for their breakfasts and lunches. Students are permitted to have water bottles in the classroom that may contain only water.

The School Nutrition Department of BISD implemented an innovative online service for payments and account balance information called *Lunch Money Now*. This program will permit parents to check a student's balance, view the student's purchase history and make deposits to the student's lunch money account using a credit card. Parents are also able to subscribe for email warnings when their child's account dips below a certain amount. The credit card deposits are made using a secure transaction site and are typically available within the hour of the transaction during the regular school day. Parents can make multiple deposits using the same credit card transaction. There is a $2.50 convenience fee per transaction which is paid to the processor and not BISD**.**

To access your student's account you will need:

- the district student ID number
- the last four digits of the student's social security number
- the child's birthday.

You can gain access to Lunch Money Now via the BISD website **www.bellvilleisd.org** and click the *Lunch Money Now* logo link. If you have any questions please contact the Food Service Director at 865-7017.

Cafeteria Rules

- Walk quietly in the cafeteria
- Keep your hands and feet to yourself.
- Talk quietly in the cafeteria- control your volume.
- Raise your and for help.
- Stay in your seat until an adult tells you to get up.
- No sharing food.
- Lunch guest(s) will eat only with their child and not invite other students to the guest table.
- No food leaves the cafeteria.
- Use good table manners.
- Birthday treats for the class are not permitted in the cafeteria.

Free and Reduced Price Meals

The District participates in the National School Lunch Program and offers free and reduced price meals based on a student's financial need. Information may be obtained from the Food Service Director at 865-3133. Application for the free-lunch program requires that papers be filled out and turned into the office during the **first two weeks** of school enrollment. Parents will be notified if their child qualifies for this program.

Texas Public School Nutrition Policy

The Texas Department of Agriculture issued the Texas Public School Nutrition Policy, which was effective beginning August 1, 2004. These nutrition guidelines are a result of a collaborative effort among parents, school administrators, health professionals and members of the food industry to promote a healthier environment in Texas schools and help ensure a healthier future for Texas children. All Texas schools participating in the federal child nutrition programs must comply with the nutrition policies. (For additional information, visit www.squaremeals.org).

School Celebrations/Parties/Birthdays

Due to O'Bryant Primary's participation in this program, school birthday treats are to be distributed **ONLY** in the afternoon. **Birthday invitations may not be handed out at school.**

Other sanctioned school celebrations (Christmas party, Valentine party, and Easter party) may distribute Foods of Minimal Nutritional Value (FMNV) throughout the day.

The cafeteria offers birthday baskets to be delivered to your child's classroom on their birthday or day specified. These snacks do not contain any peanuts products due to some students having peanut allergies. Please visit the district website under Food Nutrition to find out more information.

CONDUCT / DISCIPLINE

The students at O'Bryant Primary School are expected to behave in a manner that permits uninterrupted learning to take to place. Students are expected to follow the rules and regulations

established by the school, the school district and the classroom teacher. Students are expected to conduct themselves in a manner that is neither disruptive nor disrespectful and which does not violate the rights of others. Students with excessive discipline incidents are subject to consequences which may include not being allowed to attend a scheduled field trip.

Students that threaten to bring a weapon to school, or threaten to kill someone will be disciplined in accordance with the Student Code of Conduct. Once a student has received a referral, he/she will be sent to the principal's office. A referral will result in loss of privileges. The principal will make every effort to contact a parent or guardian on each referral. Fighting and profanity may result in In-School Suspension (ISS). A non-custodial parent may request in writing that he or she be provided a copy of any written notices usually provided to a parent related to your child's misconduct that may involve expulsion.

Code of Conduct

Refer to the Bellville Independent School District's Student Code of Conduct, which is a separate document sent home to parents. The Student Code of Conduct, which sets out the consequences for wrong or inappropriate behavior, is required by state law and is intended to promote school safety.

Conduct Expectations

In order for students to take advantage of available learning opportunities and to be productive members of our campus community, each student is expected to:

*Demonstrate courtesy--even when others do not.
*Behave in a responsible manner, always exercising self-discipline.
*Attend all classes, regularly and on time.
*Prepare for each class; take appropriate materials and assignments to class.
*Meet District or campus standards of grooming and dress.
*Obey all campus and classroom rules.
*Respect the rights and privileges of other students, teachers, and other district staff.
*Respect the property of others, including District property and facilities.
*Cooperate with or assist the school staff in maintaining safety, order, and discipline.
*Avoid violations of the Student Code of Conduct.

To achieve the best possible learning environment for all our students, O'Bryant Primary School rules and discipline will apply:

*During the regular school day or when a student goes to and from school on district transportation.
*During lunch periods in which a student is allowed to leave campus.
*Within 300 feet of school property.
*While a student is in attendance at any school-related activity, regardless of time or location.

This includes school social events to which a student brings a guest. Guests are expected to observe the same rules as students attending the event, and the person inviting the guest will share responsibility for the conduct of the guest. A student attending a social event will be asked to sign out when leaving before the end of the event; anyone leaving before the official end of

the event will not be readmitted.

Academic Dishonesty/Cheating/Plagiarism

Academic dishonesty--as in cheating or plagiarism--is not acceptable. Cheating includes the copying of another student's work-- such as homework, class work, or test answers --as one's own. Plagiarism is the use of another person's original ideas or writing without giving credit to the true author. A student found to have engaged in academic dishonesty will be subject to loss of credit for the work in question, as well as disciplinary penalties, according to the Student Code of Conduct.

Corporal Punishment

Corporal punishment--spanking or paddling the student-- may be used as a discipline management technique in accordance with the Student Code of Conduct. Corporal punishment will be governed by the following conditions:

1. The student will be told the reason for the corporal punishment.
2. Corporal punishment may be administered by the principal.
3. The instrument to be used will be approved by the principal.
4. Corporal punishment will be administered in the presence of one other District professional employee and out of view of the other students.

*** ***A record will be maintained of each instance of corporal punishment***.

PARENTS WHO DESIRE THAT THEIR CHILDREN NOT RECEIVE CORPORAL PUNISHMENT MUST PUT THIS REQUEST IN WRITING ADDRESSED TO THE PRINCIPAL.

Parties and Social Events

The rules of good conduct and grooming will be observed at school social events held outside the regular school day. Guests are expected to observe the same rules as students attending the event, and the person inviting the guest will share responsibility for the conduct of the guest.

¶

~~Sexual Harassment/Sexual Abuse~~¶

~~Unwanted and un-welcomed conduct of a sexual nature--words, gestures or any other sexual conduct, including requests for sexual favors--directed toward another student or a district employee is unacceptable.~~

Violations of Law—Alcohol, Drugs, Tobacco, and Weapons

Under state and federal law, a student is not allowed to possess, sell, give away, or use alcohol, illegal drugs, tobacco products, guns, or other weapons on school property or at a school-related or school-sanctioned activity, on or off school property.

O'Bryant Primary is a drug free school zone. Students are prohibited from possessing or using any type of tobacco product, including electronic cigarettes, while on school property at any time or while attending any off campus school-related activity.

The district and its staff strictly enforce prohibitions against the use of all tobacco products,

including electronic cigarettes, by students and others on school property and at school-sponsored and school-related activities.

Phones/Articles From Home

Please do not allow your children to bring articles to school that could be harmful to others or distract the learning process. **Cell phones that are used or go off during the school day are kept in the office and a parent must come to pick it up from the school. If a student brings a cell phone/electronic device three or more times and it is used or goes off during the course of the day they will be assessed a $15.00 fine when the parent/guardian picks the device up from the office.** Confiscated telecommunications devices that are not retrieved by the student or student's parents will be disposed of after the notice required by law. Any disciplinary action will be in accordance with the Student Code of Conduct. If illegal content is found on a cell phone that was confiscated, the school will turn the phone and information over to law enforcement as a proactive approach. The district will not be responsible for damaged, lost or stolen telecommunications devices. Fines collected will be used in the student activity fund.

Students must not bring valuables or irreplaceable items to school. Examples include, toys of all kinds, electronic devices and games, cameras, large sums of money, or expensive jewelry. If items are brought to school, teachers will collect the item and turn it in to the principal's office. The principal will determine whether to return the item at the end of the day for the student to take home or whether the parent will be contacted to pick up the item. Any disciplinary action will be in accordance with the Student Code of Conduct. The district will not be responsible for damaged, lost or stolen electronic devices. Searches of desks may be conducted at any time there is reasonable cause to believe that they contain articles or materials prohibited by policy, whether or not a student is present. The parent will be notified if any prohibited items are found in the student's desk.

Disruptions

Disruption of classes or any school activities by a student or others is prohibited and is subject to disciplinary action and/or referral for criminal prosecution.

We must ask that parents remain out of the classroom area during the school day. Parents are requested to sign in at the office anytime they come to the school. All doors will be locked after 8:05 AM for safety purposes. To enter the building after the doors are locked, one must come to the front entrance of the building on Tesch Street and ring the bell. At the end of the day, parents may wait for their children **outside** of the building. ***The teachers are responsible for their entire class and they are put in an unfavorable situation if parents bring children to the room late, or come early in order to beat the rush.***

In order to protect student safety and sustain an educational program free from disruption, state law permits the District to take action against any person – student or non-student – who:

* Interferes with the movement of people in an exit, an entrance, or a hallway of a District building without authorization from an administrator.
* Interferes with an authorized activity by seizing control of all or part of a building.
* Uses force, violence, or threats in an attempt to prevent participation in an authorized assembly.

* Uses force, violence, or threats to cause disruption during an assembly.
* Disrupts classes while on District property or on public property that is 500 feet of District property. Class disruption includes making loud noises; trying to entice a student away from, or to prevent a student from attending, a required class or activity; entering a classroom without authorization, and disrupting the activity with profane language or misconduct.
* Interferes with the transportation of students in District vehicles.

IN-BUILDING~~SCHOOL~~ SUSPENSION (IB~~S~~S) CENTER RULES AND REGULATIONS

1. Upon reporting to In-Building~~School~~ Suspension (IB~~S~~S), you must bring the following materials:
   A. All books and materials needed to complete assignments for each class.
   B. A school lunch will be sent to students. If the student does not want the school lunch, a lunch should be brought from home. Cokes, candy, gum, and fast food or special treats are not permitted. Visitors are not permitted (other than mentors and PALS).
2. To be released from ISS you must successfully fulfill the following obligations:
   A. Attend ISS each day assigned. Absences from ISS Center must be made up.
   B. Bring all materials listed above. (1A)
   C. Complete all assignments which are submitted by your classroom teachers. Students will be given credit for work completed in ISS.
   D. Conduct yourself according to the regulations which are listed below, to the satisfaction and approval of the ISS supervisor.
3. Conduct Regulations
   A. While in ISS, the student may not engage in talking, gesturing, or any voluntary activity which, in the opinion of the ISS supervisor may be designed to be distracting, disruptive, or destructive.
   B. While in ISS, the student may not leave their assigned seat or study carrel unless, under proper procedures of conduct, they are recognized by the ISS supervisor and are given specific approval to be out of their assigned seats.
   C. Regular school rules and dress code apply for ISS Center.
   D. Students will remain alert throughout the time they are assigned to ISS.
4. Restroom visits will not be excessive, are on an individual basis, and are monitored.
5. Lunch Regulations:
   A. You will be required to eat in the ISS Center but there should be NO conversation during lunch break. Lunch break will be a maximum of 35 minutes. Upon completion of lunch and proper disposal of trash, you should quietly continue to work on incomplete assignments.
6. Dismissal will begin at 3:00 p.m. You will be brought by the ISS supervisor back to O'Bryant Primary School to meet with the assistant principal and discuss the student's behavior for that day.

COUNSELING

The school counselor is available to assist students with a wide range of personal concerns, including such areas as social, family, emotional, or substance abuse needs. The counselor may

also make available information about community resources to address personal concerns. Other duties of the counselor include Character Education~~: Character Counts!~~, Special Education Referrals ~~and ARD Meeting Notices~~, Testing Coordinator for STAAR and Section 504, At-Risk Classification, and Classroom Visits.

Students or Parents who wish to meet with the counselor should contact the O'Bryant Primary School Counselor at 979-865-5907. The school will not conduct a psychological examination, test, or treatment without requesting the parent's written consent.

CURRICULUM RELATED INFORMATION

Honors and Awards

Student honor rolls are posted in the paper throughout the school year at the end of each nine~~six~~ weeks. Special recognition is given to students who achieve honor roll status.
Students in First, Second and Third grade~~s two and three~~ that receive all A's and ~~no more than two~~ B's per 9~~6~~-weeks, will be on the AB honor roll. Students that receive all A's will be on the all A~~Distinguished~~ Honor Roll. Any student that is on the all A~~Distinguished~~ Honor Roll for the entire school year will be awarded a medal. End of the year special awards are given to the student(s) with outstanding achievements.

Homework

Homework assignments will be completed by students at home which reinforce skills learned at school. Since children need independent practice on skills presented in class, homework is very important. Teachers will assign homework as needed to reinforce concepts that are presented in the classroom. Parents are encouraged to supervise students when homework is being done. **Students who repeatedly do not complete homework assignments will be subject to disciplinary action.**

Instructional Materials

As a parent, you have a right to review teaching materials, textbooks, and other teaching aids and instructional materials used in the curriculum, and to examine tests that have been administered to your child. You are also entitled to request that the school allow your child to take home any instructional materials used by the student. If the school determines that sufficient availability exists to grant the request, the student must return the materials at the beginning of the next school day if requested to do so by the child's teacher.

Make-up Work

Work will be sent home for absentee make-ups, completed and brought back within the number of days the student was absent with one additional day~~three days~~. If make-up work is not

returned on time, the student will not get full credit.
Extensions would be flexible according to the number of consecutive days absent.

Promotion and Retention

In grades 1-5, promotion to the next grade level shall be based on an overall average of 70 on a scale of 100 based upon course-level, grade-level standards (essential knowledge and skills) for all subject areas; a grade of 70 or above in English language arts, mathematics, science and social studies is required for promotion to the next grade level.

For detailed grading information, please see the District Grading and Reporting Guidelines at www.bellvilleisd.org. The English language arts (ELAR) grade for grades 1-5 will consist of the following: ¶

- Reading……70% ¶
- English……..20% ¶
- Spelling……. 5% ¶
- Handwriting.. 5%

Report Cards

Written reports of absences and student grades or performance in each class or subject are issued to parents at least once every nine six-weeks. At the end of the first three weeks and 6 weeks of a grading period, parents are notified if the student's grade average is near or below 70, or below the expected level of performance. If a student receives a grade of less than 70 in any class or subject during a grading period, the parents are requested to schedule a conference with the teacher of that class or subject.

Report cards and unsatisfactory progress reports ***must be signed*** by the parent and ***returned to the school*** within five days. If your child does not return the progress report/report card after five days, he/she will be subject to consequences. A grade issued by a classroom teacher can be changed only if, as determined by the board of trustees, the grade is arbitrary, erroneous, or inconsistent with the district's grading policy.

Pre-kindergarten and Kindergarten

Achievement or progress in Ppre-Kkindergarten and kKindergarten shall be reported to parents as Excellent, Satisfactory, Needs Improvement and Unsatisfactory

Tutoring¶

After school tutoring is available to qualifying students in grade 3 and a letter will be sent home. The sessions are administered by qualified staff. Parents will be responsible for picking up their children promptly at the end of the sessions.

Summer School tutorials for students needing Accelerated Reading Instruction will also be available in June to qualified students.

Student Schedules

The school day begins at 8:0550 a.m. and ends at 3:2235 p.m. All students should not arrive before

7:30 AM each morning because teachers are not on duty before that time. **The school is not responsible for students on campus before 7:30AM or after 4:00 PM except for scheduled events~~tutorial sessions~~.**

Testing

In addition to routine testing and other measures of achievement, students at certain grade levels will take state mandated assessments:

~~**Beginning, Middle, and End of Year Benchmarks– Kindergarten, 1st, 2nd and 3rd grades**~~
STAAR Reading and STAAR Math -- 3rd Grade

Bellville Independent School District uses standardized tests to monitor student progress throughout their years in education. Test results will be reported to students and parents. Parents may review an assessment test that has been given to their child.

Certain students, such as students with disabilities and English language learners, are eligible for exemptions, accommodations, or a deferment. For more information, see the principal, counselor, or special education teacher.

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

Physical Activity for Students in Elementary Grades

In accordance with state policy, Bellville ISD will ensure that students in Kindergarten through grade 5 engage in moderate or vigorous physical activity for at least 30 minutes per day or at least 135 minutes per week.

Annually, the District will conduct a physical fitness assessment of students in grades 1-3. At the end of the school year, a parent will be given the results of his or her child's physical fitness assessment conducted during the school year during the awards assembly.

Extracurricular Activities / UIL

Students will be given an opportunity to participate in the University Interscholastic League literary competition. Contestants will be chosen on the basis of ability in the particular event and will be coached by O'Bryant faculty and staff. ~~The events are: Spelling, Ready Writing, Storytelling & Music Memory - 3rd Grade Creative Writing & Storytelling - 2nd Grade~~

Participation in school and school sponsored activities is an excellent way for a student to develop talents, receive individual recognition, and forge strong friendships with other students. Participation is a privilege.

UIL rules include:

<> A student who receives, at the end of any grade evaluation period, a grade below 70 in any academic class, or a student with disabilities who fails to meet the standards in the Individual Education Plan (IEP) may not participate in extracurricular activities for at least three weeks. An

ineligible student may practice or rehearse however. The student regains eligibility when the principal and teachers determine that he or she has: (1) earned a passing grade 70 or above in all academic classes, and (2) completed three weeks of ineligibility.

<> A student is allowed up to ten absences from a class during the school year for extracurricular activities or public performances. All UIL activities and activities approved by the Board are subject to these restrictions. A student who misses class because of participation in a non-approved activity will receive an unexcused absence. Students who participate in the Austin County Fair, Houston Livestock Show, or San Antonio Livestock Show must meet the criteria above.

DRESS AND GROOMING

O'Bryant Primary will follow the BISD Dress Code Guidelines as stated below. Students with questions regarding the dress code should use this rule of thumb: If in doubt, don't wear it.

Standards For Attire

a) Appropriate undergarments will be worn at all times. (Shorts are to be worn under skirts and dresses at the elementary level.)
b) students back, chest, backside, stomach, and top of shoulders must be covered.
c) clothing shall be of appropriate size, length, and fitting to cover undergarments when the student is standing, sitting, stooping, or bending. Oversized clothing and outerwear, such as trench coats (or other long coats that resemble the style of a trench coat) are not permitted.
d) Pants/shorts must be worn in a secured manner at the waist and shall not "sag." They are to fit the student in an acceptable and appropriate manner.
e) Form-fitting, stretch clothing such as biking shorts, bodysuits, leotards, tights, leggings, yoga pants, etc., shall not be worn except when worn appropriately as an undergarment beneath a garment that extends at or below mid-thigh.
f) Shorts/skirts/dresses/slits in dresses/skirts should extend to mid-thigh or below while standing upright. Shorts should have no less than a 4 inch in-seam. (Athletic shorts are allowable at the elementary level.)
g) Appropriate footwear is required. Appropriate shoes are required for PE and/or any other student activity as determined by the campus administrator.

Standards for Grooming

a) Hair shall be clean, neat, and well-groomed. Boys' hairstyles may not be worn in a ponytail or bun and must be trimmed to the base of the collar, base of the earlobe, and kept clean, neatly trimmed, and combed out of the eyes.
b) Extreme hairstyles or non-natural colors that are distracting to the learning environment are not allowed.
c) Students must be clean shaven.
d) Tattoos, piercing of the body, and body painting in a noticeable or inappropriate manner are not permitted at school or while representing the school. Only female students are permitted to wear earrings.

Students May Not Wear

a) Sheer or see-through clothing and visible spaghetti straps are not allowable.

b) Revealing or low-cut apparel is not acceptable, including backless garments.
c) Pajamas/Sleepwear of any kind is not allowable.
d) Undergarments are not to be visible in any way.
e) Hats, wigs, and head-coverings of any kind are not to be worn within school buildings except in the interest of religious practices, safety, cleanliness, for medical reasons, or with the permission of the principal.
f) Shoes with wheels are not permitted. House shoes, slippers, and other similar softsoled footwear are not acceptable for school.
g) Due to the slippery nature of outdoor walkways and recess activities, flip flops and athletic slides are discouraged at the elementary level.
h) Pants/shorts/skirts with holes are not permitted on all campuses. Administrators will use their discretion on holes caused by wear at the elementary level.
i) Clothing that depicts or references alcohol, drugs, tobacco or any other substance prohibited under policy FNCF (LEGAL), weapons, nudity, gang affiliation, death, suicide, violence, vulgar or obscene language or images, and/or insults to race, religion, gender, or ethnicity, or other emblems or writing that may be expected to cause a material or substantial disruption of, or interference with, normal school operations is prohibited.

EMERGENCY SITUATIONS

Medical Treatment

If a student should have a medical emergency at school or a school-related activity when the parent cannot be reached, the school will need to have written parental consent to obtain emergency medical treatment. Therefore, parents are asked to complete an emergency care consent form. Parents should keep emergency care information (name of doctor, emergency phone numbers, allergies to medications, etc.) up-to-date: having current information will be of critical importance should an accident or injury occur that requires medical attention. Please contact the school nurse to update any information.

The District is not responsible for medical costs associated with a student's injury. The District does make available, however, an optional low-cost students accident insurance program to assist parents in meeting medical expenses. A parent who desires coverage for his or her child will be responsible for paying insurance premiums and for submitting claims through the business office.

School Closing

In case of an emergency closing of schools, the District-wide ***School Messenger*** phone notification system will notify parents and guardians via the phone numbers provided on the student identification registration card. **The district will rely on contact information on file with the district to communicate with parent in an emergency situation, which may include real-time or automated messages. It is crucial to notify your child's school when a phone number previously provided to the district has changed.** Parents and students are also encouraged to listen to KTEX, 106.1 FM or KWHI 1280 AM on the radio; or listen to Channel 2, 11, and 13 on the Houston TV stations for information about the Bellville Independent School

District. The Superintendent will determine when schools will be closed for emergency weather or other dangerous factors.

There is also an opportunity to sign up to receive messages from O'Bryant Primary through the Remind text messaging and email system. With Remind, all personal information remains completely confidential. O'Bryant Primary will never see your phone number, nor will you ever see theirs.

Emergency Drills

From time to time students, teachers, and other District employees will participate in drills of emergency procedures for inclement weather, fire, intruders in the building and bus evacuation. Students should follow the direction of teachers or others in charge quickly, quietly, and in an orderly manner.

FIELD TRIPS

Permission to Attend

Information letters and permission slips will be sent home with all children regarding planned field trips. Any child attending field trips will be required to have a signed permission slip from the parent/guardian. If the permission slip is not returned, the child will not be permitted to attend.

Students with excessive discipline incidents are subject to consequences which may include not being allowed to attend a scheduled field trip.

Chaperones

Adult chaperones are always provided for field trips. The classroom teacher will make arrangements as needed for additional help. If you are interested in being involved in field trips, please let your child's teacher know early in the year. We welcome parent involvement.

Transportation

School district transportation is provided for field trips. All students will ride the bus to the field trip event. Student's siblings may NOT ride the bus or participate in field trip activities. Adult chaperones will need to provide their own transportation.

Students who participate in school-sponsored trips are required to use transportation provided by the school to and from the event. As approved by the principal, a coach, or sponsor of an extracurricular activity may establish procedures related to make an exception to this requirement when a parent requests that the student be released to the parent or to another adult designated by the parent.

GOVERNMENTAL AUTHORITIES

QUESTIONING OF STUDENTS

When law enforcement officers or other lawful authorities wish to question or interview a student at school:

* The principal will verify and record the identity of the officer or other authority and ask for an explanation of the need to question or interview the student.
* The principal ordinarily will make reasonable efforts to notify parents unless the interviewer raises what the principal considers to be a valid objection.
* The principal ordinarily will be present unless the interviewer raises what the principal considers to be a valid objection.

STUDENTS TAKEN INTO CUSTODY

State law requires the District to permit a student to be taken into legal custody:

* To comply with the laws of arrest.
* By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
* To comply with a properly issued directive to take a student into custody.
* By an authorized representative of Child Protective Services, Texas Department of Protective and Regulatory Services, a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to the student's physical health or safety.

Before a student is delivered to a law enforcement officer or other legally authorized person, the principal will verify the officer's identity and, to the best of his or her ability, will verify the official's authority to take custody of the student. The principal will immediately notify the Superintendent and will ordinarily attempt to notify the parent unless the officer or other authorized person raises what the principal considers to be a valid objection to notifying the parents. Since the principal does not have the authority to block a custody action, notification will most likely be after the fact.

The district is also required by state law to notify all instructional and support personnel who have regular contact with the student who has been arrested or taken into custody by a law enforcement agency.

LIBRARY / TEXTBOOKS

All students in ECSE~~PPCD~~, Pre-Kindergarten, Kindergarten, First Grade, Second Grade, and Third Grade will visit the Library on a regular basis. ECSE~~PPCD~~, Pre-Kindergarten, and Kindergarten students participate in story time each week with emphasis on listening skills. Grade 1 students begin the year by checking out one library book at a time while grades 2 and 3 are limited to checking out two books at a time. Students are free to return their books to the library as soon as they are finished and may then check out more books. No student should have more than two books out of the library at one time.

When a student checks out a library book, the student is responsible for the care of that book while he/she has it. If the book is lost or damaged beyond repair, the student will be required to pay the purchase price of the book. Students are not allowed to check out books until they have paid for the lost or damaged book. The average cost of a library book purchased today is $15.00.

Skills appropriate for each grade level will be taught in at least one library period per nine~~six~~ weeks. No library fines will be charged for overdue books. Students are not allowed to check out any new books until they have returned their overdue books. Students will not receive their report card at the end of the year if they have a book checked out to them.

A grade level reading program is offered for students in each grade level. The program rewards the students for reading library books during the school year. Each year the library has a Book Fair where students may purchase books to begin a collection of their own.

TEXTBOOKS

Textbooks and other district-approved instructional materials are provided for each subject or class; students are required to use these books carefully. The student, as directed by the teacher, must cover books; students who are issued a damaged book should report that fact to the teacher. Any students failing to return a book issued by the school shall lose the right to have free textbooks assigned until the book is returned or the damage paid for by the parent or guardian. Students shall be given the necessary instructional resources for use at school during the school day.

MEDICINE AT SCHOOL

BELLVILLE ISD HEALTH POLICIES

MEDICINE AT SCHOOL

District employees will not give a student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements, with the following exceptions:

Only authorized employees, in accordance with policies at FFAC, may administer:

- Prescription medication, in the original, properly labeled container provided by the parent/guardian, along with a written request including name of student, name of medication, dosage, date, and parent/guardian signature. Medication will not be administered differently than the label specifies without a new prescription or written documentation from the physician.
- Nonprescription medication, in the original, properly labeled container, provided by the parent/guardian along with a written request including name of student, name of drug, dosage, date, and parent/guardian signature. Medication will be administered based on the manufacturer's recommendations for age and/or weight.
- Herbal or dietary supplements provided by the parent only if required by the student' s individualized education program (IEP) or Section 504 plan for a student with disabilities.

The district does not accept or administer medications that contain narcotics for the safety of the student(s) and in compliance with the district drug abuse policy. If a student has been prescribed medication in this category for pain, cough etc., they are asked to remain at home until they are

able to replace the medication with an over-the-counter product or a non-narcotic prescription medication while at school for symptom control.

In certain emergency situations, the district will maintain and administer to a student nonprescription medication, but only:

- In accordance with the guidelines developed with the district's medical advisors; and
- When the parent has previously provided written consent for emergency treatment on the district's registration form.

All medications are to be kept in the nurse's office. Medications will be kept in a locked cabinet.

