

Education Board Meeting
Friday, April 17, 2026 9:00 AM

Conference Room 3340
1015 Norwood Park Blvd.
Austin, TX 78753

Agenda

- I. CALL TO ORDER
 - Welcome/Establish a Quorum
- II. PUBLIC COMMENT
- III. CONSENT AGENDA
 - February 6, 2026, Meeting Minutes
 - Module 3 Policies
 - Instructional Material Certification
- IV. PRESIDENTS REPORT
 - Guiding Principles
 - Charterholder Updates
- V. SUPERINTENDENT'S REPORT
 - YTD Snapshot
 - Financial Update
- VI. ACADEMICS UPDATE
- VII. DISCUSSION/ACTION ITEMS
 - 26/27 SY Calendar(s)
 - Excel 10-Year Strategic Plan
 - South Austin Campus Intruder Detection Audit
- VIII. EXECUTIVE SESSION
 - Results of South Austin Campus Intruder Detection Audit
- IX. RECONVENE IN OPEN SESSION
 - Action from closed session
- X. ADJOURN MEETING



Goodwill Education Board
April 17, 2026
9:00AM – 11:00AM

Conference Room 3340
1015 Norwood Park Blvd.
Austin, TX 78753

This meeting shall be conducted in accordance with Texas Open Meetings Act.

In accordance with applicable law, including 19 Tex. Admin. Code 100.1101(b)(1), GCT, as the governing body of the charter holder, shall, acting as a body corporate in meetings posted in compliance with Texas Gov't Code Chapter 551, oversee the management of the charter school. The items listed on this agenda are matters over which the GCT Board and/or the Goodwill Education Board (GEB) may deliberate and/or take action regarding the business and operations of The Goodwill Excel Center for Adults. If, during the course of the meeting covered by this agenda, the GCT Board or GEB Board should determine that a closed session of the Board should be held or is required in relation to any item included on this agenda, then such closed session as authorized by Section 551.001, et seq of the Texas Government Code (the Open Meetings Act) will be held by the Board at that date, hour and place given in this agenda or as soon after the commencement of the meeting covered by this agenda as the Board may conveniently meet in such closed session concerning any and all subjects and for any and all purposes permitted by Sections 551.071 – 551.084, inclusive, of the Texas Open Meetings Act. The subjects to be discussed or considered or upon which any formal action may be taken are listed below.

Meeting Agenda

I. CALL TO ORDER/WELCOME

Speaker(s): Rob Neville, Board President

II. ESTABLISH A QUORUM

Speaker(s): Rob Neville, Board President

III. PUBLIC COMMENT – Tex Gov't Code 551.007

IV. CONSENT AGENDA

Speaker(s): Rob Neville, Board President

- February 6, 2026, Meeting Minutes
- Module 3 Policies
- Instructional Material Certification

Motion: Approve consent agenda

V. PRESIDENT REPORT

Speaker(s): Rob Neville, Board President

- Guiding Principles
- Charterholder Updates

VI. SUPERINTENDENT REPORT

Speaker(s): Theresa Rappaport, Superintendent

- YTD Snapshot

- Financial Update

VII. ACADEMICS UPDATE

Speaker(s): Dayna Swain, Sr. Director Academics

VIII. DISCUSSION/ACTION ITEMS

- 26/27 SY Calendar(s)

Motion: Recommend approval of the 2026-27 school year calendars as presented and authorize the Superintendent to modify, if needed to the Charterholder Board.

- Excel 10-Year Strategic Plan

Motion: Recommend approval of the 10-year strategic plan to the Charterholder Board.

- South Austin Campus Intruder Detection Audit

IX. EXECUTIVE SESSION – Under Texas Gov't Code pursuant to any and all purposes permitted by Sections 551.001-551.084, including, but not limited to: 551.071; 551.074.

Speaker(s): Rob Neville, Board President

- Results of South Austin Campus Intruder Detection Audit

X. RECONVENE IN OPEN SESSION

Speaker(s): Rob Neville, Board President

- Action from closed session

XI. ADJOURN MEETING

Speaker(s): Rob Neville, Board President

Motion: Adjourn the meeting.

Sec. 1. STATEMENT OF NONDISCRIMINATION

The Excel Center for Adults does not exclude from participation in, deny the benefits of, or subject to discrimination on the basis of race, religion, color, national origin, sex, age, disability, or relationship or association with an individual with a disability in providing educational services, activities, and programs, including vocational and career technology programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; the Individuals with Disabilities Education Act, as amended; Title IX of the Educational Amendments of 1972, as amended; the Americans with Disabilities Act (“ADA”), as amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

Sec. 2. GRIEVANCE PROCEDURES

The Excel Center for Adults shall adopt public grievance procedures for prompt and equitable resolution of student complaints alleging discrimination under applicable law. *34 CFR 106.8 (Title IX); 34 CFR 104.7 (Section 504)*. The Superintendent or designee shall ensure that such grievance procedures are distributed and otherwise made available to parents and students.

a) *Title IX Coordinator*

The Excel Center for Adults designates the following person(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended: Lettice Mayfield, HR Business Partner, 1015 Norwood Park Blvd. Austin, Texas 78753, 512-531-5500.

b) *ADA/Section 504 Coordinator*

Reports of discrimination based on disability may be directed to the ADA/Section 504 Coordinator. The Excel Center for Adults designates the following person(s) to coordinate its efforts to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended: Stacy Sturges, Dir. Of Special Programs, 1015 Norwood Park Blvd. Austin, Texas 78753, 512-531-5500.

c) *Coordinator for Purposes of Compliance with Other Nondiscrimination Laws*

The following person(s) have been designated to coordinate The Excel Center for Adults' compliance with all other anti-discrimination laws: Natalie Elliott, Senior Director of Administration and Compliance, 1015 Norwood Park Blvd. Austin, Texas 78753, 512-287-7534>.