When dispensing medications, the qualified district employee administering the medication(s) will keep records indicating the date, time, dosage and will initial and provide his/her signature.

At the end of the school year, all medication must be picked up from the school clinic by the last day of school. Any medication left at the school will be disposed of.

Students violating this procedure will be subject to disciplinary action under the district's drug abuse policy.

Student Illness

If your child is ill, please contact the school to let us know he or she won't be attending that day. It is important to remember that schools must excuse students with certain illnesses from school for periods of time as identified in state rules. For example:

- If your child has a fever over 100 degrees, he or she must stay out of school until fever free for 24 hours without fever reducing medications such as Tylenol or Ibuprofen.
- Students with diarrheal/vomiting illnesses must stay home until they are diarrhea free without diarrhea-suppressing medications for at least 24 hours.

A full list of conditions for which the school must exclude children can be obtained from the school nurse.

If a student becomes ill during the school day, he or she must receive permission from the teacher before reporting to the school nurse. If the nurse determines that a child should go home, the nurse will contact the parent. The student must be picked up, or suitable arrangements made, one hour after receiving notification that the student is sick. Remaining in the nurse's office for long periods of time is not safe or sanitary for the sick student or other students receiving care. It is also very important that the school have working numbers to contact parents and guardians incase an emergency should occur.

The district is also required to report certain contagious (communicable) diseases or illnesses to the Texas Department of State Health Services (TDSHS) or our local/regional health authority. The school nurse can provide information from TDSHS on these notifiable conditions.

Contact the school nurse if you have questions or if you are concerned about whether or not your child should stay home.

Immunization

A student must be fully immunized against certain diseases or must present a certificate or statement that, for medical reasons or reasons of conscience, including a religious belief, the student will not be immunized. For exemptions based on reasons of conscience, only official forms issued by the Texas Department of State Health Services (TDSHS) Immunization Branch, can be honored by the district. This form may be obtained by writing the TDSHS Immunization Branch (MC 1946), P.O. Box 149347, Austin, Texas 78714-9347; or online at https://webds.dshs.state.tx.us/immco/default.aspx. The form must be notarized and submitted to the principal or school nurse within 90 days of notarization. If the parent is seeking an exemption for more than one student in the family, a separate form must be provided for each student. Exemptions have to be renewed every two years.

The immunizations required are: diphtheria, tetanus, and pertussis; measles, mumps, and rubella; polio, hepatitis A, hepatitis B, and varicella (chicken pox), and meningococcal. The school nurse can provide information on age-appropriate doses or on an acceptable physician-validated history of illness required by the TDSHS. Proof of immunization may be established by personal records from a licensed physician or public health clinic with a signature or rubber-stamp validation.

If a student should not be immunized for medical reasons, the student or parent must present a certificate signed by a U.S. licensed physician stating that, in the doctor's opinion, the immunization required poses a significant risk to the health and well-being of the student or member of the student's family or household. This certificate must be renewed yearly unless the physician specifies a life-long condition.

Asthma/Allergic Reaction

A student with asthma or severe allergic reaction (anaphylaxis) may be permitted to possess and use prescribed asthma or anaphylaxis medication at school or school-related events only if he or she has written authorization from his or her parent and a physician or other licensed health-care provider. The student must also demonstrate to his or her physician or health-care provider and the school nurse the ability to use the prescribed medication, including any device required to administer the medication.

If the student has been prescribed asthma or anaphylaxis medication for use during the school day, the student and parents should discuss this with the school nurse or principal.
Parents are required to provide the school nurse yearly with the students' individual health asthma management plan. See school nurse for forms.

Diabetes

In accordance with a student's individual health plan for management of diabetes, a student with diabetes will be permitted to possess and use monitoring and treatment supplies and equipment while at school or at a school-related activity. See the school nurse or principal for information.

Psychotropic Drugs

A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or

as a component of a medication. It is intended to have an altering effect on perception, emotion, or behavior and is commonly described as a mood- or behavior-altering substance.

Teachers and other district employees may discuss a student's academic progress or behavior with the student's parents or another employee as appropriate; however, they are not permitted to recommend use of psychotropic drugs. A district employee who is a registered nurse, an advanced nurse practitioner, a physician, or a certified or credentialed mental health professional can recommend that a student be evaluated by an appropriate medical practitioner, if appropriate.

Steroids

State law prohibits students from possessing, dispensing, delivering, or administering an anabolic steroid. Anabolic steroids are for medical use only, and only a physician can prescribe use.

Bodybuilding, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a healthy student is not a valid medical use and is a criminal offense.

Students participating in UIL athletic competition may be subject to random steroid testing. More information on the UIL testing program may by found on the UIL Web site at http://www.uil.utexas.edu/athletics/health/steroid_information.html

Injury/Restriction Policy

- If a student requires physical restrictions or supportive equipment such as crutches, supportive braces or ace bandage, a written note from the parent is required indicating the restriction(s) and time frame of restriction.
- The request will be honored for three (3) days. If more than 3 days is required, a doctor's note must be presented to the nurse.
- Once released by the doctor, written authorization to return to normal activity level is required.
- Please present all notes to the nurse. The nurse will inform the homeroom teacher and coaches.
- Students in athletics should refer to the athletic policy.

Lice Policy

Head Lice, although not an illness or a disease, is very common among children and is spread very easily though head-to-head contact during play, sports, or nap time and when children share things like brushes, combs, hats ,and headphones. Because lice spread so easily, the district will need to exclude any student found to have live lice until after one treatment of an FDA-approved shampoo or cream rinse, which can be purchased from a drugstore or grocery store.

If careful observation indicates that a student has head lice, the school nurse will contact the student's parent and inform the parent that the child will need to be picked up from school and will need to stay home until after an initial treatment is applied. After the student has undergone one treatment, the parent should check in with the school nurse to discuss the

treatment used. The nurse can also offer additional recommendations, including subsequent treatments and how best to get rid of lice and prevent their return.

More information on head lice can be obtained from the TDSHS Web site at: http://www.dshs.state.tx.us/schoolhealth/lice.shtm.

OTHER HEALTH-RELATED MATTERS

Bacterial Meningitis

State law requires the district to provide information about bacterial meningitis:

- **What is meningitis?** Meningitis is an inflammation of the covering of the brain and spinal cord. It can be caused by viruses, parasites, fungi, and bacteria. Viral meningitis is common and most people recover fully. Parasitic and fungal meningitis are very rare. Bacterial meningitis is very serious and may involve complicated medical, surgical, pharmaceutical, and life support management.
- **What are the symptoms?** Someone with meningitis will become very ill. The illness may develop over one or two days, but it can also rapidly progress in a matter of hours. Not everyone with meningitis will have the same symptoms. Children (over 2 years old) and adults with bacterial meningitis commonly have a severe headache, high fever, and neck stiffness. Other symptoms might include nausea, vomiting, discomfort looking into bright lights, confusion, and sleepiness. In both children and adults, there may be a rash of tiny, red-purple spots. These can occur anywhere on the body. The diagnosis of bacterial meningitis is based on a combination of symptoms and laboratory results.
- **How serious is bacterial meningitis?** If it is diagnosed early and treated promptly, the majority of people make a complete recovery. In some cases it can be fatal or a person may be left with a permanent disability.
- **How is bacterial meningitis spread?** Fortunately, none of the bacteria that cause meningitis are as contagious as diseases like the common cold or the flu, and they are not spread by casual contact or by simply breathing the air where a person with meningitis has been. They are spread when people exchange respiratory or throat secretions (such as by kissing, coughing or sneezing). The germ does not cause meningitis in most people. Instead, most people become carriers of the germ for days, weeks, or even months. The bacteria rarely overcome the body's immune system and cause meningitis or another serious illness.
- **How can bacterial meningitis be prevented?** Maintaining healthy habits, like getting plenty of rest, can help prevent infection. Using good health practices such as covering your mouth and nose when coughing and sneezing and washing your hands frequently with soap and water can also help stop the spread of the bacteria. It's a good idea not to share food, drinks, utensils, toothbrushes, or cigarettes. Limit the number of persons you kiss. There are vaccines available to offer protection from some of the bacteria that can cause bacterial meningitis. The vaccines are safe and effective (85–90 percent). They can cause mild side effects, such as redness and pain at the injection site lasting up to two days. Immunity develops within seven to ten days after the vaccine is given and lasts for up to five years.
- **What should you do if you think you or a friend might have bacterial meningitis?** You should seek prompt medical attention.

- **Where can you get more information?** Your school nurse, family doctor, and the staff at your local or regional health department office are excellent sources for information on all communicable diseases. You may also call your local health department or Regional Department of State Health Services office to ask about a meningococcal vaccine. Additional information may also be found at the Web sites for the Centers for Disease Control and Prevention, http://www.cdc.gov, and the Department of State Health Services, http://www.dshs.state.tx.us/.

School Health Advisory Council

Bellville ISD's School Health Advisory Council holds meetings during the year. Additional information regarding the district's School Health Advisory Council is available from the school nurse at (865-5907).

PARENTAL ENGAGEMENT, RESPONSIBILITY AND RIGHTS

Education succeeds best when there is a strong partnership between home and school, a partnership that thrives on communication, and that includes parents, teachers, administrators, and the Board. Every parent is urged to:

- Encourage his or her child to put a high priority on education and commit to making the most of the educational opportunities the school provides.
- Review the information in the Student Handbook (including the Student Code of Conduct) with his or her child and sign and return the acknowledgment form. A parent with questions is encouraged to contact Mr. Mike Coker.
- Become familiar with all of your child's school activities and with the academic programs offered in the district.
- Discuss with the counselor or principal any questions, such as concerns about placement, assignments, and other options available to the child.
- Monitor the child's academic progress and contact teachers as needed.
- Attend scheduled conferences and request additional conferences as needed. To schedule a telephone or in-person conference with a teacher, counselor, or principal, please call the school office at 865-5907 for an appointment. A teacher will usually arrange to return the call or meet with the parent during his or her conference period or at a mutually convenient time before or after school.
- Being aware of the schools ongoing bullying and harassment prevention efforts.
- Become a school volunteer.
- Participate in campus parent organizations which include PTO.
- Exercise the right to review teaching materials, textbooks, and other aids, and to examine tests that have been administered to his or her child.
- Ensuring your child completes all homework assignments and special projects and comes to school each day, prepared, rested and ready to learn.
- Request the transfer of your child to another classroom if your child has been determined to have been a victim of bullying as the term is defined by Education Code 25.0341. Transportation is NOT provided for a transfer to another campus.
- Request the transfer of your child to attend a safe public school in the district if your child attends school at a campus identified by TEA as persistently dangerous or if

your child has been a victim of a violent criminal offense while at school or on school grounds or has been the victim of a sexual assault by another student assigned to the same campus. If the victim does not wish to transfer, the district will transfer the assailant in accordance with district policy.

- Consult with district administration if your child has been determined by the district to have engaged in bullying and the board decides to transfer your child to another classroom or campus. Transportation is NOT provided in this circumstance.
- You may request information regarding the professional qualifications of your child's teachers, including whether a teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction. You also have the right to request information about the qualifications of any paraprofessional who may provide services to your child.
- Review the child's student records when needed. A parent may review (1) attendance records, (2) test scores, (3) grades, (4) disciplinary records, (5) counseling records, (6) psychological records, (7) applications for admission, (8) health and immunization information, (9) teacher and counselor evaluations, (10) reports of behavioral patterns, and (11) state assessment instruments administered.
- Grant or deny any written request from the district to make a video or voice recording that (1) is to be used for school safety; (2) relates to classroom instruction or a co-curricular or extracurricular activity; or (3) relates to media coverage of the school as permitted by law.
- If an instructional activity in which the child is scheduled to participate conflicts with the parent's religious or moral beliefs, the parent may temporarily remove the child from the classroom. The removal cannot be for the purpose of avoiding a test or may not extend for an entire semester. Further, the child must satisfy grade level requirements as determined by the school and by TEA.

- Our **fund raising** organization is the O'Bryant PTO, who occasionally is permitted to conduct fund-raising drives for school purposes. For further information, contact the PTO President. (*Fund raising is not permitted on school property except through the PTO.)*
- Offer to serve as a parent representative on the District-level or campus-level planning committees formulating educational goals and plans to improve student achievement.
- Attend Board meetings to learn more about District operations.

Complaints By Students/Parents

Usually student or parent complaints or concerns may be addressed simply--by a phone call or conference with the teacher. For those complaints and concerns that cannot be so easily handled, the District has adopted a standard complaint policy. In general, a parent or student should first raise the complaint with the teacher and then the campus principal. If unresolved, a written complaint can be submitted through FNG(LOCAL). ~~and a request for a conference should be sent to the Superintendent.~~ If still unresolved, the District provides for the complaint to be presented to the Board of Trustees, members of the community elected to set policy and priorities for the District.

Some complaints require different procedures. Any campus office or the Superintendent's office can provide information regarding specific complaint processes for the following:

<> Discrimination on the basis of gender.
<> Bullying, harassment, or the creation of "hit lists".
<> Sexual abuse or sexual harassment of a student.
<> Loss of credit on the basis of attendance.
<> Teacher removal of a student for disciplinary reasons.
<> Expulsion of a student.
<> Identification, evaluation, or educational placement of a student with a disability.
<> Instructional materials.
<> On-campus distribution of non-school materials to students.
<> Complaints against District Peace Officers.

For additional information, also see the Bellville ISD Student Code of Conduct.

Compact

O'Bryant Primary is continuously exploring ways to expand options and opportunities for our entire school population to acquire the knowledge and skills contained in the state standards. The way to accomplish the desired goals most effectively was determined to be the Title I School-Wide Program.

The key components of this plan are:

1. Conduct a comprehensive/on-going needs assessment in a timely fashion thus allowing all teachers to work toward assisting each child in achieving his/her academic potential.
2. Develop strategies for all students to succeed academically by providing assistance for students having difficulty. They participate in learning experiences with their peers while being monitored and also in small group activities in a more individualized atmosphere.
3. Continue professional staff development to prepare all teachers toward better supporting their student's academic and personal achievement. Curriculum alignment is in place and always being evaluated.
4. Involve parents in order to build a collaborative partnership between home, community, and school with all concerned being aware of their individual responsibilities toward success. This includes an open line of communication.
5. Develop accountability measures for student mastery by providing high quality curriculum and instruction. Establishing benchmarks for each grade level and the desegregation and dissemination of STAAR scores will provide the information necessary for evaluation.

Distribution of School Materials

School publications distributed directly to students include PTO Newsletter, calendars and memos. Other publications such as various camps, Little League and Scouts can be located on the school web page under the Thursday Folder tab. All school publications are under the supervision of the teacher, sponsor and principal.

Non-School Materials

Written materials, handbills, photographs, pictures, petitions, films, tapes, posters, or other visual or auditory materials may not be sold, circulated, or distributed on any school campus by a student or a non-student without the prior approval of the Superintendent. Materials displayed without authorization will be removed. If the material is not approved within two school days of the time it was submitted, it should be considered disapproved. Disapprovals may be appealed by submitting the disapproved material to the Superintendent; material not approved by the Superintendent within three days is considered disapproved. This disapproval may be appealed to the Board at its next regular meeting when the student or non-student will have a reasonable period of time to present his or her viewpoint. Any student who posts material without prior approval will be subject to disciplinary action.

Fees

Materials that are part of the basic educational program are provided with state and local funds and are at no charge to students. A student, however, is expected to provide his or her own pencils, paper, erasers, and notebooks and may be required to pay certain other fees or deposits, including:

- Costs for materials for a class project that the student will keep.
- ~~Personal physical education and athletic equipment and apparel.¶~~
- Voluntary purchases of pictures, publications, yearbooks, etc.
- Voluntary purchase of student accident insurance.
- Fees for damaged library books and state-owned equipment.
- ~~Personal apparel, used in extracurricular activities~~
- Replacement costs for lost textbooks

Visitors

Parents and others are welcome to visit O'Bryant Primary School. All visitors must first report to the office, submit their driver's license, and comply with all applicable district policies and procedures. Visitors are expected to wear a "visitor" sticker. Visits to individual classrooms during instructional times shall be permitted only with the principal's approval, and such visits shall not be permitted if their duration or frequency interfere with the delivery of instruction or disrupts the normal school environment. Even if the visit is approved prior to the visitors arrival, the individual must check in at the main office first.

PICTURES / VIDEOS

Children's pictures will be taken during the day for publication in the Bellville newspaper for news items. Video pictures may be taken for demonstration of lessons or discipline purposes. If parents do not want to have pictures or videos taken of their child, please write a letter stating that you do not want your child's picture to be taken. If we do not have a letter on file stating that you do not want your child's picture taken or your child to be part of a video we will assume you give us permission to film your child or to take their picture.

Pictures will be taken in the fall for the yearbook. If you want to purchase a package, the company will send home order information. Spring class and individual pictures are also taken and will be available. ~~Spring pictures will be prepaid. If you do not send the money on the day~~

~~of the pictures, a packet will not be made for your child~~.

Videos of Students

For safety purposes, video/audio equipment will be used to monitor student behavior on buses (and in common areas on campus). Students will not be told when the equipment is being used.

The principal will review the video routinely and document student misconduct. Discipline will be in accordance with the Student Code of Conduct.

SCHOOL FACILITIES

The taxpayers of the community have made a sustained financial commitment for the construction and upkeep of school facilities. To ensure that school facilities can serve those for whom they are intended, littering, defacing, or damaging school property is not tolerated. Students will be required to make restitution for damages they cause and are subject to disciplinary consequences in accordance with the Student Code of Conduct.

Asbestos

The District's Asbestos Management Plan, designed to be in compliance with state and federal regulations, and is available in the Bellville ISD Central Administration Office. If you have and questions, please contact the Superintendent at 979-865-3133.

Pest Management Plan

The district applies only pest control products that comply with state and federal guidelines. Except in an emergency, signs will be posted 48 hours before application. Parents who want to be notified prior to pesticide application inside their child's school assignment area my contact JD Higginbotham at 979-865-3133.

Safety

Student safety on campus or at school-related events is a high priority of the District. Although the District has implemented safety procedures, the cooperation of students is essential to ensure school safety. Students should:

<> Avoid conduct that is likely to put the student or other students at risk.
<> Follow the Student Code of Conduct and any additional rules for behavior and safety set by the principal or teachers, and bus drivers.
<> Remain alert to and promptly report safety hazards, such as intruders on campus.
<> Know emergency evacuation routes and signals.
<> Follow immediately the instructions of teachers, bus drivers, and other District employees who are overseeing the welfare of students.

Pets

In order to provide a safe environment for our students, the following will be enforced concerning live animals / insects etc. in the building:

- No pets/insects allowed at school **(not even for show & tell)**, except service animals
- Prior approval must be obtained from Principal concerning any living animal project in the classroom
- Animal projects must be curriculum related and contained in a secure childproof container
- No children will be permitted to touch/handle anything that can possibly harm them.

Vandalism

The taxpayers of the community have made a sustained financial commitment for the construction and upkeep of school facilities. To ensure that school facilities can serve those for whom they are intended – both this year and in the coming years – littering, defacing, or damaging school property is not tolerated. Students will be required to pay for the damages they cause and will be subject to criminal proceedings as well as disciplinary consequences in accordance with the Student Code of Conduct.

SPECIAL EDUCATION

Records

Parents of a student with disabilities who has been provided special education services by the District will be notified when any information that specifically identifies the student is no longer needed. If the parent requests destruction of the information and the time established by law for retention has expired, the records will be destroyed. However, if the retention period established by law has not expired, the material will be deleted from the records but the records will be maintained until the time has expired.

For those students who are having difficulty in the regular classroom, all school districts and open enrollment charter schools must consider tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention (RtI). The implementation of RtI has the potential to have a positive impact on the ability of districts and charter schools to meet the needs of all struggling students.

If a student is experiencing learning difficulties, his or her parent may contact the individual(s) listed below to learn about the school's overall general education referral or screening system for support services. This system links students to a variety of support options, including making a referral for a special education evaluation or for a Section 504 evaluation to determine if the student needs specific aids, accommodations, or services. A parent may request an evaluation for special education or Section 504 services at any time.

<u>Special Education Referrals</u>:

If a parent makes a written request for an initial evaluation for special education services to the director of special education services or an administrative employee of the school district or open enrollment charter school, the district or charter school must respond no later than 15 school days

after receiving the request. At that time, the district or charter school must give the parent a prior written notice of whether it agrees to or refuses to evaluate the student, along with a copy of the Notice of Procedural Safeguards. If the school district or charter school agrees to evaluate the student, it must also give the parent the opportunity to give written consent for the evaluation.

Please note that a request for a special education evaluation may be made verbally and does not need to be in writing. Districts and charter schools must still comply with all federal prior written notice and procedural safeguard requirements and the requirements for identifying, locating, and evaluating children who are suspected of being a child with a disability and in need of special education. However, a verbal request does not require the district or charter school to respond within the 15-school-day timeline.

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

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

Upon completing the evaluation, the district or charter school must give the parent a copy of the evaluation report at no cost.

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

Contact Person for Special Education Referrals:

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for special education services is:

Contact Person: Dr. Megan Pape

Phone Number: 979-865-7012

Section 504 Referrals:

Each school district or charter school must have standards and procedures in place for the evaluation and placement of students in the district's or charter school's Section 504 program. Districts and charter schools must also implement a system of procedural safeguards that includes notice, an opportunity for a parent or guardian to examine relevant records, an impartial hearing with an opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

Contact Person for Section 504 Referrals:

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for Section 504 services is:

Contact Person: Dr. Megan Pape

Phone Number: 979-865-7012

SPECIAL PROGRAMS

The district provides special programs for gifted/talented students, bilingual students, migrant students, English language learners, dyslexic students and students with disabilities. The coordinator of each program can answer questions about eligibility requirements, programs, and services offered in the District or by other organizations. A student or parent with questions about these programs should contact the campus counselor.

STUDENT RECORDS

A student's school records are confidential and are protected from unauthorized inspection or use. A cumulative record is maintained for each student from the time the student enters the District until the student withdraws or graduates. This record moves with the student from school to school.
By law, both parents, whether married, separated, or divorced, have access to the records of a student who is under 18 or dependent for tax purposes. A parent whose rights have been legally terminated will be denied access to the records if the school is given a copy of the court order terminating these rights.

The principal is custodian of all records for currently enrolled students at the assigned school. The Superintendent is the custodian of all records for students who have withdrawn or graduated. Records may be reviewed during regular school hours upon completion of the written request form.

The records custodian or designee will respond to reasonable requests for explanation and interpretation of the records. If circumstances prevent a parent or legal guardian from inspecting the records, the District will either provide a copy of the requested records, or make other arrangements for the parent or student to review the requested records.

The address of the superintendent's office is 518 S. Matthews; Bellville, Texas 77418
The address of the principal is 413 S. Tesch; Bellville, Texas 77418

Parents of a minor or of a student who is a dependent for tax purposes, the student (if 18 or older), and school officials with legitimate educational interests are the only persons who have general access to a student's records. "School officials with legitimate educational interests" include any employees, agents, or Trustees of the District.

A students records can only be viewed if the viewer is:

1. working with the student:
2. considering disciplinary or academic actions, the student's case, an Individual Education Plan (IEP) for a student with disabilities under IDEA, or an individually designed program for a student with disabilities under Section 504.
3. compiling statistical data; or
4. investigating or evaluating programs
5. reviewing an educational record to fulfill the official's professional responsibility

Such persons would include school officials (such as teachers, counselors, diagnosticians & support staff); a person or company with whom the district has contracted to provide a particular service (such as an attorney, auditor, medical consultant, or therapist); a parent or student serving on a school committee; or a parent or student assisting a school official or staff in the performance of his or her duties.

The parent's or student's right of access to, and copies of, student records does not extend to all records. Materials that are not considered educational records, such as teachers personal notes on a student that are shared only with a substitute teacher, records pertaining to former students after they are no longer students in the District, and records maintained by school law enforcement officials for purposes other than school discipline do not have to be made available to the parents or student.

Certain officials from various governmental agencies may have limited access to the records. The District forwards a student's records on request and without prior parental consent to a school in which a student seeks or intends to enroll. Records are also released in accordance with a court order or a lawfully issued subpoena.

Unless the subpoena is issued for law enforcement purposes and the subpoena orders that its contents, existence, or the information sought not be disclosed, the District will make a reasonable effort to notify the parent or eligible student in advance of compliance. Parental consent is required to release the records to any one else. When the student reaches 18 years of age, only the students has the right to consent to release of records. Students over 18, and the parents of minor students may inspect the student's records and request a correction if the records are inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. A request to correct a student's record should be submitted to the principal or superintendent. The request must clearly identify the part of the record that should be corrected and include an explanation of how the information in the record is inaccurate.

If the District denies the request to amend the records, the parent or eligible student has the right to request a hearing. If the records are not amended as a result of the hearing, the parent or eligible student has 30 school days to exercise the right to place a statement commenting on the information in the student's record. Although improperly recorded grades may be challenged, parents and the student are not allowed to contest a student's grade in a course through this process. Parents or the student have the right to file a complaint with the U.S. Department of Education if they believe the District is not in compliance with the law regarding student records.

Copies of students' records are available upon request unless the District is given a copy of a court order terminating the parental rights. The district's policy regarding student records can be found on the district's Web site at www.bellvilleisd.org . Materials that are not considered educational records – such as a teacher's personal notes about a student that are shared only with a substitute teacher – do not have to be made available to the parents or student.

Parents or eligible students have the right to file a complaint with the U.S. Department of Education if they believe the district is not in compliance with federal law regarding student records. The complaint may be mailed to:

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

STUDENT RIGHTS

No student will be required to participate without parental consent in any survey, analysis, or evaluation -- funded in whole or in part by the U.S. Department of Education -- that concerns:

<> Political affiliations
<> Mental and psychological problems embarrassing to the student or family.
<> Sexual behavior and attitudes.
<> Illegal, anti-social, self-incriminating, and demeaning behavior.
<> Critical appraisals of other individuals with whom the student or the a student's family has close family relationships.
<> Relationships privileged under law, such as those with lawyers, physicians, and ministers.
<> Income, except when the information will be used to determine the student's eligibility to participate in a special program or to receive financial assistance under such a program.

Parents shall be able to inspect any teaching materials used in connection with such a survey, analysis, or evaluation. Each parent also has a right to review all instructional materials used in his or her child's classroom and to review each test that has been administered to his or her child.

Nondiscrimination

Bellville ISD does not discriminate on the basis of race, religion, color, national origin, gender, or disability in providing education services, activities, and programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended. Contact the, Title IX Coordinator (865-3133), for concerns regarding discrimination on the basis of gender. Contact the school counselor for concerns regarding discrimination on the basis of disability. For all other concerns regarding discrimination, contact Superintendent (865-3133).

Pledges of Allegiance

Texas law requires students to recite the Pledge of Allegiance to the United States flag and the Pledge of Allegiance to the Texas flag each school day. Parents may submit a written request to the principal to excuse their child from reciting a pledge.

A minute of silence will follow recitation of the pledges. The student may choose to reflect, pray, meditate, or engage in any other silent activity so long as the silent activity does not interfere with or distract others.

State law requires students in grade 3-12 to recite a portion of the Declaration of Independence during Celebrate Freedom Week (the week of September 17th). Parents may submit a written request that their child be excused from this recitation if applicable.

Right to Pray

Each student has a right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the delivery of instruction or other activities of the school. The school will not require, encourage, or coerce a student to engage in or to refrain from such prayer or meditation during any school activity.

Search and Seizure

School officials may search a student's outer clothing, pockets, or property by establishing reasonable cause or securing the student's voluntary consent. In the interest of promoting student safety and attempting to ensure that schools are safe and drug-free, District officials may from time to time conduct searches.

Students' desks and lockers are school property and remain under the control and jurisdiction of the school even when assigned to an individual student. Students are responsible for the security and contents of the assigned desks and lockers. Searches of desks or lockers may be conducted at any time there is reasonable cause to believe that they contain articles or materials prohibited by District policy, whether or not a student is present. The parent will be notified if any prohibited items are found in the student's desk or locker.

Sexual Harassment/Sexual Abuse

The District encourages parental and student support in its efforts to address and prevent sexual harassment and sexual abuse in the public schools. Students and/or parents are encouraged to discuss their questions or concerns about expectations in this area with a teacher, counselor, principal or designee. Sexual harassment of a student by an employee, volunteer, or another student is prohibited.

Students must not engage in unwanted and unwelcome verbal or physical conduct of a sexual nature directed toward another student or a District employee. This prohibition applies whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors. All students are expected to treat other students and District employees with courtesy and respect; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop.

A substantial complaint against a student will result in appropriate disciplinary action, according to the nature of the offense. *See the Student Code of Conduct.*

The District will notify the parents of all students involved in sexual harassment of student(s) when the allegations are not minor, and will notify parents of all incidents of sexual harassment or sexual abuse by an employee. To the greatest extent possible, complaints will be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation.

A complaint alleging sexual harassment by another student, or sexual harassment or sexual abuse by a staff member may be presented by a student and/or parent in a conference with the principal or designee, or with the Title IX coordinator. The parent or other advisor may accompany the student through the complaint process. A person who is the same gender as the student ordinarily will hold the first conference with the student. The conference will be scheduled and held as soon as possible, but no later than five days after the request. The principal or Title IX coordinator will conduct an appropriate investigation, which ordinarily will be completed in ten days.

The student and/or parent will be informed if extenuating circumstances delay completion of the investigation. The student will not be required to present a complaint to a person who is the subject of the complaint.

If the resolution of the complaint is not satisfactory to the student or parent, the student or parent may, within ten days, request a conference with the Superintendent or designee. Prior to or at this conference, the student and/or parent must submit the complaint in writing and must include (1) a complete statement of the complaint, (2) any evidence supporting the complaint, (3) a statement about how the matter should be resolved, (4) the student's and /or parent's signature, and the date of the conference with the principal, the principal's designee, or the Title IX coordinator.

If the resolution by the Superintendent or designee is not satisfactory, the student and/or parent may present the complaint to the Board at the next regular meeting. Information on the procedure for addressing the Board can be obtained from any campus office or the Superintendent's office.

Harassment

Prohibited harassment, in general terms, is conduct so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; or substantially interferes with the student's academic performance. The District believes that all

students learn best in an environment free from dating violence, discrimination, harassment, and retaliation and that their welfare is best served when they are free from this prohibited conduct while attending school.

The board has established policies and procedures to prohibit and promptly respond to inappropriate and offensive behaviors and discriminations that are based on a person's race, color, religion, gender, national origin, disability, or any other basis prohibited by law.

The District will not tolerate harassment. Sexual harassment of a student by an employee, volunteer, or another student is prohibited. Students are expected to treat other students and District employees with courtesy and respect; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop. District employees are expected to treat students with courtesy and respect. A substantial complaint against a student will result in appropriate disciplinary action, according to the nature of the offense and the Student Code of Conduct. The District encourages parental and student support in its efforts to address and prevent harassment in any form in the public schools.

Retaliation

Retaliation against a student might occur when a student receives threats from another student or an employee or when an employee imposes an unjustified punishment or unwarranted grade reduction. Retaliation does not include petty slights and annoyances from other students or negative comments from a teacher that are justified by a student's poor academic performance in the classroom.

Retaliation against a person who makes a good faith report of discrimination or harassment is prohibited. A person who makes a false claim or offers false statements or refuses to cooperate with a district investigation, however, may be subject to appropriate discipline. Retaliation against a person who is participating in an investigation of alleged discrimination or harassment is also prohibited.

Reporting Procedures

Any student who believes he or she has experienced discrimination, harassment, or retaliation should immediately report the problem to a teacher, counselor, principal, or other district employee. The report may be made by the student's parent.

Investigation of Report

To the extent possible, the district will respect the privacy of the student; however, limited disclosures may be necessary to conduct a thorough investigation and to comply with law. Allegations of prohibited conduct, which includes discrimination, harassment, and retaliation, will be promptly investigated. The district will promptly notify the parents of any student alleged to have experienced prohibited conduct involving an adult associated with the district.

In the event alleged prohibited conduct involves another student, the district will notify the parents of the student alleged to have experienced the prohibited conduct when the allegations, if

proven, would constitute a violation as defined by policy.

During the course of an investigation, the district may take interim action to address the alleged prohibited conduct.

When an investigation is initiated for alleged prohibited conduct, the district will determine whether the allegations, if proven, would constitute bullying, as defined by law. If so, an investigation of bullying will also be conducted.

If the district's investigation indicates that prohibited conduct occurred, appropriate disciplinary action and in some cases corrective action will be taken to address the conduct. The district may take disciplinary and corrective action even if the conduct that is the subject of the complaint was not unlawful.

A student or parent who is dissatisfied with the outcome of the investigation may appeal in accordance with Bellville ISD policy.

TECHNOLOGY

Computer Resources

To prepare students for an increasingly computerized society, the District has made a substantial investment in computer technology for instructional purposes. Use of these resources is restricted to students working under a teacher's supervision and for approved purposes only. Students and parents will be given a copy of the District's *Acceptable Use Policy*.

Students who abuse the computers or do not follow the *Acceptable Use Policy* as specified in the Bellville ISD Student Code of Conduct Handbook will lose the privilege of using a computer. Abuse and misuse of the computers may~~will~~ result in disciplinary actions~~. as specified in the Bellville ISD Discipline Handbook. The complete District Acceptable Use Policy is located in the Student Code of Conduct Handbook.¶~~

If you **do not want** to allow your child access to the Bellville ISD computer network and the Internet, you need to send a note to your campus office. You need to state in the note that you do not want your child to participate in the electronic educational resources that Bellville ISD provides through the Internet.

Students and parents should be aware that electronic communications--e-mail--using District computers are not private and may be monitored by District staff.

Computer Access

Only students who have been authorized by the District and who are under direct supervision of designated District employees are permitted to use a District computer or to access any local network or outside telecommunications resources such as the Internet. Students are expected to observe network etiquette by being polite and using appropriate language. Students are prohibited from pretending to be someone else; transmitting obscene messages or pictures; revealing personal addresses or telephone numbers-either their own or another person's; or using

the network in a way that would disrupt use by others.

Students who want to use computers in the library must have special computer passes stating their assignments as well as the signature of the teacher making the assignments. This rule ¶
¶
does not apply when a teacher accompanies an entire class to the computer lab to work on a project.

TRANSPORTATION

School Bus

The District makes school bus transportation available to all students living two or more miles from school. This service is provided at no cost to students; its cost is reimbursed by the state of Texas. Bus routes and any subsequent changes are posted at the school. ~~Parents may also designate a child-care facility or grandparent's residence as the regular pickup and drop-off location for his or her child. The designated facility or residence must be on an approved stop or an approved route.~~ Further information may be obtained by calling the BISD Transportation Department at (979) 865-3673. Students are expected to assist District staff in ensuring that buses remain in good condition and that transportation is provided safely.

When riding school buses, students must:

1. **Follow the driver's directions at all times.**
2. **Board and leave the bus in an orderly manner at the designated bus stop nearest home.**
3. **Be seated while the bus is moving.**
4. **Keep books, band instrument cases, feet, and other objects out of the aisle.**
5. **Do not deface the bus and/or its equipment.**
6. **Do not put head, hands, arms, or legs out of the window, or hold any object out of the window or throw objects within or out of the bus.**
7. **Observe all usual classroom rules.**
8. **Do not smoke, possess or use any form of tobacco.**
9. **Fasten seat belts (if available on the bus) at all times.**
10. **Upon leaving the bus, wait for the driver's signal before crossing in front of the bus.**

Misconduct will be punished in accordance with the Student Code of Conduct; bus-riding privileges may be suspended. Students will receive one warning. The second offense will require a parent conference in person or via telephone. The third offense will result in the student being removed from the bus for 1-3 days. On the fourth offense, the student will be removed from the bus for one week or more (up to the remainder of the school year), depending on the offense. Fighting, disrespect to the driver and destruction of property may result in the loss of bus privileges on the first offense. Parents will be notified about these bus write-ups.

Students at bus stops should be monitored by parents if possible. There may be incidents that occur while waiting for the bus, or after departing the bus, over which the school has little

control.

Car Riders

If your child will be picked up in the afternoons, we request that you pick them up at the parent pick-up line on Live Oak Street. "Car riders" will be instructed to sit in the hallways until their parents (or other designated person's) car pulls through the line. We can not allow students to take off in every direction once the bell rings. Our students will have five choices at the end of the day:

1. Bus riders will go to the cafeteria and wait for their bus number to be called.
2. Day Care riders will be picked up in vans near the front of the school~~buses on the south side of the school~~.
3. Walkers will walk out the front of the school.
4. Car riders will go down the hall to the Live Oak Street exit.
5. Car riders who have siblings at O'Bryant Intermediate will be escorted to the Intermediate School Campus for pickup.

For the parents that pick their children up after school, we feel the car line moves very quickly and all children are kept safe if they wait in the hall with teacher supervision. For the safety of students, we ask that all parents drop off and pick up their children at the Live Oak Street entrance to the primary school. All doors will be locked at 8:05 for safety purposes. To enter the building after the doors are locked, one must come to the front entrance of the building on Tesch Street and ring the bell.

Parking on the one-way street is not permitted.

Child Passenger Safety Seat Law

TRC § 545.412. CHILD PASSENGER SAFETY SEAT SYSTEMS

The Texas Child Occupant Restraint law has recently changed. All children age 4-8 years of age, unless the child is taller than four feet, nine inches, must be secured in a forward-facing belt-positioning booster while the vehicle is in transit. If the child is not secured during the operation of the vehicle in a child passenger safety seat system, the driver commits a misdemeanor offense punishable by a fine of not more than $25 for the first offense and not more than $250 for a second or subsequent offense. Children under age 12 are safest when properly restrained in the rear seat.

There will be a teacher or Principal on duty to assist your child in the morning at the Primary School. No student will be allowed to cross the bus lanes at the O'Bryant Street entrance of the school to enter or leave the campus. If your child crosses the bus lanes, they will be subject to disciplinary measures.

Bicycle Riders/Students Who Walk

If your child rides a bicycle or walks to school, then please review the basic safety rules with them. We will require students to use crosswalks when entering or leaving campus. In order to

keep students out of bus traffic we will require that these students use the Tesch Street entrance. It may be a slight inconvenience but it should provide for greater safety. We also ask that you make plans for your child's transportation before he/she departs for school in the morning. If there is to be a change in the normal routine, please inform us by note. We will not allow students to use school phones to call home asking for permission to change their normal routine.

Travel School-Sponsored

Students who participate in school-sponsored trips are required to use the transportation provided by the school to and from the event, unless prior arrangements have been made through the principal's office.

GLOSSARY

Accelerated instruction is an intensive supplemental program designed to address the needs of an individual student in acquiring the knowledge and skills required at his or her grade level.

ARD is the admission, review, and dismissal committee convened for each student who is identified as needing a full and individual evaluation for special education services. The eligible student's parents are part of the committee.

Attendance Review Committee is responsible for reviewing a student's absences when the student's attendance drops below 90 percent or in some cases 75 percent of the days the class is offered. Under guidelines adopted by the board, the committee will determine whether there were extenuating circumstances for the absences and whether the student needs to complete certain conditions to master the course and regain credit lost because of absences. Students who accumulated excessive tardy slips will also be reviewed by this committee.

ESSA is the Every Student Succeeds Act passed by the Federal Government in December 2015.

FERPA refers to the federal **F**amily **E**ducational **R**ights and **P**rivacy **A**ct that grants specific privacy protections to student records.

IEP is the written record of the Individualized Education Program prepared by the ARD committee for a student with disabilities who is eligible for special education services. The IEP contains a statement of the student's present educational performance; a statement of measurable annual goals, with short-term objectives; the special education and related services and supplemental aids and services to be provided, and program modifications or support by school personnel; a statement regarding how the student's progress will be measured and how the parents will be kept informed; and accommodations for state or district-wide tests.

IBSS refers to in-building~~school~~ suspension, a disciplinary technique for misconduct found in the ***Student Code of Conduct***. IB~~S~~S removes the student from the regular classroom.

SHAC stands for School Health Advisory Council, a group of at least five members, a majority of whom must be parents, appointed by the school board to assist the district in ensuring that local community values and health issues are reflected in the district's health education instruction.

Section 504 is the federal law that prohibits discrimination against a student with a disability, requiring schools to provide opportunities for equal services, programs, and participation in activities. Unless the student is determined to be eligible for special education services under the Individuals with Disabilities Education Act (IDEA), general education with appropriate instructional Accommodations will be provided.

GLOSSARY (cont.)

STAAR is the **S**tate of **T**exas **A**ssessment of **A**cademic **R**eadiness, the state's standardized achievement test given to students in certain subjects in grades 3-8.

STAAR Alternate 2 is an alternative state-mandated assessment designed for students with severe cognitive disabilities receiving special education services who meet the participation requirements, as determined by the student's ARD committee

Student Code of Conduct is developed with the advice of the district-level committee and adopted by the board; identifies the circumstances, consistent with law, when a student may be removed from the classroom or campus. It also sets out the conditions that authorize or require the principal or another administrator to place a student in a DAEP. It outlines conditions for out-of-school suspension and for expulsion.

TELPAS stands for the **T**exas **E**nglish **L**anguage **P**roficiency **A**ssessment **S**ystem, which assesses the progress that English language learners make in learning the English language, and is administered for those who meet the participation requirements in kindergarten–grade 12.

UIL refers to the University Interscholastic League, the statewide voluntary nonprofit organization that oversees educational extracurricular academic, athletic, and music contests.



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Bellville Independent School District
ESSA Parent and Family Engagement Policy

Statement of Purpose

The Bellville Independent School District (BISD) is committed to providing quality education to every student in the district. Partnerships with parents, family members, and the community are essential to this goal as neither home nor school can achieve this goal independently. Everyone gains if school and home work together to promote high student achievement. Parents and family members play an important role as their children's first teachers, and their support is critical to their children's success. BISD intends to include parents and family members in all aspects of the district's Title I programs to create a school-home partnership that will promote student success. The district believes that establishing and maintaining open lines of communication will expand and enhance learning opportunities and create the best learning environment for every child.

Develop Jointly

The Title I Campus Site-Based Decision-Making (SBDM) Committees are comprised of school personnel, parents, and community members. The campus SBDM committees will annually review the District ESSA Parent and Family Engagement Policy and revise it as necessary. The BISD District SBDM committee is comprised of parents, members of the community, teachers, school principals, and district administration. This committee which develops the District Improvement Plan will incorporate the District ESSA Parent and Family Engagement Policy into the District Improvement Plan, resolve differences to the plan from the campus SBDM committees, if needed, and suggest revisions to the Title I Campus SBDM Committees as needed.

Build Capacity of Schools

BISD will provide coordination, technical assistance, and other necessary support to assist and build the capacity of all Title I, Part A schools in the district in planning and implementing effective parent and family engagement activities to improve student academic achievement and school performance. BISD will work with Title I schools to ensure that the required school-level Parent and Family Engagement Plans meet the requirements of the ESSA. BISD will provide the following to Title I schools: support from the Executive Director of Special Programs, professional development provided to Title I Intervention Teachers and Paraprofessionals, technical assistance with Title I budget, job descriptions, time and effort documentation, TEA validation requests, private non-profit school consultation and coordination, and other compliance issues. BISD will provide technical support for Title I intervention teachers and campus staff with assessments, intervention programs, and coordination with other special programs. BISD will provide support and training to principals, teachers, and staff to promote the parent and family engagement opportunities including training developed with the assistance of parents, in the value and utility of contributions of parents/families, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between the parents and the school.

Parent Assistance

BISD will, with the assistance of Title I schools, provide assistance to parents/families in understanding such topics as the challenging state academic standards, state and local academic assessments, how to monitor a child's progress, and how to work with educators to improve the achievement of their
children. Opportunities for assistance will include campus Title I meetings, parent/teacher conferences, presentations at PTO activities, letters/text messages sent home, and ESL parent education FIESTAs.

Coordinate Services

BISD will coordinate and integrate parent and family engagement strategies, to the extent feasible and appropriate, with other federal, state, and local programs by considering these strategies in the needs assessment of the district and if necessary, integrating strategies into the District Improvement Plan.

Opportunities for Parental Involvement

Parents can become involved in their children's education through a variety of ways. BISD values both the at-home contributions of parents and those that take place at the school or in the community. Reading to children at home and talking with them at family meals or other family outings are as important as volunteering at school and serving on advisory committees. Many types of parent and family engagement are needed in school-home-community partnerships to help all children succeed. BISD will offer many opportunities for parent and family engagement in the school including, but not limited to the following:

- Parents may contribute through volunteer programs;
- Parents may participate by attending school meetings at a variety of times;
- Parents are invited to serve on committees;
- Parents are invited to develop training for educators;
- Parents are surveyed to get their input about school.

Parent/Staff Communication

Parents will be informed of school activities through various avenues of communication throughout the school year. Websites, newsletters, teacher notes, the school marquee, conferences, personal contacts, phone calls/text messages, emails, and written notices will be used to establish and maintain open lines of communication with parents. The district will welcome and respond to efforts by parents to communicate with the school. Parents may request a translator for conferences, and as much as possible, communication will be sent home in a language parents understand.

Evaluation and Response

Parents and family will be asked for their input on the content and effectiveness of the Title I parent and family engagement programs through an annual evaluation of the Title I program conducted by each Title I Campus. BISD will assess the needs of parents and children in the school community using a variety of tools including a survey or questionnaire and including parent suggestions and/or requests. The evaluation will include an assessment of overall parent and family engagement and identify barriers to parent and family participation that still need to be overcome, needs of parents and family members to assist with the learning of their children,

and strategies to support successful school and family interactions. The findings will be used to revise the Title I program to meet the current needs, including any reasonable support for parental involvement activities requested by parents, to design evidence-based strategies for more effective parental involvement in the District and/or Campus Improvement Plan, and to revise, if necessary, the district and/or school parent and family engagement policies. If necessary, workshops or other training will be made available to educators and parents to address these identified needs. Parents will be notified about materials and training provided to help parents work with their children to improve their children's achievement, such as in literacy and technology. The district and each campus will welcome and receive at any time recommendations about the Title I program.

Bellville Independent School District
ESSA Parent and Family Engagement Policy
O'Bryant Primary

Statement of Purpose

O'Bryant Primary (OBP) is committed to providing quality education to every student in the school. Partnerships with parents, family members, and the community are essential to this goal as neither home nor school can achieve this goal independently. Everyone gains if school and home work together to promote high student achievement. Parents and family members play an important role as their children's first teachers, and their support is critical to their children's success. OBP intends to include parents and family members in all aspects of the school's Title I programs to create a school-home partnership that will promote student success. OBP believes that establishing and maintaining open lines of communication will expand and enhance learning opportunities and create the best learning environment for every child. OBP is a schoolwide Title I campus which allows all students the opportunity to benefit from the programs funded by Title I.

Annual Meeting

OBP will hold an annual meeting in the fall semester at a convenient time to which all parents will be invited and encouraged to attend. The purpose of this meeting is to inform parents of OBP's participation in Title I, the Title I requirements, and the right of parents to be involved.

Opportunities for Parent/Family Involvement

Parents/Families can become involved in their children's education in various ways. OBP values both the at-home contributions of parents/families and those that take place at the school or in the community. Reading to children at home and talking with them at family meals or other family outings are as important as volunteering at school and serving on advisory committees. Many types of parent and family engagement are needed in school-home-community partnerships to help all children succeed. OBP will offer many opportunities for parent and family engagement in the school including, but not limited to the following:

- Invite parents/families to contribute through volunteer programs;
- Invite parents to participate in parent-teacher conferences;
- Invite parents/families to help plan and conduct parties;

- Invite parents/families to participate by attending school meetings at a variety of times;
- Invite parents/families to serve on committees;
- Survey parents/families to get their input about school;
- Invite parents/families to eat meals with their children at school;
- Invite parents/families to join us for school programs;
- Invite parents/families to participate in school activities, classroom activities, and field trips;
- Invite parents/families to join and participate in Parent Teacher Organization activities
- Invite parents/families to participate in Watch D.O.G.S. (Dads of Great Students).

Parent Communication

Parents will receive timely information about school activities through various avenues of communication throughout the school year. OBP will ensure that information related to school and parent/family programs, meetings, and other activities is sent to parents/families in a format and, to the extent practicable, in a language the parents can understand. Websites, newsletters, teacher notes, the school marquee, conferences, personal contacts, phone calls/text messages, emails, and written notices will be used to establish and maintain open lines of communication with parents. Parents will receive daily communication through student daily folders. OBP will offer a flexible number of meetings to parents, such as morning and evening, to accommodate the needs of the parents in order to encourage full parent involvement with their student's academic success. These meetings will be in the form of Parent-Teacher conferences, Title I Annual Meeting, ESL Family FIESTA meetings, and PTO meetings. At these meetings and at other times when requested, parents/families will have opportunities to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children. OBP will welcome and respond to any such suggestions as soon as practicably possible.

Whenever requested and at meetings such as those described above, parents will be informed of the OBP curriculum as established by the TEKS Resource System and any instructional materials utilized by teachers. They will also be provided a description of the forms of academic assessment used at OBP which include teachers administering benchmarks at various times throughout the school year to monitor student performance and to use the data to address instructional interventions and needs. Teachers and staff will provide parents with assistance in how to monitor their children's progress and how to work with the teachers to improve the achievement of their children. Students in third grade will be assessed through state assessment, the STAAR test, during the year, and parents will be notified of those testing days, requirements, and the achievement level of their students on the state academic standards.

Coordinate Services

OBP will coordinate and integrate parent and family engagement strategies, to the extent feasible and appropriate, with other federal, state, and local programs by considering these strategies in the needs assessment of the campus and if necessary, integrating strategies into the Campus Improvement Plan.

Evaluation and Response

Parents and families will be asked for their input on the content and effectiveness of the Title I parent and family engagement programs through an annual evaluation of the Title I program conducted by OBP. OBP will assess the needs of parents and children in the school community using a variety of tools including a survey or questionnaire and including parent suggestions and/or requests. The OBP Site-Based Decision Making Committee which is comprised of school personnel, parents, and community members will meet throughout the year, as necessary, using these findings for the planning, review, and improvement of the OBP Parent and Family Engagement Policy and the Campus Improvement Plan including any reasonable support for parental involvement activities requested by parents. The district and OBP will welcome and receive at any time recommendations about the Title I program. If the Campus Improvement Plan is not satisfactory to parents, OBP will submit any parent comments on the plan when the school makes the plan available to the district. If necessary, workshops or other training will be made available to educators and parents to address these identified needs. Parents will be notified about materials and training provided to help parents work with their children to improve their children's achievement, such as in literacy and technology. OBP, with assistance from the district, will provide training that educates teachers, specialized instruction support personnel, principals and other school leaders, and other staff, with the assistance of parents, in the value and utility of contributions of parents/families, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between the parents and the school.

ACKNOWLEDGMENT FORM
O' Bryant Primary Student Handbook

My child and I acknowledge that the O'Bryant Primary Student Handbook and the District Student Code of Conduct for 2019–2020 are online on the school's website at http://obp.bellvilleisd.org/home under the School Resources tab. We have read the documents and understand that the handbook contains information that my child and I may need during the school year and acknowledge that all students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Code of Conduct.

Print name of student:_____

Signature of student:_____

Signature of parent:_____

Date:_____

Check if applicable to your family:

☐ We acknowledge that we have read and understand the document online but would like to also receive a hard copy of the OBP Student Handbook.

******Please complete this form and return it to your child's homeroom teacher.******

1189

WEST END ELEMENTARY SCHOOL



Learners Today, Leaders Tomorrow

Student Handbook 2020 - 2021

7453 Ernst Pkwy/ PO Box 99
Industry, Texas 78944
Telephone: (979) 357-2595
Fax: (979) 357-4799

Dr. Tony Hancock
Principal

Jodie Koehl
Counselor

Alys Travis
Secretary

Si tiene preguntas o necesita asistencia en traducir este documento, por favor llame a la escuela al 865-7020.

WEST END ELEMENTARY STUDENT HANDBOOK
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August, 2020

Dear Students and Parents:

Welcome to the 2020-21 school year! We are dedicated to providing our students with the best possible education in an environment that is safe and conducive to learning for all children. Education is a team effort, and at West End Elementary School we believe that students, parents, teachers, and other staff members all working together will make this a successful school year! Parent and family involvement in education is essential to the educational growth and achievement of each of our students. At West End Elementary School we want to work with parents and families to establish partnerships that support children's learning and improve the performance of our school!

The West End Elementary School Student Handbook is designed to provide a resource for some of the basic information that you and your child will need during the school year. In an effort to make it easier to use, the handbook is divided into general alphabetized sections, and an index is located for specific subjects in the back of the book. Please be aware that the term "the student's parent" is used to refer to the parent, legal guardian, or any other person who has agreed to assume school-related responsibility for a student.

Both students and parents must be familiar with the Bellville ISD Student Code of Conduct, required by state law and intended to promote school safety and an atmosphere for learning. That document is a separate and a copy is available in the Principal's office or at the Bellville ISD website at http://www.bellvilleisd.org.

The student handbook is designed to be in harmony with board policy and the Student Code of Conduct. Please be aware that the handbook is updated yearly, while policy adoption and revision may occur throughout the year. Changes in policy that affect student handbook provisions will be made available to students and parents through newsletters and other communications. In case of conflict between board policy or the Student Code of Conduct and any provisions of student handbooks, the provisions of board policy or the Student Code of Conduct that were most recently adopted by the board are to be followed.

We encourage parents to review the entire handbook with their children and keep it as a reference during this school year. If you or your child has questions about any of the material in this handbook, please contact a teacher, the counselor, or the principal. Also, please complete and return the **Parental Acknowledgement Form** (p.45) to your child's homeroom teacher. If we can be of service or help you at any time during the year, please do not hesitate to come by or call us at (979) 357-2595.

Sincerely,

Dr. Tony Hancock, Principal
West End Elementary School

West End Elementary School

PHILOSOPHY OF EDUCATION

The staff of West End Elementary School believes that each child has potential for greatness. Our philosophy is that children have a right to a high quality education which builds on their strengths. Through the collaborative efforts of home, school, and community, our students will be prepared for a successful life, academically and emotionally.

MISSION STATEMENT

WE inspire students to make learning a lifelong adventure!