Sec. 3. EQUAL EDUCATIONAL OPPORTUNITY

The Excel Center for Adults shall provide necessary services and support to provide students with equal access to educational opportunities. Certain instructional or other accommodations, including 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.

If The Excel Center for Adults 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 Excel Center for Adults.

Sec. 4. COMPLAINTS

Except as otherwise provided in Policy or Procedure, allegations of unlawful discrimination, prohibited harassment, or retaliation shall be made under PG-3.2 (Prohibited Discrimination, Harassment, and Retaliation).

Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504 shall be filed under the General Provisions of PG-6.1, except that the deadline for filing an initial Level One grievance shall be twenty (20) school days.

Sec. 5. RETALIATION

The Excel Center for Adults shall not coerce, intimidate, threaten, retaliate against, or interfere with any person who attempts to assert a right protected by the above laws or cooperates with investigation and enforcement proceedings under these laws. *34 CFR 100.7(e) (Title VI), 104.61 (Section 504), 106.71 (Title IX).*

Sec. 6. DISABILITY DISCRIMINATION

Under the 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 The Excel Center for Adults, or be subjected to discrimination by The Excel Center for Adults. *42 U.S.C.A. 12132; 28 CFR 35.130.*

Under Section 504, no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

a) *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 consists of an actual or expected duration of six months or fewer.

29 U.S.C. 705(20)(B), 42 U.S.C. 12102(1), (3)–(4).

b) *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 The Excel Center for Adults. *42 U.S.C. 12131(2).*

c) *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).*

d) *Reasonable Modification*

The Excel Center for Adults shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless The Excel Center for Adults can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. *28 CFR 35.130(b)(7).*

e) *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.

The Excel Center for Adults is not required to permit an individual to participate in or benefit from the services, programs, or activities of The Excel Center for Adults 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, The Excel Center for Adults 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 CFR 35.139.

f) *Free Appropriate Public Education (“FAPE”)*

The Excel Center for Adults shall provide a free appropriate public education to each qualified student with a disability within The Excel Center for Adults' 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. An appropriate education is the provision of regular or special education and related services that are:

1. Designed to meet the student's individual educational needs as adequately as the needs of students who do not have disabilities are met; and
2. Based on adherence to procedures that satisfy federal requirements for educational setting, evaluation and placement, and procedural safeguards, as set forth below.

34 CFR 104.33(b).

g) *Educational Setting*

The Excel Center for Adults shall place a student with a disability in the regular educational environment, unless The Excel Center for Adults demonstrates that education in the regular environment with the use of supplemental aids and services cannot be achieved satisfactorily. 34 CFR 104.34(a).

In providing or arranging for nonacademic and extracurricular services and activities, The Excel Center for Adults shall ensure that a student with a disability participates with students who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability. *34 CFR 104.34(b), 104.37.*

h) *Evaluation and Placement*

The Excel Center for Adults shall establish standards and procedures for the evaluation and placement of persons who, because of disability, need or are believed to need special education and related services. The Excel Center for Adults shall conduct an evaluation before the initial placement, or any significant change in placement, of the student. *34 CFR 104.35.*

i) *Military Dependents*

In compliance with the requirements of Section 504, and with Title II of the ADA, The Excel Center for Adults 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 Excel Center for Adults from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, C.*

j) *Procedural Safeguards*

The Excel Center for Adults shall establish a system of procedural safeguards with respect to the identification, evaluation, and educational placement of persons who need or are believed to need special instruction or related services.

The system shall include notice, an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the student's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of IDEA is one means of meeting this requirement. *34 CFR 104.36.*

Sec. 7. HOMELESS STUDENTS

The Excel Center for Adults shall adopt policies and practices to ensure that homeless students are not stigmatized or segregated on the basis of their homeless status.

a) *Liaison*

The Excel Center for Adults shall designate an appropriate staff person as the liaison for homeless children. The Excel Center for Adults shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaison. *42 U.S.C. 11432(g)(1)(J)(i), (ii), (g)(6)(B).*

Sec. 8. DISCRIMINATION ON THE BASIS OF SEX

No person shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination by The Excel Center for Adults. *20 U.S.C. 1681(a)*.