Campus Goals

- West End Elementary will meet State Accountability Goals as defined by TEA and Federal Accountability Goals as defined by ESSA.
- West End Elementary will provide an environment where all students will be successful by participating in programs that meet their individual needs.
- West End Elementary will encourage opportunities for parental and community involvement that supports the educational processes of the Campus and District.
- West End Elementary students will be taught by highly qualified teachers appropriately certified teachers as required by TEA.
- West End Elementary will provide a safe, drug free, positive learning and teaching environment for students and staff members.
- West End Elementary will establish a foundation to successfully graduate 100% of its students from high school.
- West End Elementary will promote participation in extra-curricular academic competitions

West End Elementary Faculty and Staff
2020 - 2021

Principal
Dr. Tony Hancock
thancock@bellvillebrahmas.org

Secretary
Alys Travis
atravis@bellvillebrahmas.org

Kindergarten Teachers
Becky Krenek
bkrenek@bellvillebrahmas.org

2nd Grade ELAR & SS Teacher
Susan Henry
shenry@bellvillebrahmas.org

2nd Grade Math & Sci. Teacher
Melanie Jasek
mjasek@bellvillebrahmas.org

Special Education & Dyslexia
Eryn Hold
ehold@bellvillebrahmas.org

Physical Education
Sharon Carter
scarter@bellvillebrahmas.org

Gifted and Talented
Sharon Spiess
sspiess@bellvillebrahmas.org

Librarian
Kelly Hancock
khancock@bellvillebrahmas.org

Instructional Assistants
Ana Land – Inclusion
Judith Dudensing – Inclusion
Felicia King – RTI
Nancy Gros – Technology, Art
Kelly Sanders - Library, STEM

ESL
TBA

Counselor
Jodie Koehl
jkoehl@bellvillebrahmas.org

Nurse
Suzanne Lockett
sgrawunder@bellvillebrahmas.org

1st Grade Teachers
Susan Peschel
speschel@bellvillebrahmas.org

Bernadette Armand
barmand@bellvillebrahmas.org

3rd Grade Math & Sci. Teacher
Patsy Beettner
pbeettner@bellvillebrahmas.org

3rd Grade ELAR & SS Teacher
Jennifer Jurries
jjurries@bellvillebrahams.org

4th & 5th Grade Sci, & SS Teacher
Kim Wade
kwade@bellvillebrahmas.org

4th & 5th Grade ELAR Teacher
Brenda Blezinger
bblezinger@bellvillebrahmas.org

4th & 5th Grade Math Teacher
Anne Wingo
awingo@bellvillebrahmas.org

Music
Lauren Shelton
lshelton@bellvillebrahmas.org

Cafeteria
Christy Willingham, Cheryl Lightfoot

Custodians
Ana Garcia, Paula Mariscal

West End Elementary Daily Schedule

7:15 a.m.	Students may begin arriving on campus (Report to Cafeteria)
7:45 a.m.	Morning Recess
8:00 a.m.	First Bell
8:05 a.m.	Tardy Bell
3:30 p.m.	Dismissal Bell/ First Bus Leaves

Car Riders sit in lines at the front of the building to be picked up no later than 3:45. If there is a problem picking up by 3:45, please speak to the Principal.

Late Bus Riders will go to the cafeteria to work on homework on Monday-Thursday. Friday they will go to the playground.

Boys and Girls Club is available on our campus Monday – Thursday for a slight fee.

ADMISSIONS

A student's parent or guardian who wants to enroll in Bellville Independent School District should contact the school office at 7453 Ernst Pkwy or call (979) 357-2595.

Enrollment Requirements

1. Copy of student's social security card
2. Certified copy of birth certificate
3. Proof of residency, which would include either a copy of a utility bill or lease agreement.
4. Driver's license of the parent or guardian enrolling the student.
5. Immunization records (See **Immunizations** on page 27)
6. Kindergarten/Grade 1
   a. Be five years old on or before September 1 of the current scholastic year to be eligible for kindergarten.
   b. Be six years old on or before September 1 of the current scholastic year to be eligible for first grade.
7. Other Grades
   Admission of children to other grades shall be based on the readiness of the child to perform successfully at the assigned level.

Release of Students from School

If a student is to be picked up by specific individuals, that information MUST be recorded on the Student Enrollment Card. In cases of divorce or child custody, the school MUST have legal documents of verification on record.

Withdrawal from School

A student may be withdrawn from school only by a parent. A parent wishing to withdraw a student from school must present a signed statement to the principal explaining the reason for the withdrawal and the effective date. The school requests notice from the parent at least three days in advance so that records and documents may be prepared. The parent may obtain a withdrawal form from the principal's office. On the students' last day, the withdrawal form must be presented to each teacher for current grade averages and book clearance; to the librarian to assure a clear library record; to the clinic for health records; to the counselor for the last report card and course clearance; and finally, to the principal. A copy of the withdrawal form will be given to the student and a copy placed in the student's permanent record.

ATTENDANCE

Regular school attendance is essential for the student to make the most of his or her education--to benefit from teacher-led activities; to build each day's learning on the previous day and to grow as an individual. Absences from class may result in serious disruption of a student's mastery of the instructional materials; therefore, the student and parent should make every effort to avoid unnecessary absences. In order for a student to be counted present, he/she must be in school at the 10:00 a.m. accounting time. Students arriving after 10:00 a.m. will be marked absent for the day UNLESS they have a medical or dental excuse from the doctor's office.

ving to class after this bell (and morning announcements) will be asked to get a Tardy Slip. We appreciate everything our parents do to help our students achieve a quality education. Students who exceed 5 Tardy Slips within a six weeks will need to make up missed time by attending detention (during or after school) or other actions as deemed appropriate by the WE Attendance Committee or in accordance with the ***Student Code of Conduct***.

State Law requires:

To receive credit in a class, a student must attend at least 90 percent of the days the class is offered. A student who attends at least 75% but fewer than 90% of the days the class is offered may receive credit for the class if he or she completes a plan, approved by the principal that allows the student to fulfill the instructional requirements for the class. If a student is involved in a criminal or juvenile court proceeding, the approval of the judge presiding over the case will also be required before the student receives credit for the class.

A student in grades 3-5 will be required to attend any assigned accelerated instruction program, which may occur before or after school or during the summer, if the student does not meet the passing standards on the state assessment for his or her grade level and applicable subject area.

If a student attends less than 75% of the days a class is offered or has not completed the plan approved by the principal, then the student will be referred to the attendance review committee to determine whether there are extenuating circumstances for the absences and how the student can regain credit, if appropriate.

In determining whether there were extenuating circumstances for the absences, the attendance committee will use the following guidelines:

- All absences will be considered in determining whether a student has attended the required percentage of days. If makeup work is completed, absences for the reasons listed below for exemptions to the compulsory attendance requirement.
- A transfer or migrant student begins to accumulate absences only after he or she has enrolled in the district.
- In reaching a decision about a student's absences, the committee will attempt to ensure that it is in the best interest of the student.
- The committee will consider the acceptability and authenticity of documented reasons for the student's absences.
- The committee will consider whether the absences were for reasons over which the student or the student's parent could exercise any control.
- The committee will consider the extent to which the student has completed all assignments, mastered the essential knowledge and skills, and maintained passing grades in the course or subject.
- The student or parent will be given the opportunity to present any information to the committee about the absences and to talk about ways to earn or regain credit.

The student or parent may appeal the committee's decision to the board of trustees by filing a written request with the superintendent in accordance with policy FNG(LOCAL).

School employees must investigate and report violations of the state compulsory attendance law. A student absent without permission from school or from required tutorials will be considered in violation of the compulsory attendance law and subject to disciplinary action.

A court of law may also impose penalties against both the student and his or her parents if a school-aged student is deliberately not attending school. A complaint against the parent may be filed in court if the student:

- Is absent from school on ten or more days or parts of days within a six-month period in the same school year, or
- Is absent on three or more days or parts of days within a four-week period.

The actual number of days a student must attend in order to receive credit will depend on whether the class is for a full semester or for a full year. If credit is lost, the attendance committee will decide how the student may regain credit. The student or parent may appeal the committee's decision to the District's Board of Trustees by filing a written request with the Superintendent.

State law allows exemption to the compulsory attendance requirement for several types of absences if the student makes up all the work. These include the following activities and events: religious holy days; required court appearances; activities relating to obtaining United States citizenship; service as an election clerk; and documented health care appointments, including students diagnosed with autism spectrum disorders.

When a student must be absent from school, the student--upon returning to school--must bring a note, signed by the parent that describes the reason for the absence.

A student absent for any reason should promptly make up specific assignments missed and/or complete additional in-depth study assigned by the teacher. A student who does not make up assigned work within the time allotted by the teacher will receive a grade of zero for the assignment.

Class time is important. Doctor's appointments should be scheduled, if possible, at times when the student will not miss instructional time.

Parent Note After an Absence

When a student must be absent from school, the student—upon returning to school—must bring a note, signed by the parent that describes the reason for the absence. A note signed by the student, even with the parent's permission, will not be accepted.

Doctor's Note After An Absence for Illness

Upon return to school, a student absent for more than 5 consecutive days because of a personal illness must bring a statement from a doctor or health clinic verifying the illness or condition that caused the student's extended absence from school. [See FEC(LOCAL)]

Should the student develop a questionable pattern of absences, the principal or attendance committee may require a statement from a doctor or health clinic verifying the illness or condition that caused the student's absence from school.

Release of Students from School

A student will not be released from school at times other than at the end of the school day except with permission from the principal or designee and according to the campus sign-out

procedures. Unless the principal or superintendent has granted approval because of extenuating circumstances, a student will not be regularly released before the end of the instructional day.

A student who will need to leave school during the day must bring a note from his or her parent that morning. A student who becomes ill during the school day should, with the teacher's permission, report to the school nurse. The nurse will decide whether or not the student should be sent home and will notify the student's parent

ADVANCED PLACEMENT

A student in any grade may take an examination for acceleration to be advanced one grade level or to gain credit for a course he/she has not formally taken for credit. For additional information, contact your campus principal.

CAFETERIA SERVICES

Nutritious, well-balanced meals are provided in our school cafeteria. The price for breakfast and lunch is set by the district and is subject to change each year. Each student will have an account in which they deposit money for their breakfasts and lunches.

The School Nutrition Department of BISD implemented an innovative online service for payments and account balance information called *Lunch Money Now*. This program will permit parents to check a student's balance, view the student's purchase history and make deposits to the student's lunch money account using a credit card. Parents are also able to subscribe for email warnings when their child's account dips below a certain amount. The credit card deposits are made using a secure transaction site and are typically available within the hour of the transaction during the regular school day. Parents can make multiple deposits using the same credit card transaction. There is a $2.50 convenience fee per transaction which is paid to the processor and not BISD.

To access your student's account you will need:

- **the district student ID number**
- **the last four digits of the student's social security number**
- **the child's birthday.**

You can gain access to Lunch Money Now via the BISD website www.bellvilleisd.org and click the *Lunch Money Now* logo link. If you have any questions please contact the Food Service Director at 865-7017.

Free and Reduced Price Meals

The District participates in the National School Lunch Program and offers free and reduced price meals based on a student's financial need. Information may be obtained from the BISD Food Service Director. Application for the free-lunch program requires that papers be filled out

and turned into the office during the first two weeks of school enrollment. Parents will be notified if their child qualifies for this program.

Texas Public School Nutrition Policy

The Texas Department of Agriculture issued the Texas Public School Nutrition Policy, which was effective beginning August 1, 2004. These nutrition guidelines are a result of a collaborative effort among parents, school administrators, health professionals and members of the food industry to promote a healthier environment in Texas schools and help ensure a healthier future for Texas children. All Texas schools participating in the federal child nutrition programs must comply with the nutrition policies. (For additional information, visit www.squaremeals.org).

School Celebrations/Parties

Due to West End Elementary's participation in this program, school birthday treats are to be distributed **ONLY** in the afternoon. **Remember that the student directory is to be used by parents for party invitations. NO INVITATIONS OF ANY KIND ARE TO BE HANDED OUT IN SCHOOL OR SCHOOL PARKING LOT.**
Other sanctioned school celebrations (i.e. Christmas party, Easter party) may distribute Foods of Minimal Nutritional Value (FMNV) throughout the day. Contact your child's teacher or the principal for further clarifications.

CONDUCT / DISCIPLINE

Code of Conduct

Refer to the Bellville Independent School District's Student Code of Conduct, which is a separate document on our webpage. The Student Code of Conduct, which sets out the consequences for wrong or inappropriate behavior, is required by state law and is intended to promote school safety.

Conduct Expectations

In order for students to take advantage of available learning opportunities and to be productive members of our campus community, each student is expected to:

- **Demonstrate courtesy--even when others do not.**
- **Behave in a responsible manner, always exercising self-discipline.**
- **Attend all classes, regularly and on time.**
- **Prepare for each class; take appropriate materials and assignments to class.**
- **Meet District or campus standards of grooming and dress.**
- **Obey all campus and classroom rules.**
- **Respect the rights and privileges of other students, teachers, and other district staff.**

- **Respect the property of others, including District property and facilities.**
- **Cooperate with or assist the school staff in maintaining safety, order, and discipline.**
- **Avoid violations of the Student Code of Conduct.**

Applicability of School Rules and Discipline

To achieve the best possible learning environment for all our students, West End Elementary rules and discipline will apply:

- During the regular school day or when student goes to and from school on district transportation.
- During lunch periods in which a student is allowed to leave campus.
- Within 300 feet of school property.
- While a student is in attendance at any school-related activity, regardless of time or location.

  This includes school social events to which a student brings a guest. Guests are expected to observe the same rules as students attending the event, and the person inviting the guest will share responsibility for the conduct of the guest. A student attending a social event will be asked to sign out when leaving before the end of the event; anyone leaving before the official end of the event will not be readmitted.

Academic Dishonesty/Cheating/Plagiarism

Academic dishonesty--as in cheating or plagiarism--is not acceptable. Cheating includes the copying of another student's work-- such as homework, class work, or test answers --as one's own. Plagiarism is the use of another person's original ideas or writing without giving credit to the true author. A student found to have engaged in academic dishonesty will be subject to loss of credit for the work in question, as well as disciplinary penalties, according to the Student Code of Conduct.

Parties and Social Events

The rules of good conduct and grooming will be observed at school social events held outside the regular school day. Guests are expected to observe the same rules as students attending the event, and the person inviting the guest will share responsibility for the conduct of the guest.

Smoking

The district and its staff strictly enforce prohibitions against the use of tobacco products or e-cigarettes by students and others on school property and at school-sponsored and school-related activities. [See the Student Code of Conduct and policies at FNCDE and GKA.]

Violations of Law—Alcohol, Drugs, Tobacco, and Weapons

Under state and federal law, a student is not allowed to: possess, sell, give away, or use alcohol, illegal drugs, tobacco products, guns, or other weapons on school property or at a school-related or school-sanctioned activity, on or off school property. Having one of these items in a privately owned vehicle that the student may have driven to school and parked on District property is also prohibited.

Conduct Grades

Conduct for all grade levels will be recorded as E, S, N, or U.

Kinder & First Grade

Students change their color as misbehavior occurs. All students begin each day on green and then progress to yellow and finally red. Students will receive assignment sheets daily that will inform parents of their child's conduct for the day.

Second through Fifth Grade

Students will receive marks in a behavior folder. Marks can be received during all times of the day, including lunch/recess, PE, Music, and Library.

Marks are as follows:

Classroom	Conduct
S = Supplies	T = Talking
PS = Paper Signed	FD = Following Directions
HW = Homework	PB = Poor Behavior
INC = Incomplete Work	D = Disrespectful

A. Consequences for **"classroom"** marks are as follows:

1st classroom mark	verbal warning/reprimand
2nd classroom mark	miss recess (5 min.)
3rd classroom mark	miss recess (10 min.)
4th classroom mark	Parent contact
5th classroom mark	Detention w/teacher

B. Consequences for **"conduct/behavior"** marks are as follows:

1st conduct mark	verbal warning/reprimand
2nd conduct mark	Parent Contact
3rd conduct mark	Discipline Referral/Sent to Principal

Exceptions:

- He/She exhibits a behavior that warrants an immediate office referral.

***A student earns Fun Friday if he/she has not received a detention or IBS during that week.

Conduct Grade in Second/Third Grades for the Nine Weeks:
0-6 marks – E
7-12 marks – S
12-17 marks – N
2 or more Detentions or 1 IBS – U
**A conduct detention automatically drops conduct one letter grade.

Conduct Grade in Fourth/Fifth Grades for the Nine Weeks:
0-4 marks – E
5-10 marks – S
10-15 marks – N
2 or more Detentions or 1 IBS – U
**A conduct detention automatically drops conduct one letter grade.

DETENTION

Detention may be held before or after school and/or during lunch. Detention times are 7:30-8:00 a.m. in the morning or 3:30-4:00 p.m. in the afternoon.

REWARDS
Positive behavior shall be rewarded by one or more of the following:

1. Verbal acknowledgement
2. Positive notes sent to parents
3. Brahma Pride Tickets
4. Special rewards by classroom teacher

DISCIPLINE

The students at West End Elementary are expected to behave in a manner which permits uninterrupted learning to take place. Students are expected to follow the rules and regulations established by the school, by the school district, and the classroom teacher. Students are expected to conduct themselves in a manner that is neither disruptive nor disrespectful and which does not violate the rights of others.

Students that threaten to bring a weapon to school, or make threats may be assigned to **ISS** (In School Suspension). Once a student has received a referral, he/she will be sent to the principal's office. A referral will result in loss of privileges. The principal will make every effort to contact a parent or guardian on each referral. Fighting and profanity may result in In-Building Suspension (IBS).

A non-custodial parent may request in writing that he or she be provided a copy of any written notices usually provided to a parent related to your child's misconduct that may involve expulsion.

Phones/Electronics/Articles from Home

Do not allow your children to bring articles to school that could be harmful to others or distract the learning process. **Cell Phones are not allowed at West End Elementary. The Administrator will collect any phones brought to school and notify the parents.** Violation of this policy will result in the phone being confiscated and the parents must pick up the phone from the administrator. If your child needs to bring a phone for an afterschool activity, then they must bring it to the office to be kept for them until the end of the school day.

Students must not bring valuables or irreplaceable items to school, unless prior permission has been obtained from the principal. Examples include, but are not limited to: toys of all kinds, electronic games, radios, ipods / mp3 players, CDs / DVDs or CD / DVD players, cameras, large sums of money, expensive jewelry, laser pointers, etc. All toys should be left at home. If items are brought to school, teachers will collect the item and turn it in to the principal's office. The principal will determine whether to return the item at the end of the day for the student to take home or whether the parent will be contacted to pick up the item. Any disciplinary action will be in accordance with the Student Code of Conduct. The school will not be responsible for lost or stolen articles.

Disruptions

Disruption of classes or any school activities by a student or others is prohibited and is subject to disciplinary action and/or referral for criminal prosecution.

We ask that parents remain out of the classroom area during the school day. Parents are requested to sign in at the office every time they come to the school for safety purposes. At the end of the day, parents may wait for their children **outside** of the building. The teachers are responsible for their entire class and they are put in an unfavorable situation if parents bring children to the room late, or come early in order to beat the rush.

In order to protect student safety and sustain an educational program free from disruption, state law permits the District to take action against any person – student or non-student – who:

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

COUNSELING

The school counselor is available to assist students with a wide range of personal concerns, including such areas as social, family, emotional, or substance abuse needs. The counselor may also make available information about community resources to address personal concerns. Other duties of the counselor include Character Education, Special Education Referrals and Testing Coordinator for STAAR and Section 504, At-Risk Classification, GPC Meetings and Classroom Visits.

Students or Parents who wish to meet with the counselor should contact the West End Elementary School Counselor at 979-357-2595. The school will not conduct a psychological examination, test, or treatment without requesting the parent's written consent.

CURRICULUM RELATED INFORMATION

Honors and Awards

Student honor rolls are posted in the paper throughout the school year at the end of each nine weeks. Special recognition is given to students who achieve honor roll status. Students in grades first through five that receive all A's and B's per 6-weeks, will be on the AB honor roll. Students that receive all A's will be on the all A Honor Roll. Any student that is on the All A Honor Roll for the entire school year will be awarded a medal. End of the year special awards are given to the student(s) with outstanding achievements.

GRADING SYSTEMS

*Please see the BISD " **GRADING AND REPORTING GUIDELINES**" document @bellvilleisd.org.

Make-up Work

For any class missed, the teacher may assign the student makeup work which will be allowed for any absence (excused or unexcused). It is the student's responsibility to request makeup work, to complete the work, and to hand it in on time without the teacher's reminders. Students have one (1) plus the total number of days absent to turn in makeup work. In most situations, except in the case of extended illness, students should wait until their return to school to catch up on work missed during their absence. A student who does not make up the assigned work within the time frame allotted will receive a grade of zero for the assignment(s). A student will be permitted to make up tests and to turn in projects due in any class missed because of an absence. Teachers may assign a late penalty to any long-term project in accordance with time lines approved by the principal and previously communicated to students.

Requests for makeup work by calling the school office can be made if a student is absent for two (2) or more days. The office must be contacted prior to 9:30 a.m. and every effort will be

made to fill the request. The work can be picked up in the school office at the end of the school day.

Promotion and Retention

Bellville ISD adopted a promotion/retention policy for grades 1-5 beginning with the 2010-11 school years. The new promotion/retention policy states:

In grades 1-5, promotion to the next grade level shall be based on an overall average of 70 on a scale of 100 based upon course-level, grade-level standards (essential knowledge and skills) for all subject areas; a grade of 70 or above in English Language Arts, Mathematics, Science and Social Studies is required for promotion to the next grade level.

In addition, fifth grade students will be required to pass the State of Texas Assessments of Academic Readiness (STAAR), if the student is enrolled in a public Texas school any day between January 1 and the date of the first administration of the STAAR.* In order to be promoted to grade 6, students enrolled in grade 5 must perform satisfactorily on the mathematics and reading sections of the grade 5 assessment in English or Spanish.

Parents of a student in grades 3-5 who does not perform satisfactorily on his or her exams will be notified that their child will participate in special instructional programs designed to improve performance. The student may be required to participate in this instruction before or after normal school hours or outside the normal school year.

A student in grade 5 or 8 will have two additional opportunities to take a failed assessment. If a student fails a second time, a grade placement committee, consisting of the principal or designee, the teacher, and the student's parent, will determine the additional special instruction the student will receive. After a third failed attempt, the student will be retained; however, the parent can appeal this decision to the committee. In order for the student to be promoted, based on standards previously established by the district, the decision of the committee must be unanimous and the student must complete additional special instruction before beginning the next grade level. Whether the student is retained or promoted, an educational plan for the student will be designed to enable the student to perform at grade level by the end of the next school year. [See policies at EIE.]

Certain students—some with disabilities and some with limited English proficiency—may be eligible for exemptions, accommodations, or deferred testing. For more information, see the principal, counselor, or special education director.

Report Cards

Written reports of absences and student grades or performance in each class or subject are issued to parents at least once every nine weeks. At the end of the first three weeks of a grading period, parents are notified if the student's grade average is near or below 70, or below the expected level of performance. If a student receives a grade of less than 70 in any class or subject during a grading period, the parents are requested to schedule a conference with the teacher of that class or subject.

Report cards and unsatisfactory progress reports ***must be signed*** by the parent and ***returned to the school*** within five days. If your child does not return the progress report/report card after five days, he/she will be subject to consequences.

Kindergarten: Achievement or progress in kindergarten shall be reported to parents through mastery of objectives. S, N, and U will be used for work/study habit and personal behavior. A parent conference will be scheduled the first six weeks to go over the report card.

Student Schedules

The school day begins at 8:00 a.m. & ends at 3:30 p.m. No student should arrive before 7:00 a.m. each morning because staff are not on duty before that time.

Testing—STAAR (State of Texas Assessments of Academic Readiness)

In addition to routine tests and other measures of achievement, students at certain grade levels will take state-mandated assessments, such as the STAAR, in the following subjects:

- Mathematics, annually in grades 3–5
- Reading, annually in grades 3–5
- Writing, including spelling and grammar, in grade 4
- Science in grade 5

Successful performance on the reading and math assessments in grade 5 is required by law in order for the student to be promoted to the next grade level. See **Promotion and Retention** on page 21 for additional information.

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Physical Activity for Students in Elementary Grades

In accordance with state policy, Bellville ISD will ensure that students in Kindergarten through grade 5 engage in moderate or vigorous physical activity for at least 30 minutes per day or 135 minutes per week. Annually, the District will conduct a physical fitness assessment of students in grades 3- 5. At the end of the school year, a parent may submit a written request to obtain the results of his or her child's physical fitness assessment conducted during the school year.

Extracurricular Activities / UIL

Students will be given an opportunity to participate in the University Interscholastic League literary competition. Contestants will be chosen on the basis of ability in the particular event and will be coached by West End faculty and staff.

Participation in school and school-related activities is an excellent way for a student to develop talents, receive individual recognition, and forge strong friendships with other students. Participation is a privilege. UIL rules include:

- A student who receives, at the end of any grade evaluation period, a grade below 70 in any academic class, or a student with disabilities who fails to meet the standards in the Individual Education Plan (IEP) may not participate in extra-curricular activities for at least three weeks. An ineligible student may practice or rehearse however. The student regains eligibility when the principal and teachers determine that he or she has: (1) earned a passing grade 70 or above in all academic classes, and (2) completed three weeks of ineligibility.
- A student is allowed up to ten absences from a class during the school year for extracurricular activities or public performances. All UIL activities and activities approved by the Board are subject to these restrictions. A student who misses class because of participation in a non-approved activity will receive an unexcused absence.

Students who participate in the Austin County Fair, Houston Livestock Show, or San Antonio Livestock Show must meet the criteria above.

DRESS AND GROOMING

The District's dress code is established to teach grooming and hygiene, to minimize safety hazards, and to prevent disruption. Please review some of West End Elementary dress code guidelines or contact the school if you have other questions or concerns. For additional dress code guidelines, please refer to the Bellville ISD Student Code of Conduct. Students with questions regarding the dress code should use this rule of thumb:

IF IN DOUBT, DON'T WEAR IT!

- Shirts with spaghetti straps may not be worn to school unless there is another shirt underneath the straps (straps must be wide enough to cover the shoulder without excessive bare skin showing)
- Sleeveless shirts need to fit close around the armpits and must be at least 2".
- Shirts that expose the waist when the arms are raised are not allowed.
- "Yoga Pants" or tight/form fitting pants are prohibited.
- Over-sized jeans, shorts, and pants on boys need to be belted for safety reasons (no sagging).
- Hats, caps, bandanas, and/or head coverings are not allowed at school.
- No Flip Flops or Cleats (Flip flops may be allowed on special occasions announced by the Principal)

***Our sidewalks at WE can also become very slippery due to the weather; therefore, tennis shoes are the safest shoes to wear.

NOTE: Any clothing, hair style, makeup and/or jewelry that are distracting, as deemed by the campus administrator, will be prohibited.

EMERGENCY SITUATIONS

Medical Treatment

If a student should have a medical emergency at school or a school-related activity when the parent cannot be reached, the school will need to have written parental consent to obtain emergency medical treatment. Therefore, parents are asked to complete an emergency care consent form. Parents should keep emergency care information (name of doctor, emergency phone numbers, allergies to medications, etc.) up-to-date: having current information will be of critical importance should an accident or injury occur that requires medical attention. Please contact the school nurse to update any information.

The District is not responsible for medical costs associated with a student's injury. The District does make available, however, an optional low-cost students accident insurance program to assist parents in meeting medical expenses. A parent who desires coverage for his or her child will be responsible for paying insurance premiums and for submitting claims through the business office.

School Closing Information

In case of an emergency closing of schools, the District-wide ***School Messenger*** phone notification system will notify parents and guardians via the phone numbers provided on the student identification registration card. The district will rely on contact information on file with the district to communicate with parent in an emergency situation, which may include real-time or automated messages. It is crucial to notify your child's school when a phone number previously provided to the district has changed. Parents and students are also encouraged to listen to KTEX, 106.1 FM or KWHI 1280 AM on the radio; or listen to Channel 2, 11, and 13 on the Houston TV stations for information about the Bellville Independent School District. The Superintendent will determine when schools will be closed for emergency weather or other factors, which may be dangerous.

Drills

Students, teachers, and other district employees will participate in drills of emergency procedures. When the alarm is sounded, students should follow the direction of teachers or others in charge quickly, quietly, and in an orderly manner.

FIELD TRIPS

Permission to Attend Field Trips

Information letters and permission slips will be sent home with all children regarding planned field trips. Any child attending field trips will be required to have a signed permission slip from the parent/guardian. If the permission slip is not returned, the child will not be permitted to attend.

Field Trip Chaperones

Adult chaperones are provided for field trips. The classroom teacher will make arrangements as needed for additional help. If you are interested in being involved in field trips, please let your child's teacher know early in the year. We welcome parent involvement.

Field Trip Transportation

School district transportation is provided for field trips. All students will ride the bus to the field trip event. Student's siblings may NOT ride the bus or participate in field trip activities. Adult chaperones will need to provide their own transportation unless the permission slip says parents can ride the bus.

GOVERNMENTAL AUTHORITIES

Questioning of Students

When law enforcement officers or other lawful authorities wish to question or interview a student at school:

* The principal will verify and record the identity of the officer or other authority and ask for an explanation of the need to question or interview the student.
* The principal ordinarily will make reasonable efforts to notify parents unless the interviewer raises what the principal considers to be a valid objection.
* The principal ordinarily will be present unless the interviewer raises what the principal considers to be a valid objection.

Students Taken Into Custody

State law requires the District to permit a student to be taken into legal custody:

* To comply with an order of the juvenile court.
* To comply with the laws of arrest.
* By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
* By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court.
* To comply with a properly issued directive to take a student into custody.
* By an authorized representative of Child Protective Services, Texas Department of Protective and Regulatory Services, a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to the student's physical health or safety.

Before a student is delivered to a law enforcement officer or other legally authorized person, the principal will verify the officer's identity and, to the best of his or her ability, will verify the official's authority to take custody of the student. The principal will immediately notify the Superintendent and will ordinarily attempt to notify the parent unless the officer or other authorized person raises what the principal considers to be a valid objection to notifying the parents. Since the principal does not have the authority to block a custody action, notification will most likely be after the fact.

The District is also required by state law to notify:

- All instructional and support personnel who have responsibility for supervising a student who has been taken into custody or referred to the juvenile court for any felony offense or for certain misdemeanors.
- All instructional and support personnel who have regular contact with a student who is thought to have committed certain offenses or who has been convicted, received deferred prosecution, received deferred adjudication, or adjudicated for delinquent conduct for any felony offense or certain misdemeanors.
- All appropriate district personnel in regards to a student who is required to register as a sex offender.

LIBRARY / TEXTBOOKS

Library

All students will visit the library on a regular basis. No student should have more than two books out of the library at one time. When a student checks out a library book, the student is responsible for the care of that book while he/she has it. If the book is lost or damaged beyond repair, the student will be required to pay the purchase price of the book. Students are not allowed to check out books until they have paid for the lost or damaged book. The average cost of a library book purchased today is $15.00.

Skills appropriate for each grade level will be taught at least one library period pernine weeks. No library fines will be charged for overdue books. Students are not allowed to check out any new books until they have returned their overdue books. Students will not receive their report card at the end of the year if they have a book checked out to them. Each year the library has a Book Fair where students may purchase books to begin a collection of their own.

Textbooks, Electronic Textbooks, Technological Equipment, and other Instructional Materials

Textbooks and other district approved instructional materials are provided to students free of charge for each subject or class. Any books must be covered by the student, as directed by the teacher, and treated with care. Electronic textbooks and technological equipment may also be provided to students, depending on the course and course objectives. A student who is issued a damaged item should report the damage to the teacher. Any student failing to return an item in acceptable condition loses the right to free textbooks and technological equipment until the item is returned or the damage paid for by the parent; however, the student will be provided the necessary instructional resources and equipment for use at school during the school day.

Bellville ISD Health Policies

Student Health Services

Administration of Medication by Authorized School Personnel

MEDICINE AT SCHOOL

Only authorized employees, in accordance with policies at FFAC, may administer:

- Prescription medication, in the original, properly labeled container provided by the parent/guardian, along with a written request including name of student, name of medication, dosage, date, and parent/guardian signature. Medication will not be administered differently than the label specifies without a new prescription or written documentation from the physician.
- Nonprescription medication, in the original, properly labeled container, provided by the parent along with a written request including name of student, name of drug, dosage, date, and parent/guardian signature. Medication will be administered based on the manufacturer's recommendations for age and/or weight.
- Herbal or dietary supplements provided by the parent only if required by the student's individualized education program (IEP) or Section 504 plan for a student with disabilities.

The district does not accept or administer medications that contain narcotics for the safety of the student(s) and in compliance with the District's Drug Abuse Policy. If a student has been prescribed medication in this category for pain, cough, etc., they are asked to remain at home until they are able to replace the medication with an over-the-counter product or a non-narcotic prescription medication while at school for symptom control.

In certain emergency situations, the district will maintain and administer to a student nonprescription medication but only:

- In accordance with the guidelines developed with the district's medical advisor; and
- When the parent has previously provided written consent for emergency treatment on the district's Registration form.

ALL medications are to be kept in the nurse's office. Medications will be kept in a locked cabinet.

When dispensing medications, the qualified district employee administering the medication(s), will keep records indicating the date, time, dosage, and will initial and provide his/her signature.

At the end of the school year: All medication must be picked from the school clinic by the last day of school. Any medication left at the school will be disposed.

Students violating this procedure will be subject to disciplinary action under the district's drug abuse policy.

Student Information

Name: _____ DOB: _____ Grade: _____ School Year: _____

Homeroom Teacher: _____

Medication Physician Information

Medication Name: _____ Dose: _____ Route: _____ Time(s): _____

Reason for medication: _____ Start Date: _____ Stop Date: _____

Physician Name: _____ Physician Phone: _____

Note: The School Nurse reserves the right to refuse administration of any medication at school if any question regarding student safety arises.

Bellville ISD Health Services Consent for School to Administer Medication

*I give permission that the above medication be administered by school personnel to my above named child according to district policy. Dosage changes must have a new prescription or written documentation from the physician.

I give my consent for school personnel to contact the above physician/pharmacy if there is a question **or clarification needed about this medication.

Parent/Guardian Signature: _____ Date: _____

Parent/ Guardian Phone Number: Parent/ Guardian Email Address:

Contagious Diseases/Conditions

To protect other students from contagious illnesses, students infected with certain diseases are not allowed to come to school while contagious. If a parent suspects that his or her child has a contagious disease, the parent should contact the school nurse or principal so that other students who might have been exposed to the disease can be alerted. The school nurse or the principal's office can provide information from the Department of State Health Services regarding these diseases.

- Students that present to the nurse with symptoms of a possible contagious nature or with a temperature of 100 degrees or higher will be sent home.
- The district requests that students not return to school until they have been symptom free and fever free(less than 100 degrees) for 24 hours without a fever reducing medication such as Tylenol or Ibuprofen.
- The student may be required to present a note from their doctor stating that they have been examined and released before they will be allowed to return to school.

Immunization

A student must be fully immunized against certain diseases or must present a certificate or statement that, for medical reasons or reasons of conscience, including a religious belief, the student will not be immunized. For exemptions based on reasons of conscience, only official forms issued by the Texas Department of State Health Services (DSHS), Immunization Branch, can be honored by the district. This form may be obtained by writing the DSHS Immunization Branch (MC 1946), P.O. Box 149347, Austin, Texas 78714-9347; or online at https://webds.dshs.state.tx.us/immco/affidavit.shtm. The form must be notarized and submitted to the principal or school nurse within 90 days of notarization. If the parent is seeking an exemption for more than one student in the family, a separate form must be provided for each student. Exemptions have to be renewed every two years.

The immunizations required are: diphtheria, rubeola (measles), rubella (German measles), mumps, tetanus, pertussis, poliomyelitis (polio), hepatitis A, hepatitis B, varicella (chicken pox), and meningococcal. The school nurse can provide information on age-appropriate doses or on an acceptable physician-validated history of illness required by the Department of State Health Services. Proof of immunization may be established by personal records from a licensed physician or public health clinic with a signature or rubber-stamp validation.

If a student should not be immunized for medical reasons, the student or parent must present a certificate signed by a U.S. licensed physician stating that, in the doctor's opinion, the immunization required poses a significant risk to the health and well-being of the student or member of the student's family or household. This certificate must be renewed yearly unless the physician specifies a life-long condition. [For further information, see policy FFAB(LEGAL) and the Department of State Health Services Web site:
http://www.dshs.state.tx.us/immunize/school/default.shtm

Asthma/Allergic Reaction

A student with asthma or severe allergic reaction (anaphylaxis) may be permitted to possess and use prescribed asthma or anaphylaxis medication at school or school-related events only if he or she has written authorization from his or her parent and a physician or other licensed health-care provider. The student must also demonstrate to his or her physician or

health-care provider and the school nurse the ability to use the prescribed medication, including any device required to administer the medication.

If the student has been prescribed asthma or anaphylaxis medication for use during the school day, the student and parents should discuss this with the school nurse or principal. Parents are required to provide the school nurse yearly with the students' individual health asthma management plan. See school nurse for forms.

Food Allergy

The district requests to be notified when a student has been diagnosed with a food allergy, especially those allergies that could result in dangerous or possibly life-threatening reactions either by inhalation, ingestion, or skin contact with the particular food. It is important to disclose the food to which the student is allergic, as well as the nature of the allergic reaction. Please contact the school nurse or campus principal if your child has a known food allergy or as soon as possible after any diagnosis of a food allergy.

Diabetes

In accordance with a student's individual health plan for management of diabetes, a student with diabetes will be permitted to possess and use monitoring and treatment supplies and equipment while at school or at a school-related activity. See the school nurse or principal for information. [See policy FFAF(LEGAL).]

Psychotropic Drugs

A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication. It is intended to have an altering effect on perception, emotion, or behavior and is commonly described as a mood- or behavior-altering substance. Teachers and other district employees may discuss a student's academic progress or behavior with the student's parents or another employee as appropriate; however, they are not permitted to recommend use of psychotropic drugs. A district employee who is a registered nurse, an advanced nurse practitioner, a physician, or a certified or credentialed mental health professional can recommend that a student be evaluated by an appropriate medical practitioner, if appropriate. [For further information, see policies at FFAC.]

Steroids

State law prohibits students from possessing, dispensing, delivering, or administering an anabolic steroid. Anabolic steroids are for medical use only, and only a physician can prescribe use.

Body building, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a healthy student is not a valid medical use and is a criminal offense. Students participating in UIL athletic competition may be subject to random steroid testing. More information on the UIL testing program may by found on the UIL Web site at http://www.uil.utexas.edu/athletics/health/steroid_information.html

Injury/Restriction Policy

If a student requires physical restrictions or supportive equipment such as, crutches, supportive braces or ace bandage, a written note from the parent is required indicating the restriction(s) and time frame of restriction. The request will be honored for three (3) days. If more than 3 days is required, a doctor's note must be presented to the nurse. Once released by the doctor, written authorization to return to normal activity

level is required. Please present all notes to the nurse. The nurse will inform homeroom teacher and coaches. Students in athletics should refer to the athletic policy.

Lice Policy

Students found to have live lice will be sent home for treatment and removal of nits. Parents must treat students with an approved lice killing treatment. The student may return to school after treatment is completed and all live lice have been removed. Once the student has been sent home, they are to report to the nurse with a parent or legal guardian for re-assessment before returning to the classroom. The district does not adhere to a no-nits policy but reserves the right not to allow the student(s) back at school if there is not adequate evidence that the situation is being addressed / monitored.

Bacterial Meningitis

State law specifically requires the district to provide the following information:

- **What is meningitis?** Meningitis is an inflammation of the covering of the brain and spinal cord. It can be caused by viruses, parasites, fungi, and bacteria. Viral meningitis is most common and the least serious. Bacterial meningitis is the most common form of serious bacterial infection with the potential for serious, long-term complications. It is an uncommon disease, but requires urgent treatment with antibiotics to prevent permanent damage or death.
- **What are the symptoms?** Someone with meningitis will become very ill. The illness may develop over one or two days, but it can also rapidly progress in a matter of hours. Not everyone with meningitis will have the same symptoms. Children (over 1 year old) and adults with meningitis may have a severe headache, high temperature, vomiting, sensitivity to bright lights, neck stiffness or joint pains, and drowsiness or confusion. In both children and adults, there may be a rash of tiny, red-purple spots. These can occur anywhere on the body. The diagnosis of bacterial meningitis is based on a combination of symptoms and laboratory results.
- **How serious is bacterial meningitis?** If it is diagnosed early and treated promptly, the majority of people make a complete recovery. In some cases it can be fatal or a person may be left with a permanent disability.
- **How is bacterial meningitis spread?** Fortunately, none of the bacteria that cause meningitis are as contagious as diseases like the common cold or the flu, and they are not spread by casual contact or by simply breathing the air where a person with meningitis has been. The germs live naturally in the back of our noses and throats, but they do not live for long outside the body. They are spread when people exchange saliva (such as by kissing, sharing drinking containers, utensils, or cigarettes). The germ does not cause meningitis in most people. Instead, most people become carriers of the germ for days, weeks, or even months. The bacteria rarely overcome the body's immune system and cause meningitis or another serious illness.
- **How can bacterial meningitis be prevented?** Do not share food, drinks, utensils, toothbrushes, or cigarettes. Limit the number of persons you kiss. While there are vaccines for some other strains of bacterial meningitis, they are used only in special circumstances. These include when there is a disease outbreak in a community or for people traveling to a country where there is a high risk of getting the disease. Also, a vaccine is recommended by some groups for college students, particularly freshmen

living in dorms or residence halls. The vaccine is safe and effective (85–90 percent). It can cause mild side effects, such as redness and pain at the injection site lasting up to two days. Immunity develops within seven to ten days after the vaccine is given and lasts for up to five years.

- **What should you do if you think you or a friend might have bacterial meningitis?** You should seek prompt medical attention.
- **Where can you get more information?** Your school nurse, family doctor, and the staff at your local or regional health department office are excellent sources for information on all communicable diseases. You may also call your local health department or Regional Department of State Health Services office to ask about a meningococcal vaccine. Additional information may also be found at the Web sites for the Centers for Disease Control and Prevention, http://www.cdc.gov, and the Department of State Health Services, http://www.dshs.state.tx.us/.

School Health Advisory Council

Bellville ISD's School Health Advisory Council holds meetings during the year. Additional information regarding the district's School Health Advisory Council is available from the school nurse at (357-2595).

PARENTAL INVOLVEMENT, RESPONSIBILITY AND RIGHTS

Education succeeds best when there is a strong partnership between home and school, a partnership that thrives on communication, and that includes parents, teachers, administrators, and the Board.

Every parent is urged to:

- Encourage his or her child to put a high priority on education and commit to making the most of the educational opportunities the school provides.
- Review the information in the Student Handbook (including the Student Code of Conduct) with his or her child and sign and return the acknowledgment form. A parent with questions is encouraged to contact the principal.
- Become familiar with all of your child's school activities and with the academic programs offered in the district. Discuss with the counselor or principal any questions, such as concerns about placement, assignments, and other options available to the child. Monitor the child's academic progress and contact teachers as needed.
- Attend scheduled conferences and request additional conferences as needed. To schedule telephone or in-person conference with a teacher, counselor, or principal; please call the school office at 357-2595 for an appointment. A teacher will usually arrange to return the call or meet with the parent during his or her conference period or at a mutually convenient time before or after school.

Parents also have the right to:

- Exercise the right to review teaching materials, textbooks, and other aids, and to examine tests that have been administered to his or her child.
- Request the transfer of your child to another classroom if your child has been determined to have been a victim of bullying as the term is defined by Education Code 25.0341. Transportation is NOT provided for a transfer to another campus.
- Request the transfer of your child to attend a safe public school in the district if your

child attends school at a campus identified by TEA as persistently dangerous or if your child has been a victim of a violent criminal offense while at school or on school grounds or has been the victim of a sexual assault by another student assigned to the same campus.

- You may request information regarding the professional qualifications of your child's teachers, including whether a teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction. You also have the right to request information about the qualifications of any paraprofessional who may provide services to your child.
- Review the child's student records when needed. A parent may review (1) attendance records, (2) test scores, (3) grades, (4) disciplinary records, (5) counseling records, (6) psychological records, (7) applications for admission, (8) health and immunization information, (9) teacher and counselor evaluations, (10) reports of behavioral patterns, and (11) state assessment instruments administered.
- If an instructional activity in which the child is scheduled to participate in conflicts with the parent's religious or moral beliefs, the parent may temporarily remove the child from the classroom. The removal cannot be for the purpose of avoiding a test or may not extend for an entire semester. Further, the child must satisfy grade level requirements as determined by the school and by TEA.
- If your children are multiple birth siblings (e.g., twins, triplets, etc.) assigned to the same grade and campus, you may request that they be placed either in the same classroom or in separate classrooms. Your written request must be submitted no later than the 14th day after the enrollment of your children. District employees may advise parents in placement. Offer to serve as a parent representative on the District-level or campus-level planning committees formulating educational goals and plans to improve student achievement.
- Attend Board meetings to learn more about District operations.
- Our **fundraising** organization is the West End Elementary PTO, who occasionally is permitted to conduct fund-raising drives for school purposes. For further information, contact the PTO President. (*Fund raising is not permitted on school property except through the PTO.)*

Complaints by Students/Parents

Usually student or parent complaints or concerns may be addressed simply--by a phone call or conference with the teacher. For those complaints and concerns that cannot be so easily handled, the District has adopted a standard complaint policy. In general, a parent or student should first raise the complaint with the teacher and then the campus principal. If unresolved, a written complaint can be submitted though FNG(LOCAL). If still unresolved, the District provides for the complaint to be presented to the Board of Trustees, members of the community elected to set policy and priorities for the District.

Some complaints require different procedures. Any campus office or the Superintendent's office can provide information regarding specific complaint processes for the following:

- Discrimination on the basis of gender.
- Bullying, harassment, or the creation of "hit lists".
- Sexual abuse or sexual harassment of a student.
- Loss of credit on the basis of attendance.

- Teacher removal of a student for disciplinary reasons.
- Expulsion of a student.
- Identification, evaluation, or educational placement of a student with a disability.
- Instructional materials.
- On-campus distribution of non-school materials to students.
- Complaints against District Peace Officers.

For additional information, also see the Bellville ISD Student Code of Conduct.

Distribution of School Materials

Publications prepared by and for the school may be posted or distributed with the prior approval of the principal, sponsor, or teacher. Such items my include school posters, brochures, flyers, etc. All school publications are under the supervision of the teacher, sponsor and principal. A school yearbook will be available for students to purchase.

Non-School Materials…from students

Written materials, handbills, photographs, pictures, petitions, films, tapes, posters, or other visual or auditory materials may not be sold, circulated, or distributed on any school campus by a student or a non-student without the prior approval of the Superintendent. Materials displayed without authorization will be removed. If the material is not approved within two school days of the time it was submitted, it should be considered disapproved. Disapprovals may be appealed by submitting the disapproved material to the Superintendent; material not approved by the Superintendent within three days is considered disapproved. This disapproval may be appealed to the Board at its next regular meeting when the student or non-student will have a reasonable period of time to present his or her viewpoint. Any student who posts material without prior approval will be subject to disciplinary action.

Non-School Materials…from others

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the district or by a district-affiliated school-support organization will not be sold, circulated, distributed, or posted on any district premises by any district employee or by persons or groups not associated with the district, except as permitted by policy GKDA. To be considered for distribution, any non-school material must meet the limitations on content established in the policy, include the name of the sponsoring person or organization, and be submitted to the Superintendent for prior review. The Superintendent will approve or reject the materials within two school days of the time the materials are received. The requestor may appeal a rejection in accordance with the appropriate district complaint policy. [See policies at DGBA, FNG, or GF.]

Fees

Materials that are part of the basic educational program are provided with state and local funds and are at no charge to students. A student, however, is expected to provide his or her own pencils, paper, erasers, and notebooks and may be required to pay certain other fees or deposits, including:

- Costs for materials for a class project that the student will keep.
- Personal physical education and athletic equipment and apparel.
- Voluntary purchases of pictures, publications, yearbooks, etc.
- Voluntary purchase of student accident insurance.
- Fees for damaged library books and state-owned equipment.
- Personal apparel, used in extracurricular activities
- Replacement costs for lost textbooks

Visitors

Parents and other visitors are welcome to visit West End Elementary School. All visitors must first report to the office, submit their driver's license, and comply with all applicable district policies and procedures. Visitors are expected to wear a "visitor" sticker. Visits to individual classrooms during instructional times shall be permitted only with the principal's approval, and such visits shall not be permitted if their duration or frequency interfere with the delivery of instruction or disrupts the normal school environment.

Pictures/Videos

Children's pictures will be taken during the day for publication in the New Ulm Enterprise and the Bellville Times newspaper for news items. Video pictures may be taken for demonstration of lessons or discipline purposes. If parents do not want to have pictures or videos taken of their child, please write a letter stating that you do not want your child's picture to be taken. If we do not have a letter on file stating that you do not want your child's picture taken or your child to be part of a video we will assume you give us permission to film your child or to take their picture.

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

- When it is to be used for school safety;
- When it relates to classroom instruction or a co-curricular or extracurricular activity; or
- When it relates to media coverage of the school.

Pictures will be taken in the fall for the school yearbook. If you want to purchase a package, the company will send home order information. Spring class and individual pictures are also taken and will be available.

Videos of Students

For safety purposes, video/audio equipment will be used to monitor student behavior on buses (and in common areas on campus). Students will not be told when the equipment is being used. The principal will review the video routinely and document student misconduct. Discipline will be in accordance with the Student Code of Conduct. A parent who wants to view a video following discipline of that parent's child may request access in accordance with policy FL in the District's policy manual.

SCHOOL FACILITIES AND SAFETY

The taxpayers of the community have made a sustained financial commitment for the construction and upkeep of school facilities. To ensure that school facilities can serve those for whom they are intended--both this year and in the coming years--littering, defacing, or damaging school property is not tolerated. Students will be required to make restitution for damages they cause and shall be subject to disciplinary consequences in accordance with the Student Code of Conduct.

Asbestos

The District's Asbestos Management Plan, designed to be in compliance with state and federal regulations, and is available in the Bellville ISD Central Administration Office. If you have any questions, please contact the BISD Central Office at 979-865-3133.

Pest Management Plan

The district applies only pest control products that comply with state and federal guidelines. Except in an emergency, signs will be posted 48 hours before application. Parents who want to be notified prior to pesticide application inside their child's school assignment area may contact the BISD Central Office at 979-865-3133.

Safety

Student safety on campus or at school-related events is a high priority of the District. Although the District has implemented safety procedures, the cooperation of students is essential to ensure school safety. Students should:

- Avoid conduct that is likely to put the student or other students at risk.
- Follow the Student Code of Conduct and any additional rules for behavior and safety set by the principal or teachers, and bus drivers.
- Remain alert to and promptly report safety hazards, such as intruders on campus.
- Know emergency evacuation routes and signals.
- Follow immediately the instructions of teachers, bus drivers, and other district employees who are overseeing the welfare of students.

Pets

In order to provide a safe environment for our students, the following will be enforced concerning live animals / insects etc. in the building:

- No pets/insects are allowed at school (not even for show & tell).
- Prior approval must be obtained from Principal concerning any living animal project in the classroom.
- Animal projects must be curriculum related and contained in a secure childproof container.
- No children will be permitted to touch/handle anything that can possibly harm them.
- A parent of a student who uses a service animal because of the student's disability must submit a request in writing to the principal at least ten district days before bringing the service animal on campus.

Vandalism

The taxpayers of the community have made a sustained financial commitment for the construction and upkeep of school facilities. To ensure that school facilities can serve those for whom they are intended – both this year and in the coming years – littering, defacing, or damaging school property is not tolerated. Students will be required to pay for the damages they cause and will be subject to criminal proceedings as well as disciplinary consequences in accordance with the Student Code of Conduct.

Gang-Free Zones

Certain criminal offenses, including those involving organized criminal activity such as gang-related crimes, will be enhanced to the next highest category of offense if they are committed in a gang-free zone. For purposes of the district, a gang-free zone includes a school bus and a location in, on, or within 1,000 feet of any district-owned or leased property or campus playground.

SPECIAL EDUCATION

Records

Parents of a student with disabilities who has been provided special education services by the District will be notified when any information that specifically identifies the student is no longer needed. If the parent requests destruction of the information and the time established by law for retention has expired, the records will be destroyed. However, if the retention period established by law has not expired, the material will be deleted from the records but the records will be maintained until the time has expired.

Providing Assistance to Students Who Have Learning Difficulties or Need Special Education Services

For those students who are having difficulty in the regular classroom, all school districts and open enrollment charter schools must consider tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention (RtI). The implementation of RtI has the potential to have

a positive impact on the ability of districts and other charter schools to meet the needs of all struggling students.

If a student is experiencing learning difficulties, his or her parents may contact the individual(s) listed below to learn about the school's overall general education referral or screening system for support services. This system links students to a variety of support options, including making a referral for a special education evaluation or for a Section 504 evaluation to determine if the student needs specific aids, accommodations, or services. A parent may request an evaluation for special education or Section 504 services at any time.

Special Education Referrals:

If a parent makes a written request for an initial evaluation for special education services to the director of special education services or an administrative employee of the school district or open enrollment charter school, the district or charter school must respond no later than 15 school days after receiving the request. At that time, the district or charter school must give the parent a prior written notice of whether it agrees to or refuses to evaluate the student, along with a copy of the Notice of Procedural Safeguards. If the school district or charter school agrees to evaluate the student, it must also give the parent the opportunity to give written consent for the evaluation.

Please note that a request for special education evaluation may be made verbally and does not need to be in writing. Districts and charter schools must still comply with all federal prior written notice and procedural safeguard requirements and the requirements for identifying, locating, and evaluating children who are suspected of being a child with a disability and in need of special education. However, a verbal request does not require the district or charter school to respond within 15-school-day timeline.

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

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

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

Contact Person for Special Education Referrals:

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for special education services is:

Contact Person: Dr. Megan Pape
Phone Number: 979-865-7012

Section 504 Referrals:

Each school district or charter school must have standards and procedures in place for the evaluation and placement of students in the districts or charter schools Section 504 program. Districts and charter schools must also implement a system of procedural safeguards that includes notice, an opportunity for a parent or guardian to examine relevant records, an impartial hearing with an opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

Contact Person for Section 504 Referrals:

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for Section 504 services is:

Contact Person: Dr. Megan Pape
Phone Number: 979-865-7012

You can also find the required language here:

https://tea.texas.gov/Academics/Special_Student_Populations/Special_Education_SPED/Programs_and_Services/Students_Handbook_Statement_English

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

- Texas Project First
- Partners Resource Network

Asistencia para estudiantes que tienendificultadesde aprendizaje o necesitanservicios de educaciónespecial.

Si un niño tiene dificultades de aprendizaje, el padre puede comunicarse con la persona mencionada abajo para informarse sobre la remisión a educación general en términos generales o sistema de evaluación para los servicios de apoyo del distrito. Este sistema conecta alos estudiantes con una variedad de opciones de apoyo, incluyendo remisiones para una evaluación de educación especial. Los estudiantes que tienen dificultades en el aulanormal deberían tomarse en cuenta para tutoría, compensación y otros servicios de apoyo académicos o del comportamiento que están disponibles para todos los estudiantes, incluyendo un proceso basado en la respuesta a intervención (RtI).La implementación de la respuesta a intervención tiene el potencial de tener un efecto positivo en la habilidad de los distritos de cubrir las necesidades de todos los estudiantes con dificultades.

El padre tiene derecho, en todo momento, a solicitar una evaluación para los servicios de educación especial. En un periodo de tiempo razonable, el distrito debe decidir si dicha evaluación es necesaria. Si la evaluación es necesaria, el padre seránotificado y se le pedirá que provea un consentimiento informado por escrito para realizar la evaluación. El distrito debe completar la evaluación y el informe en 60 días del calendario desde la fecha en que el distrito recibió el consentimiento escrito. El distrito debe darle al padre una copia del informe de la evaluación.

Si el distrito determina que no es necesaria la evaluación, el distrito le proporcionará al padre un aviso previo por escrito que explica por qué no se evaluará al niño. El aviso por escrito incluirá una explicación que les informa a los padres sobre sus derechos, si están en desacuerdo con el distrito. El distrito tiene la obligación de darles a los padres el *Aviso Sobre Procedimientos de Protección*- Derechos de los Padres de Estudiantes con Discapacidades. El distrito escolar tiene información adicional sobre IDEA en un documento complementarioGuía para el Proceso de Admisión, Revisión y Retiro.

Los siguientes portalesde internet proveen información a aquellas personas interesadas en obtener información y recursos específicos para estudiantes con discapacidades y sus familias:

- Texas Project First
- PartnersResource Network

La persona designada con quien se debe comunicar para obtener información sobre las opciones para un niño que tiene dificultades de aprendizaje o una remisión para una evaluación para los servicios de educación especial es:

Persona con quien comunicarse: 865-7021

SPECIAL PROGRAMS

The district provides special programs for gifted/talented students, bilingual students, migrant students, students with limited English proficiency, dyslexic students, and students with disabilities. The coordinator of each program can answer questions about eligibility requirements and programs and services offered in the District or by other organizations. A student or parent with questions about these programs should contact the campus ampus counselor.

STUDENT RECORDS

A student's school records are confidential and are protected from unauthorized inspection or use. A cumulative record is maintained for each student from the time the student enters the District until the student withdraws or graduates. This record moves with the student from school to school.

By law, both parents, whether married, separated, or divorced, have access to the records of a student who is under 18 or dependent for tax purposes. A parent whose rights have been legally terminated will be denied access to the records if the school is given a copy of the court order terminating these rights.

The principal is custodian of all records for currently enrolled students at the assigned school. The Superintendent is the custodian of all records for students who have withdrawn or graduated. Records may be reviewed during regular school hours upon completion of the written request form.

The records custodian or designee will respond to reasonable requests for explanation and interpretation of the records. If circumstances prevent a parent or legal guardian from inspecting the records, the District will either provide a copy of the requested records, or make other arrangements for the parent or student to review the requested records.

Parents of a minor or of a student who is a dependent for tax purposes, the student (if 18 or older) and school officials with legitimate educational interests are the only persons who have general access to a student's records. "School officials with legitimate educational interests" include any employees, agents, or Trustees of the District. A student’s records can only be view if the viewer is:

working with the student; considering disciplinary or academic actions, the student's case, an Individual Education Plan (IEP) for a student with disabilities under IDEA, or an individually designed program for a student with disabilities under Section 504; compiling statistical data; or investigating or evaluating programs. Such persons would include school officials (such as teachers, counselors, diagnosticians & support staff); a person or company with whom the

district has contracted to provide a particular service (such as an attorney, auditor, medical consultant, or therapist); a parent or student serving on a school committee; or a parent or student assisting a school official or staff in the performance of his or her duties.

Certain officials from various governmental agencies may have limited access to the records. The District forwards a student's records on request and without prior parental consent to a school in which a student seeks or intends to enroll. Records are also released in accordance with a court order or a lawfully issued subpoena, or to a school or institution of postsecondary education to which a student seeks or intends to enroll or in which he or she is already enrolled.

A parent (or eligible student) may inspect the student's records and request a correction if the records are considered inaccurate, misleading, or otherwise in violation of the student's privacy rights. A request to correct a student's record should be submitted to the Superintendent. The request must clearly identify the part of the record that should be corrected and include an explanation of how the information in the record is inaccurate. If the district denies the request to amend the records, the parent or eligible student has the right to request a hearing. If the records are not amended as a result of the hearing, the parent or eligible student has 30 school days to exercise the right to place a statement commenting on the information in the student's record. Although improperly recorded grades may be challenged, contesting a student's grade in a course is handled through the general complaint process found in policy FNG(LOCAL). A grade issued by a classroom teacher can be changed only if, as determined by the board of trustees, the grade is arbitrary, erroneous, or inconsistent with the district's grading policy.

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

Copies of students' records are available upon request unless the District is given a copy of a court order terminating the parental rights. Parents or eligible students have the right to file a complaint with the U.S. Department of Education if they believe the district is not in compliance with federal law regarding student records. The complaint may be mailed to:

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

STUDENT RIGHTS

No student will be required to participate without parental consent in any survey, analysis, or evaluation -- funded in whole or in part by the U.S. Department of Education -- that concerns:

- Political affiliations
- Mental and psychological problems embarrassing to the student or family.
- Sexual behavior and attitudes.
- Illegal, anti-social, self-incriminating, and demeaning behavior.
- Critical appraisals of other individuals with whom the student or the student's family has close family relationships.
- Relationship privileged under law, such as those with lawyers, physicians, and ministers.
- Religious practices, affiliations, or beliefs of the student or parents.

- Income, except when the information will be used to determine the student's eligibility to participate in a special program or to receive financial assistance under such a program.

Parents shall be able to inspect any teaching materials used in connection with such a survey, analysis, or evaluation. Each parent also has a right to review all instructional materials used in his or her child's classroom and to review each test that has been administered to his or her child.

Nondiscrimination

Bellville ISD does not discriminate on the basis of race, religion, color, national origin, gender, sex, disability, age, or any other basis prohibited by law, in providing education services, activities, and programs.

Pledges of Allegiance

Texas law requires students to recite the Pledge of Allegiance to the United States flag and the Pledge of Allegiance to the Texas flag each school day. Parents may submit a written request to the principal to excuse their child from reciting a pledge.

A minute of silence will follow recitation of the pledges. The student may choose to reflect, pray, meditate, or engage in any other silent activity so long as the silent activity does not interfere with or distract others.

State law requires students in grade 3-12 to recite a portion of the Declaration of Independence during Celebrate Freedom Week (the week of September 17th). Parents may submit a written request that their child be excused from this recitation if applicable.

Right to Pray

Each student has a right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the delivery of instruction or other activities of the school. The school will not require, encourage, or coerce a student to engage in or to refrain from such prayer or meditation during any school activity.

Search and Seizure

School officials may search a student's outer clothing, pockets, or property by establishing reasonable cause or securing the student's voluntary consent.

In the interest of promoting student safety and attempting to ensure that schools are safe and drug-free, District officials may from time to time conduct searches.

Students' desks and lockers are school property and remain under the control and jurisdiction of the school even when assigned to an individual student. Students are responsible for the security and contents of the assigned desks and lockers.

Searches of desks or lockers may be conducted at any time there is reasonable cause to believe that they contain articles or materials prohibited by District policy, whether or not a student is present. The parent will be notified if any prohibited items are found in the student's desk or locker.

Sexual Harassment/Sexual Abuse

The District encourages parental and student support in its efforts to address and prevent sexual harassment and sexual abuse in the public schools. Students and/or parents are encouraged to discuss their questions or concerns about expectations in this area with a teacher, counselor, principal or designee.

Unwanted and un-welcomed conduct of a sexual nature--words, gestures or any other sexual conduct, including requests for sexual favors--directed toward another student or a District employee is unacceptable.

As a parent, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused. Sexual Abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility, under state law, for reporting the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

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

As a parent, if your child is a victim of sexual abuse, the campus counselor or principal will provide information regarding counseling options for you and your child available in your area. The Texas Department of Family and Protective Services (TDFPS) also manages early intervention counseling programs. To find out what services may be available in your county, see http://www.dfps.state.tx.us/Prevention_and_Early_Intervention/Programs_Available_In_Your_ County/default.asp.

The following Web sites might help you become more aware of child sexual abuse:
http://www.tea.state.tx.us/index.aspx?id=2820
http://sapn.nonprofitoffice.com/
http://www.taasa.org/member/materials2.php

Reports may be made to:
The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (1-800-252-5400 or on the Web at http://www.txabusehotline.org).

Students must not engage in unwanted and unwelcome verbal or physical conduct of a sexual nature directed toward another student or a District employee. This prohibition applies whether the conduct is by word, gesture, or any other sexual conduct, including requests for sexual favors. All students are expected to treat other students and District employees with courtesy and respect; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop.

A substantial complaint against a student will result in appropriate disciplinary action, according to the nature of the offense. *See the Student Code of Conduct.*

Harassment

Prohibited harassment, in general terms, is conduct so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; or substantially interferes with the student's academic performance. The District believes that all students learn best in an environment free from dating violence, discrimination, harassment, and retaliation and that their welfare is best served when they are free from this prohibited conduct while attending school.

The board has established policies and procedures to prohibit and promptly respond to inappropriate and offensive behaviors and discriminations that are based on a person's race, color, religion, gender, national origin, disability, or any other basis prohibited by law.

The District will not tolerate harassment. Students are expected to treat other students and District employees with courtesy and respect; to avoid any behaviors known to be offensive; and to stop these behaviors when asked or told to stop. District employees are expected to treat students with courtesy and respect. A substantial complaint against a student will result in appropriate disciplinary action, according to the nature of the offense and the Student Code of Conduct. The District encourages parental and student support in its efforts to address and prevent harassment in any form in the public schools.

Retaliation

Retaliation of a student occurs when a student receives threats from another student or an employee or when an employee imposes an unjustified punishment or unwarranted grade reduction. Retaliation does not include petty slights and annoyances from other students or negative comments from a teacher that are justified by a student's poor academic performance in the classroom.

Retaliation against a person who makes a good faith report of discrimination or harassment is prohibited. A person who makes a false claim or offers false statements or refuses to cooperate with a district investigation, however, may be subject to appropriate discipline. Retaliation against a person who is participating in an investigation of alleged discrimination or harassment is also prohibited.

Reporting Procedures

Any student who believes he or she has experienced discrimination, harassment, or retaliation should immediately report the problem to a teacher, counselor, principal, or other district employee. The report may be made by the student's parent. See policy FFH(LOCAL) for the appropriate districts officials to whom to make a report.

Investigation of Report

To the extent possible, the district will respect the privacy of the student; however, limited disclosures may be necessary to conduct a thorough investigation and to comply with law. Allegations of prohibited conduct, which includes discrimination, harassment, and retaliation, will be promptly investigated. The district will notify the parents of any student alleged to have experienced prohibited conduct by an adult associated with the district.

In the event prohibited conduct involves another student, the district will notify the parents of the student alleged to have experienced the prohibited conduct when the allegations, if proven, would constitute a violation as defined by policy.

If the district's investigation indicates that prohibited conduct occurred, appropriate disciplinary or corrective action will be taken to address the conduct. The district may take disciplinary action even if the conduct that is the subject of the complaint was not unlawful.

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

Bullying

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

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

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

Bullying is prohibited by the district and could include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor-spreading, or ostracism. In some cases, bullying can occur through electronic methods, called "cyberbullying."

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

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

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

The principal may, in response to an identified case of bullying, decide to transfer a student found to have engaged in bullying to another classroom at the campus. In consultation with the student's parent, the student may also be transferred to another campus in the district. The parent of a student who has been determined by the district to be a victim of bullying may request that his or her child be transferred to another classroom or campus within the district.

A copy of the district's policy is available in the principal's office, superintendent's office, and on the district's Web site.

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

TECHNOLOGY

Computer Resources

To prepare students for an increasingly computerized society, the District has made a substantial investment in computer technology for instructional purposes. Use of these resources is restricted to students working under a teacher's supervision and for approved purposes only. Students and parents will be given a copy of the District's *Acceptable Use Policy*.

Students who abuse the computers or do not follow the *Acceptable Use Policy* as specified in the Bellville ISD Student Code of Conduct Handbook will lose the privilege of using a computer. Abuse and misuse of the computers may result in disciplinary action.

Unacceptable and Inappropriate Use of Technology Resources

Students are prohibited from sending, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition applies to conduct off school property, whether the equipment used to send such messages is district-owned or personally owned, if it results in a substantial disruption to the educational environment. Any person taking, disseminating, transferring, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as "sexting," will be disciplined according to the Student Code of Conduct and may, in certain circumstances, be reported to law enforcement.

If you **do not want** to allow your child access to the Bellville ISD computer network and the Internet, you need to send a note to your campus office. You need to state in the note that you do not want your child to participate in the electronic educational resources that Bellville ISD provides through the Internet.

Students and parents should be aware that electronic communications--e-mail--using District computers are not private and may be monitored by District staff.

Computer Access

Only students who have been authorized by the District and who are under direct supervision of designated District employees are permitted to use a District computer or to access any local network or outside telecommunications resources such as the Internet. Students are expected to observe network etiquette by being polite and using appropriate language. Students are prohibited from pretending to be someone else; transmitting obscene messages or pictures; revealing personal addresses or telephone numbers-either their own or another person's; or using the network in a way that would disrupt use by others.

Students who want to use computers in the library must have special computer passes stating their assignments as well as the signature of the teacher making the assignments. This rule does not apply when a teacher accompanies an entire class to the computer lab to work on a project.

TRANSPORTATION

School Bus

The District makes school bus transportation available to all students living two or more miles from school. This service is provided at no cost to students; its cost is reimbursed by the

state of Texas. Bus routes and any subsequent changes are posted at the school. Further information may be obtained by calling the BISD Transportation Department at (979) 865-3673. Students are expected to assist District staff in ensuring that buses remain in good condition and that transportation is provided safely.

When riding school buses, students must:

1. Follow the driver's directions at all times.

2. Board and leave the bus in an orderly manner at the designated bus stop nearest home.

3. Be seated while the bus is moving.

4. Keep books, band instrument cases, feet, and other objects out of the aisle.

5. Do not deface the bus and/or its equipment.

6. Do not put head, hands, arms, or legs out of the window, or hold any object out of the window or throw objects within or out of the bus.

7. Observe all usual classroom rules.

8. Do not smoke, possess or use any form of tobacco.

9. Fasten seat belts (if available on the bus) at all times.

10. Upon leaving the bus, wait for the driver's signal before crossing in front of the bus.

Misconduct will be punished in accordance with the Student Code of Conduct; bus-riding privileges may be suspended. Students will receive one warning. The second offense will require a parent conference in person or via telephone. The third offense will result in the student being removed from the bus for 1-3 days. On the fourth offense, the student will be removed from the bus for one week or more (up to the remainder of the school year), depending on the offense. Fighting, disrespect to the driver, and destruction of property may result in the loss of bus privileges on the first offense. Parents will be notified about these bus write-ups.

Students at bus stops should be monitored by parents if possible. There may be incidents that occur while waiting for the bus, or after departing the bus, over which the school has little control.

Travel-School Sponsored Students who participate in school-sponsored trips are required to use the transportation provided by the school to and from the event, unless prior arrangements have been made through the principal's office.

Drop Off/Pick Up Procedures

SAFETY REMINDERS MORNING DROPOFF:

- ✓ Tardy Bell rings at 8:05. If the student is not in their classroom at that time, a tardy is received.
- ✓ DO NOT go around the car line to get to a parking space.

- ✓ A Staff Member will unload children.
- ✓ All West End Students need to be dropped off at the front of the school.
- ✓ If you are dropping an older child in the back to catch a bus, DO NOT block the area for the buses and DO NOT allow your child to run in front of a bus. NO WEST END STUDENTS MAY BE DROPPED OFF IN THE BACK OF THE SCHOOL!

SAFETY REMINDERS AFTERNOON PICKUP:

- ✓ Pick up your child between 3:30 - 3:45. Other arrangements MUST be made with the principal if you will be late.
- ✓ Parents choosing to walk up to get their student need to park in the grassy area to the right of the cafeteria and use the sidewalk to get their child.
- ✓ DO NOT go around the car line to get to a parking space.
- ✓ A Staff Member will escort children to the car.
- ✓ NO STUDENTS SHOULD BE PICKED UP AT THE BUS AREA.
- ✓ If you need to change your child's transportation mode, please call the school by 2:30 PM.

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ACKNOWLEDGMENT FORM
Student Handbook

My child and I acknowledge that the West End Elementary Student Handbook is online on the school's website at http://we.bellvilleisd.org under the School Resources tab. We have read the documents and understand that the handbook contains information that my child and I may need during the school year and that all students will be held accountable for their behavior and will be subject to the disciplinary consequences outlined in the Handbook and District Code of Conduct.

Print name of student:_____

Signature of student:_____

Signature of parent:_____

Date:_____

Check if applicable to your family:

☐ We would like to receive a hard copy of the WE Student Handbook. I have the following siblings at this school.

Name of Sibling	Grade	Name of Sibling	Grade
_____		_____	
_____		_____	

NOTICE TO PARENTS: DIRECTORY INFORMATION

"Certain information about District students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about the student. If you do not want Bellville ISD to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by September 7. Bellville ISD has designated the following information as directory information: student's name, address, telephone listing, electronic mail address, photograph, honors and awards received, date and place of birth dates of attendance, grade level, most recent educational institution attended, participation in officially recognized activities and sports, and enrollment status."

Remember that the student directory is to be used by parents for party invitations. NO INVITATIONS OF ANY KIND ARE TO BE HANDED OUT IN SCHOOL OR SCHOOL PARKING LOT.

School Resource Officer Program
Memorandum of Understanding
2020-2021

1. PARTIES

1.1 This Memorandum of Understanding is entered into between the Bellville Police Department (hereinafter referred to as the "Bellville PD" or "Police Department"), Austin County Sheriff's Department (hereinafter referred to as the "Austin County Sheriff" or "Sheriff's Department"), and the Bellville Independent School District (hereinafter referred to as the "Bellville ISD").

2. PURPOSE OF AGREEMENT

2.1 The purpose of this agreement is to provide uniformed police officers and marked patrol cars to the schools outlined on Attachment A, for the School Resource Officer Program per the terms of this Memorandum of Understanding.

2.2 Bellville PD and Bellville ISD both recognize and support the need for safe schools and a safe learning environment for our youth. In furtherance of that goal, the Bellville PD and Bellville ISD shall work in partnership toward this end.

2.3 The School Resource Officers, hereinafter referred to as "SRO", will work with the school administrator(s) to maintain a peaceful campus environment and take appropriate action regarding illegal activity occurring on-campus or at school related functions.

3. TERMS OF THE AGREEMENT

3.1 This Agreement shall be effective on August 18th, 2020, and shall be in effect for a period of one year.

3.2 The Bellville PD and/or Austin County Sheriff shall provide hourly contracted SROs to provide service to the designated campuses on each day that school is in regular session. Bellville ISD will provide the Bellville PD with a school calendar for the upcoming school year on or before July 25th each year.

3.3 This agreement shall be reviewed annually prior to renewal.

3.4 All police reports, citations, and other written documents generated by the SRO are the property of the Bellville PD or Austin County Sheriff and will be maintained by the Police Department or Sheriff's Office.

4. OBLIGATIONS OF PARTIES

4.1 The Bellville PD and/or Sheriff's Department, including the SROs, shall have the status of an employee for the purposes of this agreement. An SRO assigned to the Bellville ISD is an employee of the City or County and will also be considered an employee of the Bellville ISD for purposes of the School Resource Officer Program. As such, the SRO shall be subject to control, supervision, policies, procedures and General Orders of the Bellville PD or Sheriff's Department and Bellville ISD.

4.2 For the purpose of the School Resource Officer Program, compensation and benefits shall be paid directly to the SRO by Bellville ISD in the amount of forty dollars ($40) an hour for an eight (8) hour work day. All compensation and benefits shall be in accordance with the Bellville ISD policies as established for its employees. Bellville ISD shall maintain appropriate Worker's Compensation and Unemployment Insurance coverage for each SRO in accordance with coverage maintained for all other police officers employed by Bellville ISD.

4.3 The Bellville PD or Sheriff's Department will provide the SRO with uniforms and equipment in accordance with the Bellville Police Department policies.

4.4 Bellville ISD will provide the SRO with a portable two-way radio or program an existing radio to enable the SRO to communicate directly with the campus administrator(s). Preferably, the SRO will carry only one portable radio for all communication purposes.

4.5 The Bellville PD or Sheriff's Department will provide the SRO with all training necessary for the acquisition and maintenance of state licensing and certification requirements for police officers.

4.6 Bellville ISD will provide the SRO with necessary training specific to the function of the SRO, including but not limited to the Basic School Resource Officer course approved by the Texas Commission on Law Enforcement, Bellville ISD policies regarding student confidentiality and guidelines regarding the Family Educational Rights and Privacy Act (FERPA). Bellville ISD will be responsible for any and all expenses arising from such training, including travel, lodging and meals in accordance with Bellville ISD policy. The Bellville Police Department will provide a vehicle for training travel. Bellville ISD will consult with the Bellville Police Department to determine training needs prior to either party registering or committing to training.

4.7 The SRO is subject to current procedures in effect for City police officers, including attendance at all mandated training and testing to maintain state peace officer licensing and certification. This training and certification takes place throughout the year and may necessitate the temporary absence of the SRO from his/her assigned campus.

4.8 When a SRO is temporarily absent from his/her assigned campus for training or other reasons on a day that the school is in session, the Police Department will make reasonable efforts to provide a police presence for that campus by assigning other SROs or police officers to spend a portion of the school day on the affected campus. When a police officer is needed on campus at times when the SRO or other officer is not on campus, school personnel should call police dispatch at 979-865-3122 (non-emergency) or dial 9-1-1 in case of emergency.

4.9 Bellville ISD will provide the SRO with access to an office that affords security and privacy and such equipment as is necessary at the assigned school. This equipment should include, but is not limited to, a telephone, copier, filing space capable of being secured and access to a computer and/or secretarial assistance.

5. SCHOOL RESOURCE OFFICER SELECTION, TRANSFER AND REMOVAL

5.1 The SRO Program Selection Panel will be comprised of Police Department representatives as determined by the Chief of Police or designee and a Bellville ISD administrator as determined by Bellville ISD. The Chief of Police or his appointed designee will make the final decision on all appointments and assignments related to the SRO program.

5.2 An SRO may request to transfer to another school. The transfer may be approved provided:

5.2a The principals of each affected school agree with the transfer;

5.2b The transfer is approved by the Chief of Police or his appointed designee.

5.3 If Bellville ISD is dissatisfied with the performance of an SRO, Bellville ISD will notify the SRO supervisor (currently, Lt. Smalley) who will attempt to resolve the issue to the satisfaction of both Bellville ISD and the Police Department.

5.4 The Police Department may take appropriate corrective or disciplinary action regarding any allegation of misconduct on the part of a SRO in accordance with Police Department policy.

5.5 The Police Department is responsible for providing annual performance evaluations to each SRO, and input from Bellville ISD Administration will be solicited.

5.6 The Chief of Police and/or his appointed designee may dismiss or reassign a SRO based on Police Department guidelines and/or General Orders and when it is in the best interest of the City of Bellville and/or Bellville ISD.

5.7 In the event of a resignation, retirement, dismissal or reassignment of a SRO, or in the case of long-term absences by a SRO, the Police Department will provide a temporary replacement for the SRO within thirty (30) school days of receiving notice of such absence, dismissal, resignation or reassignment. As soon as practicable, the Selection Panel shall convene and recommend the permanent replacement(s) for the SRO position.

6. SCHOOL RESOURCE OFFICER RESPONSIBILITIES

6.1 The SRO will work in concert with the school principal(s), or the school designee, meeting with the principal(s) on a periodic basis.

6.2 The SRO will check in and out with designated school staff upon arriving or departing from campus unless circumstances prevent the SRO from doing so.

6.3 The SRO may provide a program of educational leadership by acting as a guest speaker in addressing tobacco, alcohol, and other drug issues, and in addressing violence diffusion, violence prevention, and safety issues in the school community.

6.4 The SRO will act as a communication liaison with law enforcement agencies, and provide basic information concerning students on the campus served by the officer.

6.5 The SRO may present programs to parents on issues related to tobacco, alcohol, and other drugs, violence prevention and safety.

6.6 The SRO may provide informational programs for Bellville ISD staff on issues related to alcohol and other drugs and the law, violence, gangs, safety and security.

6.7 The SRO will gather information regarding potential problems such as criminal activity, gang activity and student unrest, and attempts to identify particular individuals who may be a substantial or material disruptive influence to the school and/or students.

6.8 The SRO will assist Bellville ISD staff in maintaining order on school property.

6.9 The SRO will take appropriate law enforcement action, consistent with a police officer's duty. As soon as practicable, the SRO shall make the principal of the school aware of such action. At the principal's request, the SRO shall take appropriate law enforcement action against intruders and unwanted guests who may appear at the school and related school functions, to the extent that the SRO may do so under the authority of law. Whenever practicable, the SRO will advise the principal before requesting additional police assistance on campus.

6.10 The SRO will refer students and/or their families to the appropriate agencies for assistance when need is determined.

6.11 The SRO shall not act as a school disciplinarian or perform school administrative duties. However, if the principal believes an incident involves a violation of the law, the

principal may contact the SRO and the SRO will then determine whether law enforcement action is appropriate.

6.12 The SRO may perform other duties as may be mutually agreed upon in writing by the Police Department or Sheriff's Department and Bellville ISD.

6.13 Provided further that nothing required herein is intended to or will constitute a relationship or duty for the assigned police officer or the City or the County beyond the general duties that exist for law enforcement officers within the state.

6.14 The SRO will comply with all Bellville ISD policies and procedures, including those relating to the prohibition against the use of alcohol or drugs, and required drug and alcohol testing.

7. TIME AND PLACE OF PERFORMANCE

7.1 The Police Department or Sheriff's Department will ensure that the SROs report to the campus of their assigned school each day that school is in session during the regular school year. Each SRO will work an eight (8) hour day as determined by the school principal and the SRO supervisor. The SRO's activities will be dedicated to the assigned school campus except for:

7.1a Follow-up home visits when needed as a result of school related student problems.

7.1b School related off-campus activities when the principal requests officer participation and it is approved by the Bellville Police Department or Sheriff's Department.

7.1c Response to off-campus, but school-related criminal activity.

7.1d Response to emergency law enforcement activities or court appearances.

7.1e Transport of persons arrested on campus to a detention or holding facility.

7.1f Other official business approved by the SRO's supervisor.

7.2 Regular working hours may be adjusted on a situational basis with the consent of the SRO supervisor.

8. TERMINATION AND DEFAULT

8.1 Prior to the expiration of the Term, either Party is authorized to terminate this Agreement without cause by giving the other party at least thirty (30) days advance written notice of its intention to do so and, specifying therein, the effective date of such termination.

8.2 If either party breaches this agreement and/or its obligations hereunder, the non-breaching party shall give written notice thereof and the breaching party shall have 30 days to cure the alleged breach. In the event the breach is not cured within the 30 days, the non-breaching party may terminate this agreement with or without notice.

8.3 In the event this agreement is terminated for any reason before the expiration of the term, Bellville ISD shall prepare a final accounting, as of the effective date of the termination, of Bellville ISD share of the SRO Program.

9. NOTICE

9.1 Any notice permitted or required to be given to the City of Bellville or the Bellville Police Department, hereunder, may be given by registered or certified United States Postal Mail, postage prepaid, return receipt requested, and addressed to:

Chief of Police
City of Bellville Police Department
37 N. Bell
Bellville, TX 77418

9.2 Any notice permitted or required to be given to the Austin County or the Austin County Sheriff's Department, hereunder, may be given by registered or certified United States Postal Mail, postage prepaid, return receipt requested, and addressed to:

Sheriff
Austin County
417 N. Chesley St
Bellville, TX 77418

9.3 Any notice permitted or required to be given to the Bellville ISD, hereunder, may be given by registered or certified United States Postal Mail, postage prepaid, return receipt requested, and addressed to:

Superintendent
Bellville Independent School District
518 South Mathews, Bellville, TX 77418

9.4 Notice shall be deemed given upon deposit of the notice in the United States Postal Mail as aforesaid.

9.5 Either Party may designate a different address by giving at least ten (10) days written notice in the manner provided above.

10. MISCELLANEOUS

10.1 The terms and provisions of this agreement constitute the entire agreement between the City of Bellville Police Department and the Bellville Independent School District, and no modification of this agreement is effective unless in writing and executed by all parties.

10.2 Nothing herein shall be construed as a waiver of any defense or immunity that any party is entitled by statute or common law.

SIGNED in duplicate originals this _____ day of _____, 2020.

_____
Bellville PD

SIGNED in duplicate originals this _____ day of _____, 2020.

_____
Austin County Sheriff's Department

SIGNED in duplicate originals this _____ day of _____, 2020.

_____
Bellville ISD

School Resource Officer Program
Memorandum of Understanding

ATTACHMENT A

Bellville High School

Bellville Junior High School

O'Bryant Primary and O'Bryant Intermediate School

West End Elementary School

BELLVILLE INDEPENDENT SCHOOL DISTRICT
Meeting of the BISD Board of Trustees

July 21, 2020

Subject:	EIC (Local) Academic Achievement and Class Rank Policy Update
Presenter:	Natalie Jones, Chief Academic Officer
Board Policy:	EIC (Local)
BISD Goal:	1. Develop and attain local standard for high levels of integrated learning and performance. [LEARNING]

Summary:	In a previous meeting, action was taken to exclude foreign language courses in GPA calculation with entering ninth grade students in 2020-21 and beyond. This change is reflected in the proposed update. Bellville ISD is moving to nine-week grading periods rather than six-week grading periods, as reflected. It is proposed for local graduation honors the District shall calculate class rank using grades available at the time of calculation. For this purpose, second semester averages shall be computed using grades at the end of the third nine-week grading period and grades from the second progress report of the fourth nine-week grading period, including final grades for dual credit courses.
Attachments:	▪ EIC (Local) Proposed Policy Revision
Recommendation:	The recommendation is for the Board to: Consider updates to EIC (Local) Academic Achievement and Class Rank.

Calculation

The District shall include in the calculation of class rank only grades earned for high school credit in the following subjects: English, mathematics, science, social studies, languages other than English, and Economics,

A student shall not be allowed to retake a course once credit has been earned in an effort to raise his or her grade or standing in class rank.

Entering ninth grade students in 2020-21 and beyond will not have foreign language courses included in GPA calculation.

Exclusions

The calculation of class rank shall exclude grades earned in or by credit by examination, with or without prior instruction, and summer school.

Weighted Grade System

The District shall categorize and weight courses as Advanced, Academic, and Regular in accordance with provisions of this policy.

Categories

Advanced Courses

Eligible AP, Pre-AP, and courses locally designated as advanced in the course selection guide shall be categorized and weighted as Advanced courses.

Academic Courses

Eligible courses locally designated as academic in the course selection guide shall be categorized and weighted as Academic courses.

Regular Courses

All other eligible courses shall be designated as Regular courses.

Weighted Grade Point Average (GPA)

The District shall convert semester grades to grade points in accordance with the weighted grade point chart published in the course selection guide and shall calculate a weighted GPA.

Transferred Grades

When a student transfers grades for properly documented courses, the District shall assign weight to those grades based on the categories and grade weight system used by the District if similar or equivalent courses are offered to the same class of students in the District.

Local Graduation Honors

For the purpose of determining honors to be conferred during graduation activities, the District shall calculate class rank ~~rank at the end of the fifth six-week grading period of the senior year. The average of the fourth and fifth six-week grades shall be used as the semester grade for this purpose.~~using grades available at the time of calculation. For this purpose, second semester averages shall be computed using grades at the end of the third nine-week grading period and grades from the second progress report of the fourth nine-week grading period, including final grades for dual credit courses.

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

Valedictorian and Salutatorian

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

1. Have been continuously enrolled in the District high school for the four semesters immediately preceding graduation;
2. Have completed the Recommended Program or the Advanced/Distinguished Achievement Program for graduation; and
3. Be graduating after exactly eight semesters of enrollment in high school.

Breaking Ties

In case of a tie in weighted GPAs, the District shall compute the weighted GPA using advanced level courses only.

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

BELLVILLE INDEPENDENT SCHOOL DISTRICT
Meeting of the BISD Board of Trustees

July 21, 2020

Subject:	EIA (Local) Grade/Progress Reports
Presenter:	Natalie Jones, Chief Academic Officer
Board Policy:	EIA (Local)
BISD Goal:	1. Develop and attain local standard for high levels of integrated learning and performance. [LEARNING]

Summary:	Bellville ISD is moving to nine-week grading periods rather than six-week grading periods. It is proposed to update the policy to reflect issuing grade reports/report cards every nine weeks rather than six weeks as reflected in the attached update. A BISD committee has also updated Instructional, Grading and Reporting Guidelines. An update is proposed to clarify that students may redo an assignment or test in accordance with the guidelines.
Attachments:	▪ EIA (Local) Proposed Policy Revision
Recommendation:	The recommendation is for the Board to: Consider updates to EIA (Local) Grade/Progress Reports.

ACADEMIC ACHIEVEMENT
GRADING/PROGRESS REPORTS TO PARENTS

EIA
(LOCAL)

Relation to Essential Knowledge and Skills

The District shall establish instructional objectives that relate to the essential knowledge and skills for grade-level subjects or courses. These objectives shall address the skills needed for successful performance in the next grade or next course in a sequence of courses.

Assignments, tests, projects, classroom activities, and other instructional activities shall be designed so that each student's performance indicates the level of mastery of the designated District objectives.

Guidelines for Grading

The Superintendent or designee shall ensure that each campus or instructional level develops guidelines for teachers to follow in determining grades for students. These guidelines shall ensure that grading reflects a student's relative mastery of an assignment and that a sufficient number of grades are taken to support the grade average assigned. Guidelines for grading shall be clearly communicated to students and parents.

The District shall permit a student ~~who meets the criteria detailed in the grading guidelines~~ a reasonable opportunity to redo ~~an assignment or retake a test for which the student received a failing grade~~eligible assignments or tests in accordance with the BISD Instructional, Grading, and Reporting Guidelines.

Progress Reporting

The District shall issue grade reports/report cards every ~~six~~ nine weeks on a form approved by the Superintendent or designee. Performance shall be measured in accordance with this policy and the standards established in EIE.

Interim Reports

Interim progress reports may be issued at the teacher's discretion; however, notice of a student's consistent unsatisfactory performance shall be issued in accordance with law.

Conferences

In addition to conferences scheduled on the campus calendar, conferences may be requested by a teacher or parent as needed.

Academic Dishonesty

A student found to have engaged in academic dishonesty shall be subject to grade penalties on assignments or tests and disciplinary penalties in accordance with the Student Code of Conduct. Academic dishonesty includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination. The determination that a student has engaged in academic dishonesty shall be based on the judgment of the classroom teacher or another supervising professional employee, taking into consideration written materials, observation, or information from students.

BELLVILLE INDEPENDENT SCHOOL DISTRICT
Meeting of the BISD Board of Trustees

July 21, 2020

Subject:	"No Pass-No Play" Course Exemption List
Presenter:	Natalie Jones, Chief Academic Officer
Board Policy:	
BISD Goal:	1. Develop and attain local standard for high levels of integrated learning and performance. [LEARNING]

Summary:	Please see the attached list for Bellville High School courses that have been identified as advanced for the 2020-21 school year, and as such, they are eligible for exemption.
Attachments:	▪ "No Pass-No Play" Course Exemption List
Recommendation:	The recommendation is for the Board to: Consider action to approve the courses exempt from the "No Pass-No Play" policy.

Bellville Independent School District

518 S. Mathews Street Bellville, Texas 77418 (979) 865-3133 www.bellvilleisd.org

To: Board of Trustees
From: Natalie Jones, Chief Academic Officer
Subject: "No Pass-No Play" Course Exemption List
Date: July 21, 2020

The following Bellville High School courses have been identified as advanced for the 2020-21 school year, and as such, they are eligible for exemption:

ADVANCED PLACEMENT (AP)
AP English III, IV
AP Calculus
AP Statistics
AP Biology
AP Chemistry
AP Physics

DUAL CREDIT
English IV
US History
Government
Psychology
Any added classes

HONORS
Pre-Ap English I, II
Pre-Ap Geometry
Pre-AP Algebra II
Pre-AP Pre-Calculus
Pre-Calculus
Calculus
Physics
Anatomy & Physiology
Medical Microbiology
Forensic Science
Pre-Ap Biology
Pre-Ap Chemistry
Pre-Ap Physics
Pre-Ap World History
Pre-Ap World Geography
Latin III, IV
Spanish III, IV

Thank you for your consideration of this important issue.

Learners Today. Leaders Tomorrow.
#EnjoyLearning

BELLVILLE INDEPENDENT SCHOOL DISTRICT
Meeting of the BISD Board of Trustees

July 21, 2020

Subject:	Consider Approval of Meal Price Increase
Presenter:	Dennis Jurek
Board Policy:	
BISD Goal:	1. Develop and attain local standards for high levels of integrated learning and performance. [LEARNING] 2. Foster a connected, collaborative, and strategic approach to continuous improvement for the district. [LEADERSHIP] 3. Create a culture that attracts, develops, and retains exceptional individuals to be part of our district and community. [HUMAN CAPITAL] 4. Cultivate connections in our schools and community to ensure all feel safe, valued, and engaged in meaningful ways. [COMMUNITY]

Summary:	Section 205 of the Healthy, Hunger-Free Kids Act of 2010 issues a Paid Lunch Equity (PLE) tool for school food authorities participating in the National School Lunch Program to calculate and compare local meal rates to federal reimbursement rates. The goal of the act is for locally paid meal prices to equal the amount of federal free reimbursement amounts.
Attachments:	▪ Healthy Hunger-Free Kids Act Summary Price Increase ▪ SY 20-21 Price Adjustment Calculator
Recommendation:	I recommend that the board approve the 2020-21 meal pricing as presented.

Board of Trustees
Regular Board Meeting
July 21, 2020

RE: Healthy, Hunger-Free Kids Act of 2010

Dear Board Members,

Section 205 of the Healthy, Hunger-Free Kids Act of 2010 issues a Paid Lunch Equity (PLE) tool for school food authorities participating in the National School Lunch Program to calculate and compare local meal rates to federal reimbursement rates. The goal of the act is for locally paid meal prices to equal the amount of federal free reimbursement amounts. For 2020-2021, the adjusted average price is the weighted average paid lunch price charged in 2019-2020, increased by a factor of ***two percentage points*** above the Consumer Price Index and rounded down to the nearest 5 cents. For 2019-2020 the Consumer Price Index is 2.94 percent. The Paid Lunch Equity Tool Calculated increase for Bellville ISD paid student lunch prices is five cents ($0.05) at the primary level and five cents ($0.05) at the secondary level. The 2020-2021 federal reimbursement rates have not been issued, the 2019-2020 reimbursement rate for lunch is $3.41.
As required by section 205 of the Healthy, Hunger-Free Kids Act of 2010, I recommend the board increase prices as indicated:

	2019-2020 Current Price	Proposed Increase	2020-2021 Proposed Price
Student Lunch - High School	$3.10	$0.05	$3.15
Student Lunch - Junior High	$3.10	$0.05	$3.15
Student Lunch - Intermediate	$2.90	$0.05	$2.95
Student Lunch – Primary/WE	$2.90	$0.05	$2.95
Student Breakfast – District Wide	$1.80	$0.05	$1.85
Staff Lunch	$4.10	$0.05	$4.15
Staff Breakfast	$2.60	$0.05	$2.65
Visitor Lunch	$4.60	$0.05	$4.65
Visitor Breakfast	$3.35	$0.05	$3.40
A la Carte	On a per item bases to offset increases in cost of goods		

Sincerely,

Mr. Dennis Jurek
Assistant Superintendent of Finance and Operations
Bellville Independent School District

Adult Meal Prices – at a minimum must be greater than the amount of total reimbursement received for a free meal plus any other supplemental payments received by the School Food Authority plus per meal value of USDA Foods Commodities used for meal service. Primary, Secondary & Adults receive different size portions, therefore the difference in pricing.

A pricing tool developed by TDA is utilized for these calculations.

Secondary Lunch

Eligibility	*Lunch Paid*	*Reimbursed*	*Performance Reimb.*	***TOTAL***	*Food*	*Payroll*	*Total Cost*
Paid	$3.15	$0.32	$0.09	**$3.56**	*$2.06*	*$1.83*	*$3.89*
Reduced	$0.40	$3.16	$0.09	**$3.65**	*$2.06*	*$1.83*	*$3.89*
Free	$0.00	$3.56	$0.09	**$3.65**	*$2.06*	*$1.83*	*$3.89*

Primary Lunch

Eligibility	*Lunch Paid*	*Reimbursed*	*Performance Reimb.*	***TOTAL***	*Food*	*Payroll*	*Total Cost*
Paid	$2.95	$0.32	$0.09	**$3.36**	*$2.06*	*$1.83*	*$3.89*
Reduced	$0.40	$3.16	$0.09	**$3.65**	*$2.06*	*$1.83*	*$3.89*
Free	$0.00	$3.56	$0.09	**$3.65**	*$2.06*	*$1.83*	*$3.89*

Secondary & Primary Breakfast

Eligibility	*Break Paid*	*Reimbursed*	*Severe Breakfast*	***TOTAL***	*Food*	*Payroll*	*Total Cost*
Paid	$1.85	$0.32	$0.00	**$2.17**	*$1.11*	*$1.83*	*$2.94*
Reduced	$0.30	$1.61	$0.37	**$2.28**	*$1.11*	*$1.83*	*$2.94*
Free	$0.00	$1.91	$0.37	**$2.28**	*$1.11*	*$1.83*	*$2.94*

Texas Department of Agriculture—June 10, 2019 Meal Pricing 15.14

Pricing Maximum for Reduced-Price Meals

CEs cannot charge students who are eligible for reduced-price meals more than the following amounts:

- Lunch—40 cents
- Breakfast—30 cents
- Snacks—15 cents

Go to instructions

SFA NAME:	Bellville ISD

SY 2020-21 Weighted Average Pricing Report

This report assists in tracking the pricing requirements and amounts carried forward for SY 2020-2021. Information on this report is used to determine the SY 2020-21 weighted average price requirements.
Please print and keep in records.
NOTE: If information is changed in the tool, the report contents will change.

Section 1: SY 2020-21 Weighted Average Paid Price Requirements

A. SY 2020-21 Weighted Average Price Requirement*: **This price will be entered into the SY 2021-22 tool to determine the SY 2021-22 weighted average price requirements*	**$3.09**
B. *Optional* Price ROUNDED DOWN to nearest $0.05 cents:	**$3.05**

Section 2: Amounts Carried Forward to SY 2021-22

Select the SY 2020-21 method used to ensure sufficient funds are provided for PAID Lunches

Increase SY2020-2021 average weighted price

Average Weighted Price Adjustments

A. Remaining increase carried forward to SY 2021-22:	**$0.00**
B. Remaining credit carried forward to SY 2021-22:	**$0.00**
Enter in the new average weighted price for SY 2020-21:	**$0.00**

Non-Federal Source Contributions

C. Remaining Annual Non-Federal Source Contribution carried forward to SY 2021-22:	**N/A**
D. Remaining Credit carried forward to SY 2021-22:	**N/A**
Enter the amount of Non-Federal Source contributions for SY 2020-21:	

Enter Sources of Non-Federal Funds Contributed:
General Fund Transfer

Split Calculations

Both average weighted price adjustments and Non-Federal source contributions

E. Remaining Annual Non-Federal Source Contribution carried forward to SY 2021-22:	**N/A**
F. Remaining Credit carried forward to SY 2021-22:	**N/A**
Enter the amount of Non-Federal Source contributions for SY 2020-21:	
Enter the new average weighted price for SY 2020-21:	

SFA NAME:	Bellville ISD

SY 2020-21 Price Adjustment Calculator

Go to Instructions

SY 2020-21 Weighted Average Price Requirement	
Requirement price to the nearest cent	*Optional* price requirement ROUNDED DOWN to nearest 5 cent
$ 3.09	$ 3.05

Note: Above prices are based on adjusting SY 2019-20 price requirement by the 2% rate increase plus the Consumer Price Index (2.94%)

SY 2019-20 Weighted Average Price Calculator

Enter the paid prices and number of paid lunches sold at each price for October 2019.

	Monthly # of Paid Lunches	Paid Lunch Price	Monthly Revenue	SY 2019-20 Weighted Average Price
1.	2,943	$ 3.10	$ 9,123.30	
2.	2,383	$ 3.10	$ 7,387.30	
3.	1,676	$ 2.90	$ 4,860.40	
4.	2,239	$ 2.90	$ 6,493.10	
5.	725	$ 2.90	$ 2,102.50	
6.			$ -	
7.			$ -	
8.			$ -	
9.			$ -	
10.			$ -	
TOTAL	9,966		$ 29,966.60	$ 3.01

*Note: SY 2019-20 Weighted Average Price equal to or above the target price of **$3.09** are compliant for SY 2020-21. **$3.09** is the difference between the Free and Paid reimbursement rates for SY 2019-20.*

Total Price Increase for SY 2020-21
$ 0.04

Required price increase for SY 2020-21 (with 10 cent cap)
$ 3.05

Remaining increase carried forward to SY 2021-22
$ -

Remaining credit carried forward to SY 2021-22
$ -

Go to SY 2020-21 Report

Step 3 (Optional)

Pricing Estimation Calculator

Below is a tool allowing users to manipulate prices to achieve the required new weighted average price.

	Monthly # of Paid Lunches	Paid Lunch Price	Monthly Revenue	Weighted Average Price
1.	2,943	$ 3.15	$ 9,270.45	
2.	2,383	$ 3.15	$ 7,506.45	
3.	1,676	$ 2.95	$ 4,944.20	
4.	2,239	$ 2.95	$ 6,605.05	
5.	725	$ 2.95	$ 2,138.75	
6.			$ -	
7.			$ -	
8.			$ -	
9.			$ -	
10.			$ -	
TOTAL	9,966		$ 30,464.90	$ 3.06

Note: This tool is created to allow the user to only enter the number of paid lunches and the related prices. If any other parts of the tool are modified, the user runs the risk of calculating an incorrect new average price. Users should not modify the tool's current functionality.

February 2020

BELLVILLE INDEPENDENT SCHOOL DISTRICT
Meeting of the BISD Board of Trustees

July 21, 2020

Subject:	Consider Approval of Custodial Supply Bid
Presenter:	Dennis Jurek
Board Policy:	
BISD Goal:	1. Develop and attain local standards for high levels of integrated learning and performance. [LEARNING] 2. Foster a connected, collaborative, and strategic approach to continuous improvement for the district. [LEADERSHIP] 3. Create a culture that attracts, develops, and retains exceptional individuals to be part of our district and community. [HUMAN CAPITAL] 4. Cultivate connections in our schools and community to ensure all feel safe, valued, and engaged in meaningful ways. [COMMUNITY]

Summary:	In accordance with the Texas Education Code, Chapter 44, Subchapter B, Section 44.031, Bellville ISD has solicited Competitive Seal Bids (CSB #2019-003) for custodial supplies for the 2019-2020 school year. Notice was posted in the local newspaper and on the BISD Website. Attached you will find the bid tabulation for custodial supplies. Based on the bid prices and other factors our maintenance director recommends the bids highlighted on the tabulation page as our approved source for custodial supplies. I concur, and I would recommend that the board accept the bid for custodial supplies highlighted on the bid tabulation form.
Attachments:	▪ CSB Tabulation and Highlighted Recommendations
Recommendation:	I recommend, the board award the 2020-21 custodial bid as presented.

Custodial Supplies
CSB# 2020-002

erboro ckaging orp "B"	Interboro Packaging Corp "C"	Interboro Packaging Corp "D"	Interboro Packaging Corp "E"	Landsberg Orora Co.	Pueblo Hotel Suppply	Pyramid School Products	Quill	Ridley's Supply	Unipak	ITEM TOTAL
-	-	-	-	$ 39.68	$ 58.17	-	$ 25.19	$ 42.88	-	$ 15,872.00
							350 st/roll			
-	-	-	-	$ 32.09	$ 42.15	-	$ 35.99	$ 32.08	-	$ 9,624.00
							No Y-notch			
16.68	$ 15.48	$ 14.24	$ 11.32	$ 17.66	$ 37.45	-	$ 42.88	$ 17.09	$ 15.90	$ 4,770.00
oo thin	Too thin	Too thin	Too thin						Too thin	
12.72	-	-	-	-	$ 211.74	-	-	$ 13.33	$ 12.75	$ 3,780.00
-	-	-	-	-	$ 126.36	$ 35.76	$ 143.52	-	-	$ 204.52
					Clamp style	Clamp Style				
-	-	-	-	-	$ 45.24	$ 37.32	-	-	-	$ 223.92
-	-	-	-	-	$ 9.41	$ 5.79	$ 16.46	-	-	$ 181.08
-	-	-	-	-	-	-	-	$ 9.05	-	$ 724.00
-	-	-	-	-	$ 96.55	$ 16.99	$ 38.69	-	-	$ 203.88
					40 p/cs					
128.40	-	-	-	-	-	$ 49.90	$ 72.24	-	-	$ [illegible].60
240.00	-	-	-	-	-	$ 57.90	-	-	-	$ 115.80
-	-	-	-	-	$ 53.16	$ 7.44	$ 17.16	-	-	$ 29.76
-	-	-	-	-	$ 44.04	$ 25.56	$ 34.19	-	-	$ 255.60
-	-	-	-	$ 32.24	-	-	$ 38.69	-	-	$ 773.76
-	-	-	-	$ 77.99	-	$ 39.98	-	-	-	$ 319.84
-	-	-	-	$ 76.50	-	$ 84.98	-	-	-	$ 4,590.00
-	-	-	-	$ 17.58	-	-	$ 46.92	-	-	$ 1,758.00
-	-	-	-	$ 42.80	$ 77.01	$ 42.98	-	-	-	$ 128.40
					38 oz, powder					
-	-	-	-	$ 26.52	$ 28.59	-	-	-	-	$ 79.56
				$ 23,201.72		$ 1,847.40		$ 10,348.00		$ 44,332.72
free delivery				Free Delivery		Minimum order quanties required		Free Delivery	Free Delivery	

BELLVILLE INDEPENDENT SCHOOL DISTRICT
Meeting of the BISD Board of Trustees

July 21, 2020

Subject:	Consider Approval of Workers Compensation 5 Year Interlocal Addendum
Presenter:	Dennis Jurek
Board Policy:	
BISD Goal:	1. Develop and attain local standards for high levels of integrated learning and performance. [LEARNING] 2. Foster a connected, collaborative, and strategic approach to continuous improvement for the district. [LEADERSHIP] 3. Create a culture that attracts, develops, and retains exceptional individuals to be part of our district and community. [HUMAN CAPITAL] 4. Cultivate connections in our schools and community to ensure all feel safe, valued, and engaged in meaningful ways. [COMMUNITY]

Summary:	Workers Compensation Insurance is being provided by Workers Compensation Solutions (WCS) through an Interlocal Agreement, fulfilling our purchasing requirements under Texas Education Code, Chapter 44, Subchapter B, Section 44.031. WCS is a partially self-funded program. BISD pays for fixed cost up front for administrative, district services, excess insurance, and student/staff programs. The remaining Maximum Loss Fund is Bellville ISD's potential maximum loss if claims are incurred during the program year before the WCS pool takes over the claim(s) cost. The self-funded portion of the insurance allows BISD to retain those funds if no claims are filed as opposed to a fully funded insurance where the costs are all up front. WCS's 5 Year Renewal offers Bellville ISD with the best savings and rate lock guarantee. The estimated 1st year renewal savings are $12,057.29, and a rate lock guarantee for the next five years.
Attachments:	▪ Workers Compensation Proposal
Recommendation:	I recommend the board approve the Workers Compensation Solutions 5 year proposal.

NAS
North American Solutions

Public Entity Insurance & Risk Management



Workers' Compensation 2020 Client Proposal

Bellville ISD

Jack Melton
North American Solutions
832.334.4140 - Direct
281.685.6563 - Mobile
nasrisk.com

1265

NAS North American Solutions

Renewal Proposal Summary

Bellville ISD

Rate Guarantee: **5 Years** (2020 – 2025)*
Effective Date: 9.1.2020

Current Payrolls

7380 – Bus Drivers	$	486,305.25
8810 – Clerical	$	359,833.83
8868 – Professional	$	13,632,873.43
9101 – Other	$	1,377,750.98
Total	$	15,856,763.49

Member Benefits

- A+ Rated Specific & Aggregate Excess Insurance
- Texas-Based Claims Administrator
- On-Site Loss Prevention Services
- Safety Incentives
- Medical Bill Reviews
- Bi-Lingual Claims Adjusters
- Personal Protective Equipment
- Wellness Program

Coverage Provider	Funding Summary	Current Program	New 5 Year*
Workers' Compensation Solutions	Fixed Benefits Cost	$ 54,010.01	$ 52,127.09
	Claims Deposit (10% of MLF)	$ 8,773.74	$ 7,756.30
	9.1.2020 Initial Contribution	$ 62,783.75	$ 59,883.39
	Year 1 Savings		$ 12,057.29
	Total Savings		$ 60,286.45
	Maximum Loss Fund (MLF) =	$ 87,737.37	$ 77,563.00

* Subject to acceptance of the attached 5 year Addendum



Public Entity Insurance & Risk Management

Bellville I
Interlocal Addendum

WORKERS' COMPENSATION SOLUTIONS

5 Year Interlocal Addendum

WORKERS' COMPENSATION SOLUTIONS
Bellville Independent School District
5 Year Addendum to the Interlocal Agreement

Normal Premium Fixed Cost Rate: 15.78%
Normal Premium Maximum Loss Fund Rate: 23.48%

1. The Workers' Compensation Solutions Program (WCS) hereby agrees to provide Bellville ISD the fixed cost and maximum loss fund rates for 2020-21, 2021-22, 2022-23, 2023-24 and 2024-25.
2. If the District provides notice of cancellation prior to the end of this five-year agreement, a short-term cancellation contribution of 20% of fixed cost for all years will be charged and payable within 30 days after notice is received.
3. The initial contribution payment is due by the effective date of this coverage, September 1, 2020, and will include the fixed costs for 2020-21, plus 10% of the District's estimated maximum loss fund for 2020-21.
4. The District agrees to abide by the WCS Definitions and Guidelines as approved by the WCS Board of Directors.
5. This Addendum is subject to annual appropriations by the District. This Addendum may be terminated by the District on any successive renewal date by giving written notice no later than sixty (60) days prior to the renewal date. If the District terminates for any reason prior to the end of this Addendum, a short-term cancellation contribution as stated in #2 will apply.
6. This Addendum and the Original Interlocal Agreement, completed on June 12, 2006, shall represent the entire agreement and may not be amended or altered without the written consent of both parties.

IN WITNESS WHEREOF, the undersigned agrees to the Addendum to the Interlocal.

EXECUTED, _____, 2020 and effective as of September 1, 2020.

Bellville ISD

By:_____
Title:_____

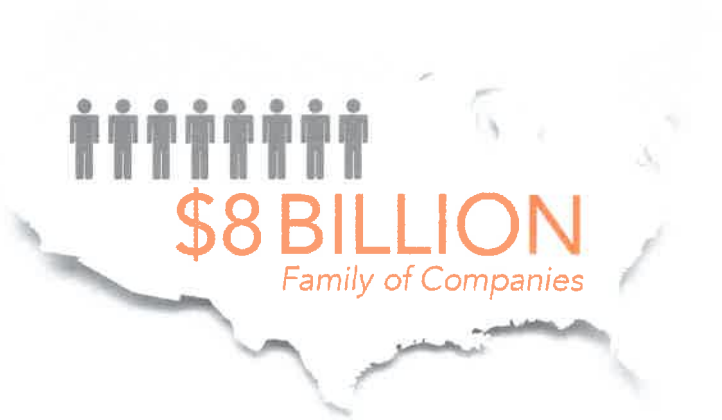
WORKERS' COMPENSATION SOLUTIONS

By:_____Date:_____
Chair Person, Workers' Compensation Solutions

NAS
North American Solutions

Why North American Solutions

Experience



+



Private and independent = more flexibility for you.

Focus

- 100% of our time is devoted to serving public entities and providing access to the most competitive options
- Specialization nurtures expert assistance in the unique issues that schools face each day – active shooter, tort immunity, cyber liability, etc.

=

Purchasing Power = More Choices for You

More

- NAS is the largest insurance broker in Texas specializing in schools
- Represents more than 100 insurance markets worldwide; **plus**
- Proprietary access to programs not available to any other insurance broker in Texas – PCAT, WCS, CPAT and others

Peace of Mind

Public entity risk managers are responsible for managing taxpayer's dollars in a manner that produces the best long-term result. We help clients navigate their options and produce a risk management strategy providing optimal safety, stability and the lowest long-term cost.

Our Mission

Deliver the lowest long-term cost and the highest quality client experience. The cornerstones of our delivery are:

- Global Insurance Market Access
- Risk Management Resources & Training
- Comprehensive Claims Management & Recovery

Core Values

Integrity

Our reputation is one of honesty and integrity. We fulfill commitments and keep promises. Our decisions will be made based on the motto, "Do what is right."

Attitude

Positive attitudes are contagious. We will have fun and enjoy our work — Laughing is required. 'Can-do' attitudes produce success, and we will celebrate our successes.

Purpose

We sincerely care about our clients, colleagues and partners. Every job and function has purpose. We will continually strive for improvement. Therefore, we can be proud of our accomplishments.

Partners

People are judged by the company they keep. North American Solutions partners with risk management and insurance associations to develop the expertise and resources that truly make a difference in the safety and operation of public entities.





WORKERS' COMPENSATION SOLUTIONS

Texas School Workers' Compensation Program







Mission

WCS | Workers' Compensation Solutions provides Member districts with a modified self-insurance workers' compensation program that allows schools to proactively manage long-term costs associated with providing care and recovery for employees with on-the-job injuries. WCS helps achieve the lowest long-term cost for schools by providing comprehensive loss prevention programs to eliminate physical and policy exposures, while providing expert claims analysis and stop-loss limits to manage claims expenses.

Governance

WCS is a non-profit, Member owned-and-governed program. WCS Members elect a Board of Directors from their peer districts to ensure the program is continuously aligned with the needs of its Members.

Loss Prevention

The best kinds of claims are the ones that never happen. Years of school accident analysis has enabled WCS to strategically invest in Member loss prevention training and materials designed specifically to improve safety by reducing risks in the school environment.

Claims Analysis

Getting injured employees back to work in a healthy and expeditious manner is the goal of all schools. WCS medical professionals conduct evaluations to help ensure an appropriate and effective use of medical and therapeutic treatment to best bring the employee back into the workplace.

Partnership

Effective workers' compensation management requires a long-term strategy. WCS provides multi-year agreements to provide rate stability. WCS also works directly with each school to develop specific loss prevention, claims analysis, and fund retention plans to ensure a healthy workforce, safe environments, and proper program fiscal management, year after year.

WORKERS' COMPENSATION SOLUTIONS

Bellville ISD
2020/2021 Renewal Estimate

Class Codes	NP Rates Per Class	2019/2020 Current Estimate	2020/2021 Renewal Estimate	2020/2021 5 Year Renewal Estimate
7380	9.6407	481,490.35	486,305.25	486,305.25
8810	0.5564	356,271.12	359,833.83	359,833.83
8868	1.1021	13,497,894.49	13,632,873.43	13,632,873.43
9101	9.523	1,364,109.88	1,377,750.98	1,377,750.98
	Total Payroll	15,699,765.84	15,856,763.50	15,856,763.50
	Normal Premium	327,065.81	330,336.47	330,336.47
	Expenses	53,475.26	54,010.01	52,127.09
	% of NP	16.35%	16.35%	15.78%
	Maximum Loss Fund	86,868.68	87,737.37	77,563.00
	% of NP	26.56%	26.56%	23.48%
	Maximum Cost	140,343.94	141,747.38	129,690.09

Max Cost Rates Per Class	2019/2020 Estimate	2020/2021 Estimate	2020/2021 Estimate
7380	4.1368	4.1368	3.7849
8810	0.2388	0.2388	0.2184
8868	0.4729	0.4729	0.4327
9101	4.0863	4.0863	3.7387

BELLVILLE INDEPENDENT SCHOOL DISTRICT
Meeting of the BISD Board of Trustees

July 21, 2020

Subject:	
Presenter:	
Board Policy:	
BISD Goal:	1. Develop and attain local standard for high levels of integrated learning and performance. [LEARNING] 2. Foster a connected, collaborative, and strategic approach to continuous improvement for the district. [LEADERSHIP] 3. Create a culture that attracts, develops, and retains exceptional individuals to be part of our district and community. [CULTURE] 4. Cultivate connections in our schools and community to ensure all feel safe, valued, and engaged in meaningful ways. [COMMUNITY]

Summary:	1250 devices (Chromebooks) - $154,375.00 139 access points (wifi) – $74000.00 28 chromecarts – $37,324.00 15 mobile hotspots (att) – $2700.00 60 CB chargers – $3660.00
Attachments:	▪
Recommendation:	The recommendation is for the Board to:

Initial Report

Last Modified:
07/21/2020

1. Is your LEA a charter school?

#	Answer	Bar	Response	%
23	Yes		0	0%
24	No		1	100%
	Total		1	

Statistic	Value
Min Value	24
Max Value	24
Mean	24.00
Variance	0.00
Standard Deviation	0.00
Total Responses	1

2. Please select your region and LEA from the list below:

Answer	Total Responses
ESC 06 - Huntsville ~ BELLVILLE ISD, (008901)	1
Total	1

Statistic	ESC Region	LEA Name and Number
Most Common	ESC 06 - Huntsville (100%)	BELLVILLE ISD, (008901) (100%)
Total Responses	1	1

3. Contact information of individual completing request form

Name	Title	Email	Phone number at which you can be reached if urgent communication is required regarding your submission.
Brian Reid	Technology	breid@bellvillebrahmas.org	9798657089

Statistic	Value
Total Responses	1

4. Shipping information Please provide identifying information for the individual who should receive a shipment of devices.

LEA Address	City	Zip Code	Name of point of contact	Title of point of contact	Email of point of contact
518 S. Mathews	Bellville	77418	Brian Reid	tech	breid@bellvillebrahmas.org

Statistic	Value
Total Responses	1

5. What percentage of all enrolled students do you anticipate will opt for virtual learning this school year due to parents' concern about COVID? (indicate as a % of total enrollment)

Text Response
30

Statistic	Value
Total Responses	1

6. How confident are you in your LEA's understanding of how many students will stay home this fall?

#	Answer	Bar	Response	%
4	Extremely confident		0	0%
5	Moderately confident		1	100%
6	Slightly confident		0	0%
19	Not confident at all		0	0%
	Total		1	

Statistic	Value
Min Value	5
Max Value	5
Mean	5.00
Variance	0.00
Standard Deviation	0.00
Total Responses	1

7. Provide additional detail about your efforts to assess how many students will not return in-person.

Text Response
a google form survey

Statistic	Value
Total Responses	1

8. Describe your LEA's plans for providing internet connection to students in preparation for Fall 2020?

#	Answer	Bar	Response	%
4	We plan to provide internet connection for all students who do not have minimum broadband access at home		0	0%
8	We plan to provide internet connection for some students who do not have minimum broadband access at home (e.g., economically disadvantaged)		1	100%
9	We plan to provide internet connection for all students who do not have minimum broadband access at home and who are not attending school in person		0	0%
10	We do not plan to provide internet connection for individual students (but may provide public WiFi access)		0	0%
	Total		1	

Statistic	Value
Min Value	8
Max Value	8
Mean	8.00
Variance	0.00
Standard Deviation	0.00
Total Responses	1

9. Instructions: Indicate how many devices of each model you need to achieve access to dedicated devices at home for all students in your LEA who do not attend school for a significant part of the fall 2020 semester. Some students have their own learning devices (i.e., Chromebook, laptop, or tablet), others already have one provided by the LEA or school, and yet others have already been accounted for through an order that is being processed. Please indicate only the number of additional devices needed to ensure all students who opt for distance learning have access at home to a dedicated e-learning device adequate for synchronous learning.

Default - Count							
Middle & elementary laptop - Dell	Middle & elementary laptop - HP	Middle & elementary laptop - Lenovo	High school laptop - Dell	High school laptop - HP	Chromebook - Dell	Chromebook - HP	iPad
						1250	

Statistic	Count
Min Value	-
Max Value	-
Total Responses	-

10. Were there any features or manufacturers that you wish had been included in the bulk purchase options? Please provide detail explaining what additional options you would have wanted and why.

Text Response
Lenovo Chromebooks

Statistic	Value
Total Responses	1

11. Instructions: Indicate how many mobile broadband hotspots you need to ensure high speed internet access for students in your LEA who do not attend school for a significant part of the fall 2020 semester. Some students already have internet access in their homes, others have been provided access by the LEA (e.g., through hotspots, private network), and yet others have already been accounted for through an order that is being processed. Please indicate only the number of additional hotspots needed to ensure all students who opt for distance learning have access at home to high speed internet.

Default - Count (Note: When selecting a provider, consider coverage in your LEA's area)		
AT&T mobile hotspot	T-mobile mobile hotspot	Verizon mobile hotspot
15		

Statistic	Count (Note: When selecting a provider, consider coverage in your LEA's area)
Min Value	-
Max Value	-
Total Responses	-

12. Are there any other cellular network providers operating in your LEA's area from whom you would prefer to purchase hotspots? Please provide the name of the provider, as well as explanation of why you prefer that provider.

Text Response

Statistic	Value
Total Responses	0

13. How many e-learning devices (e.g., laptops, Chromebooks, tablets) has your LEA purchased on or since May 21, 2020 to close the connectivity gap for students who would not otherwise have access to a dedicated e-learning device adequate for synchronous distance learning?

Text Response
0

Statistic	Value
Total Responses	1

14. How much has been spent ($) on the devices enumerated above on or since May 21, 2020 to close the connectivity gap?

Text Response
0

Statistic	Value
Total Responses	1

15. How many of the devices that you have ordered are on back-order, not scheduled to be delivered before November 2020?

Text Response
0

Statistic	Value
Total Responses	1

16. Which manufacturer did you order these back-ordered devices from? (Select all that apply.)

#	Answer	Bar	Response	%
1	Apple		0	0%
2	Dell		0	0%
3	HP		0	0%
4	Lenovo		0	0%
5	Other (Please specify.)		1	100%

Other (Please specify.)
cdw

Statistic	Value
Min Value	5
Max Value	5
Total Responses	1

17. How many mobile broadband hotspots and data plans has your LEA purchased on or since May 21, 2020 to close the connectivity gap?

Text Response
2

Statistic	Value
Total Responses	1

18. How much has been spent ($) on the hotspots enumerated above and the corresponding data contracts on or since May 21, 2020?

Text Response
75.98

Statistic	Value
Total Responses	1

19. How many of the hotspots that you have ordered are on back-order, not scheduled to be delivered before September 2020?

Text Response
0

Statistic	Value
Total Responses	1

20. Which hotspot provider did you order from? (Select all that apply.)

#	Answer	Bar	Response	%
1	AT&T		1	100%
2	Sprint		0	0%
3	T-mobile		0	0%
4	Verizon		0	0%
5	Other (Please specify.)		0	0%

Other (Please specify.)

Statistic	Value
Min Value	1
Max Value	1
Total Responses	1

21. How much additional spend ($) is required to ensure students using the hotspots enumerated above retain access to sufficient data through the 2020 - 2021 school year?

Text Response
0

Statistic	Value
Total Responses	1

22. How many students has your LEA connected to high speed internet through other connectivity solutions (e.g., Wifi extender near home, voucher for internet subscription) on or since May 21, 2020?

Text Response
0

Statistic	Value
Total Responses	1

23. How much has been spent ($) on the the connectivity solution(s) listed above on or since May 21, 2020?

Text Response
0

Statistic	Value
Total Responses	1

24. Please provide detail describing the other connectivity solutions referenced above, specifically noting what solutions the reported spend was allocated to (e.g., webcams, cellular towers, etc.)

Text Response

Statistic	Value
Total Responses	0

25. If there is anything else you would like the Operation Connectivity team to know, please share it here.

Text Response

Statistic	Value
Total Responses	0

CHROMEBOOK COUNT

BHS -
Current - 715(approx) students & 260 devices
Need - 15 (carts of 30) Or (450 devices) *(5 short)

BJHS -
Current - 489 students, 277 devices & Grant of 200 devices
Need - 1 cart (30 Devices)

OBI -
Current - 7 carts, 198 devices
Need - 4 more carts (100 devices) for 22 rooms

OBP -
Current - 6 carts, 141 devices
Need - 15 more carts of 25 (375 devices) for 37 rooms

WE -
Current - 1 carts, 30 devices *
Need - 7 more carts of 25 (275 devices) for 16 rooms

Extra - 20 devices

Current TOTAL: 1106
Need TOTAL: 1250

WiFi Needed for 2020

HS - have - 8 - Need 55
BJHS - have 5 - 43 (every classroom)
OBP - have 4 - need 16 (every other classroom)
OBI - have 4 - Need 13 (one per classroom
Spicer - have 1 - need 1
WE - have 2 - need 11 (every other classroom)

Total needed: 139

SKYRIDER COMMUNICATIONS

308 Pine Street
West Monroe, LA 71291-3138
800-536-7035

Prepared by: **Jess Warden**

QUOTATION

Quote ID:	**101341**
Date	**07-15-2020**

Bellville ISD
518 South Mathews
Bellville, TX 77418

Project Name: Additional WAP's

Line	Description	Quantity	Retail	Ext
1	***High School**		$0.00	$0.00
2	Ubiquiti, UniFi AP-AC-HD (AC Wave 2)	55	$332.00	$18,260.00
3	Drops - Cat 6 (Plenum Cable)	55	$139.00	$7,645.00
4	Installation, Mobilization, and Configuration	1	$3,361.00	$3,361.00
5			$0.00	$0.00
6	***Junior High School**		$0.00	$0.00
7	Ubiquiti, UniFi AP-AC-HD (AC Wave 2)	43	$332.00	$14,276.00
8	Drops - Cat 6 (Plenum Cable)	43	$139.00	$5,977.00
9	Installation, Mobilization, and Configuration	1	$2,628.00	$2,628.00
10			$0.00	$0.00
11	***Primary School**		$0.00	$0.00
12	Ubiquiti, UniFi AP-AC-HD (AC Wave 2)	16	$332.00	$5,312.00
13	Drops - Cat 6 (Plenum Cable)	16	$139.00	$2,224.00
14	Installation, Mobilization, and Configuration	1	$977.00	$977.00
15			$0.00	$0.00
16	***Intermediate**		$0.00	$0.00
17	Ubiquiti, UniFi AP-AC-HD (AC Wave 2)	13	$332.00	$4,316.00
18	Drops - Cat 6 (Plenum Cable)	13	$139.00	$1,807.00
19	Installation, Mobilization, and Configuration	1	$794.00	$794.00
20			$0.00	$0.00
21	***Spicer**		$0.00	$0.00
22	Ubiquiti, UniFi AP-AC-HD (AC Wave 2)	1	$332.00	$332.00
23	Drops - Cat 6 (Plenum Cable)	1	$139.00	$139.00
24	Installation, Mobilization, and Configuration	1	$61.00	$61.00
25			$0.00	$0.00
26	***West End Elementary**		$0.00	$0.00
27	Ubiquiti, UniFi AP-AC-HD (AC Wave 2)	11	$332.00	$3,652.00
28	Drops - Cat 6 (Plenum Cable)	11	$139.00	$1,529.00
29	Installation, Mobilization, and Configuration	1	$672.00	$672.00
30			$0.00	$0.00
	Mobilization/Crew Size/Labor	365	4	$0.00
	Subtotals			**$73,962.00**
	Taxes	0.00%		$0.00
	Grand Total			**$73,962.00**

Notes and Instructions:

QUOTE CONFIRMATION

PEOPLE WHO GET IT

DEAR BRIAN REID,

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
LMZN973	7/14/2020	LMZN973	0729494	$1,898.03

QUOTE DETAILS

ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
Lenovo 100e Chromebook G2 11.6" A4-9120C 4GB RAM 32GB Chrome Mfg. Part#: 82CD0000US Contract: PACE COOP P00185 Computer Hardware, Software, Serv (P00185)	1	5959654	$188.66	$188.66
Lenovo USB-C 65W AC Adapter - power adapter - 65 Watt - US Mfg. Part#: 4X20M26268 UNSPSC: 39121006 Contract: PACE COOP P00185 Computer Hardware, Software, Serv (P00185)	1	4512877	$60.95	$60.95
Google Chrome Management Console License - Education Mfg. Part#: CROSSWDISEDU UNSPSC: 43232804 Electronic distribution - NO MEDIA Contract: PACE COOP P00185 Computer Hardware, Software, Serv (P00185)	1	3577022	$24.68	$24.68
AVer X30i 30 Device Intelligent Charging Cart Mfg. Part#: CHRGEX30I UNSPSC: 56101535 Contract: PACE COOP P00185 Computer Hardware, Software, Serv (P00185)	1	5414696	$1,332.75	$1,332.75
Ubiquiti Unifi UAP-AC-HD - wireless access point Mfg. Part#: UAP-AC-HD-US UNSPSC: 43223108 Contract: PACE COOP P00185 Computer Hardware, Software, Serv (P00185)	1	4467478	$290.99	$290.99

PURCHASER BILLING INFO		
Billing Address: BELLVILLE INDEPENDENT SCHOOL DIST ACCTS PAYABLE 518 S MATHEWS ST BELLVILLE, TX 77418-1599 **Phone:** (979) 865-3133 **Payment Terms:** NET 30 Days-Govt/Ed	**SUBTOTAL**	$1,898.03
	SHIPPING	$0.00
	SALES TAX	$0.00
	GRAND TOTAL	**$1,898.03**
DELIVER TO	**Please remit payments to:**	
Shipping Address: BELLVILLE INDEPENDENT SCHOOL DIST BRIAN REID 518 S MATHEWS ST BELLVILLE, TX 77418-1599 **Phone:** (979) 865-3133 **Shipping Method:** UPS Ground	CDW Government 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515	

1ST 6 WEEKS		1st Day 2019-2020						
		8/26/2019	8/29/2019	9/5/2019	9/12/2019	9/19/2019	9/26/2019	10/3/2019
BHS	9th	179	178	179	180	180	180	181
	10th	179	181	181	181	181	180	180
	11th	174	175	176	177	177	178	179
	12th	161	165	165	165	165	165	165
	TOTAL	**693**	**699**	**701**	**703**	**703**	**703**	**705**
BJHS	6th	159	160	160	160	160	161	161
	7th	167	174	174	174	174	173	173
	8th	174	173	174	174	174	174	174
	TOTAL	**500**	**507**	**508**	**508**	**508**	**508**	**508**
OBI	4th	146	149	150	150	150	150	150
	5th	151	155	155	155	154	154	155
	TOTAL	**297**	**304**	**305**	**305**	**304**	**304**	**305**
OBP	EE	12	12	13	13	13	13	13
	Pre-K	38	44	48	49	49	50	51
	K	94	97	97	95	99	103	102
	1st	112	118	118	118	118	118	117
	2nd	125	128	128	128	128	129	129
	3rd	124	127	127	127	127	126	126
	TOTAL	**505**	**526**	**531**	**530**	**534**	**539**	**538**
WE	K	21	22	23	23	23	23	23
	1st	24	24	25	25	25	25	25
	2nd	30	30	30	30	30	30	30
	3rd	20	20	20	20	20	20	20
	4th	24	24	25	25	25	25	25
	5th	21	21	21	21	21	21	21
	TOTAL	**140**	**141**	**144**	**144**	**144**	**144**	**144**
DISTRICT TOTAL		**2135**	**2177**	**2189**	**2190**	**2193**	**2198**	**2200**
*AEC	TOTAL	3	3	3	4	1	1	7

BELLVILLE INDEPENDENT SCHOOL DISTRICT
Meeting of the BISD Board of Trustees

July 21, 2020

Subject:	Consider approval to amended CH(local) and CV(local) policies to mirror CH(legal) and CV(legal) single item purchase limit.
Presenter:	Dennis Jurek
Board Policy:	
BISD Goal:	1. Develop and attain local standards for high levels of integrated learning and performance. [LEARNING] 2. Foster a connected, collaborative, and strategic approach to continuous improvement for the district. [LEADERSHIP] 3. Create a culture that attracts, develops, and retains exceptional individuals to be part of our district and community. [HUMAN CAPITAL] 4. Cultivate connections in our schools and community to ensure all feel safe, valued, and engaged in meaningful ways. [COMMUNITY]

Summary:	Under Texas Education Code 44.0312 all district contracts for purchase of goods and services, except contracts for purchase of produce or vehicle fuel, valued at $50,000 or more in aggregate for each 12-month period has be made by the method that provides the best value to the district. It is recommended that CH(local) and CV(local) mirror the $50,000 threshold set by the TEC 44.0312. This will allow for more timely procurement of budgeted goods and services which will provide more flexibility for the district to provide its educational purpose. These changes will become effective immediately.
Attachments:	▪ Amended CH(local) and CV(local)
Recommendation:	It is my recommendation, the board approve the amended CH(local) and CV(local) as presented.

PROPOSED REVISIONS

Purchasing Authority

The Board delegates to the Superintendent the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services that costs $50,000 ~~$25,000~~ or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place.

Purchasing Procedures

The Superintendent shall develop purchasing procedures to implement the requirements of state and federal law. [See also CB, CBB, CH(LEGAL), and COA]

Purchasing Method

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

Competitive Bidding

If competitive bidding is chosen as the purchasing method, the Superintendent shall prepare bid specifications. All bids shall be in accordance with administrative regulations, and the submission of any electronic bids shall also be in accordance with Board-adopted rules. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered.

The District may reject any and all bids in accordance with state or federal law, as applicable.

Competitive Sealed Proposals

If competitive sealed proposals are chosen as the purchasing method, the Superintendent shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be in accordance with administrative regulations, and the submission of any electronic proposals shall also be in accordance with Board-adopted rules. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time of opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

The District may reject any and all proposals in accordance with state or federal law, as applicable.

Electronic Bids or Proposals

Bids or proposals that the District has chosen to accept through electronic transmission shall be administered in accordance with Board-adopted rules. Such rules shall safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or proposals; and ensure that the electronic bids or proposals remain effectively unopened until the proper time.

Responsibility for Debts

The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with the adopted budget, state law, Board policy, and the District's purchasing procedures. [See CE] The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control. Persons making unauthorized purchases shall assume full responsibility for all such debts.

Purchase Commitments

All purchase commitments shall be made by the Superintendent in accordance with administrative procedures, including the District's purchasing procedures.

Personal Purchases

District employees shall not be permitted to make purchases for personal use through the District's business office.

PROPOSED REVISIONS

Compliance with Law

The Superintendent shall establish procedures that ensure that all school facilities within the District comply with applicable laws and local building codes.

Construction Contracts

Prior to advertising, the Board shall determine the project delivery/contract award method to be used for each construction contract valued at or above $50,000. To assist the Board, the Superintendent shall recommend the project delivery/contract award method that he or she determines provides the best value to the District. [See CV series generally and CBB(LEGAL) for requirements if federal funds are involved.]

For construction contracts valued at or above $50,000 ~~$25,000~~, the Superintendent shall also submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the Superintendent and consistent with law and policy. [See also CH and CBB(LEGAL)]

Change Orders

Change orders permitted by law shall be approved by the Board or its designee prior to any changes being made in the approved plans or the actual construction of the facility.

Project Administration

All construction projects shall be administered by the Superintendent or designee.

The Superintendent shall keep the Board informed concerning construction projects and also shall provide information to the general public.

Final Payment

The District shall not make final payments for construction or the supervision of construction until the work has been completed and the Board has accepted the work.

Resolution of the Board Regarding Extension of Leave during Precautionary Exclusion[1]

WHEREAS, the Board is authorized by Texas Education Code section 45.105 to expend funds of Bellville Independent School District for purposes necessary in the conduct of the public schools as determined by the Board;

WHEREAS, the Board acknowledges that during an epidemic, District employees may be instructed not to report for work;

WHEREAS, the Board finds that a need exists to address additional leave for employees who are instructed not to report for work and if conditionally required per Bellville ISD's Operational Guidelines have exhausted all applicable and available federal, state, and/or local leave days;

WHEREAS, the Board determines that employees who are instructed not to report to work may suffer a loss of pay if they do not report for work; and

WHEREAS, the Board concludes that providing additional paid leave to all regular employees—contractual and noncontractual, salaried and non-salaried—who are instructed not to report to work due to an epidemic the public purposes of protecting students and staff, maintaining morale, and reducing turnover;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Bellville Independent School District authorizes providing additional paid leave for all regular employees—contractual and noncontractual, salaried and non-salaried—who are instructed not to report to work during an epidemic and if conditionally required per Bellville ISD's Operational Guidelines have exhausted all applicable and available federal, state, and/or local leave days;

The authority granted by this resolution to provide additional paid leave for all employees instructed not to report for work provides additional leave for the duration approved by the Bellville Independent School District Superintendent through December 31, 2020 unless the Board takes action to authorize leave for a longer duration.

Adopted this 21st day of July, 2020 by the Bellville ISD Board of Trustees.

_____

Presiding Officer

_____

Secretary

Resolution of the Board Regarding Employee Pay &

Remote Work and Pay While Idle -DRAFT

WHEREAS, the Board acknowledges that the district will experience requirements for alternative work responsibilities and allowances for employees to be off-site and idle in response to the operational impact of health and safety concerns related to COVID-19 throughout the 2020-2021 school year.

WHEREAS, the Board concludes that, in order to serve students in the operational and instructional arrangements for on-site and remote instruction, and be responsive to COVID-19 related health concerns, employees may have health exceptions or be required by the district to work remotely or refrain from onsite work due to precautionary measures ordered by the district.

WHEREAS, the Board concludes that, in order to serve students in the operational and instructional arrangements for on-site and remote instruction, and be responsive to COVID-19 related health concerns, employees may have health exceptions or be required by the district to work remotely or refrain from onsite work due to precautionary measures ordered or approved by the district.

WHEREAS, The Board concludes, that the superintendent has the authority to determine employee's status as district-directed idle or district-directed remote responsibilities to fulfill. Employees under this resolution are to comply with fulfilment of roles and duties as directed by the superintendent or superintendent's designee.

WHEREAS, the Board concludes that continuing wage payments to all regular employees—contractual and non contractual, salaried and non-salaried—whose duties may be modified as a result of the method of student instruction, precautionary directives related to health concerns, or after the emergency closing serves the public purposes of maintaining morale, reducing turnover, and ensuring continuity of District staffing.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Bellville Independent School District authorizes the continued closure of the school district for normal operations, but authorizes the return of certain instructional services and support staff.

Adopted this 21 day of July, 2020 by the Bellville Independent School Board of Trustees.

_____

Presiding Officer

_____

Secretary

BELLVILLE INDEPENDENT SCHOOL DISTRICT
Meeting of the BISD Board of Trustees

July 21, 2020

Subject:	School Nurse
Presenter:	Nicole Poenitzsch
Board Policy:	FFAC (Local) Wellness & Health Services: Procedures shall be established by the administration to ensure that proper attention is given to any student who becomes ill during the course of a school day.
BISD Goal:	4.Cultivate connections in our schools and community to ensure all feel safe, valued, and engaged in meaningful ways. [COMMUNITY]

Summary:	The request for a full-time nurse at each campus has been a common request across our OBI & West End campuses throughout the course of the past school year. In the current context, the need for a nurse on each campus to assist in effectively implementing our intended procedures and screenings to protect against the spread of COVID-19 on our campuses is heightened. Approximate Cost: Teacher Pay Range Equivalency
Attachments:	▪ None
Recommendation:	The recommendation is for the Board to: Approve the Superintendent's request to add an additional 1.0 Nursing Position.