The Excel Center for Adults shall not provide any course or otherwise carry out any of its educational programs or activities separately on the basis of sex or require or refuse participation therein on the basis of sex, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses. *34 CFR 106.34*.

a) *Sexual Harassment*

Sexual harassment of students is discrimination on the basis of sex under Title IX.

b) *Separate Facilities*

The Excel Center for Adults may provide separate toilet, locker room, and shower facilities on the basis of sex, but the facilities provided for one sex shall be comparable to the facilities provided for the other sex. *34 CFR 106.33*.

c) *Human Sexuality Classes*

Portions of classes in elementary and secondary school that deal exclusively with human sexuality may be conducted in separate sessions for male and female students.

d) *Vocal Music Activities*

The Excel Center for Adults may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex.

34 CFR 106.34.

e) *Single-Sex Programs*

The Excel Center for Adults shall not, on the basis of sex, exclude any student from admission to an institution of vocational education operated by The Excel Center for Adults. *34 CFR 106.35*.

f) *Pregnancy and Marital Status*

The Excel Center for Adults shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. *34 CFR 106.40*.

g) *Physical Education Classes and Contact Sports*

The Excel Center for Adults 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.

The Excel Center for Adults may separate students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

34 CFR 106.34.

h) The Excel Center for Adults SECTION 504 COMMITTEES

The Excel Center for Adults 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 support 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.

a) *Referrals*

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

b) *Notice and Consent*

The Excel Center for Adults shall seek written consent prior to conducting a formal evaluation. Ordinary observations in the classroom or other school setting shall not require prior consent.

c) *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 Excel Center for Adults' 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.

d) *Review and Reevaluation Procedure*

To address the periodic reevaluation requirement of law, The Excel Center for Adults shall adhere to the reevaluation of timelines in the IDEA regulations.

A student, teacher, or other The Excel Center for Adults 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.

e) *Examining Records*

A student shall make any request to review their education records to the campus director or other identified custodian of records.

f) *Right to Impartial Hearing*

A student shall be given written notice of the due process right to an impartial hearing if the student has a concern or complaint about The Excel Center for Adults' 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 Excel Center for Adults or related to a member of the Board in a degree that would be prohibited under the nepotism statute. The impartial hearing officer is not required to be an attorney. The Excel Center for Adults and the student shall be entitled to legal representation at the impartial hearing. *34 CFR 104.36.*

g) *Records Retention*

Records specific to identification, evaluation, and placement as these pertain to Section 504 shall be retained by The Excel Center for Adults in accordance with law and The Excel Center for Adults' local records retention schedules.

Sec. 9. SERVICE ANIMALS (FEDERAL LAW REQUIREMENTS)

“Service animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition, unless otherwise allowed by Board Policy. The work or tasks performed by a service animal must be directly related to the handler's disability. *28 C.F.R. 35.104.*

a) *Policies, Practices, or Procedures*

The Excel Center for Adults shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability, unless The Excel Center for Adults can demonstrate that the service animal is out of control and the service animal’s handler does not take effective action to control it or the service animal is not housebroken. *28 C.F.R. 35.136(a), (b).*

b) *Access*

Individuals with disabilities shall be permitted to be accompanied by their service animal in all areas of The Excel Center for Adults facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go. *28 C.F.R. 35.136(g).*

i. Exceptions

The Excel Center for Adults may ask an individual with a disability to remove a service animal from the premises if:

1. The service animal is out of control and the service animal’s handler does not take effective action to control it; or
2. The service animal is not housebroken.

28 C.F.R. 35.136(b).

The Excel Center for Adults is not required to permit an individual to participate in or benefit from the services, programs, or activities of The Excel Center for Adults when that individual poses a direct threat to the health or safety of others. *28 C.F.R. 35.139.*

If The Excel Center for Adults properly excludes a service animal, it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises. *28 C.F.R. 35.136(c).*

ii. Animal Under Handler’s Control

A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal’s safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler’s control, whether by voice control, signals, or other effective means. *28 C.F.R. 35.136(d).*

c) *Inquiries*

The Excel Center for Adults shall not ask about the nature or extent of a person’s disability but may make two inquiries to determine whether an animal qualifies as a service animal. The Excel Center for Adults may ask if the animal is required because of a disability and what work or task the animal has been trained to perform.

The Excel Center for Adults shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

Generally, The Excel Center for Adults may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person’s wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). *28 C.F.R. 35.136(f)*.

d) *Care or Supervision of Animal*

The Excel Center for Adults is not responsible for the care or supervision of a service animal. *28 C.F.R. 35.136(e)*.

e) *Surcharges*

The Excel Center for Adults shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets.

An individual with a disability may be charged for damage caused by his or service animal if The Excel Center for Adults normally charges individuals for the damage they cause. *28 C.F.R. 35.136(h)*.

f) The Excel Center for Adults

i. The Excel Center for Adults

28 C.F.R. 35.136(i).

Sec. 10. ASSISTANCE ANIMALS (STATE LAW REQUIREMENTS)

“Assistance animal” means a canine that is specially trained or equipped to help a person with a disability and that is used by a person with a disability. *Human Resources Code 121.002(1)*.

a) *Assistance Animal Access*

No person with a disability may be denied admittance to The Excel Center for Adults because of the person’s disability or may be denied the use of an assistance animal. The Excel Center for Adults may not limit the use of facilities to a designated class of persons and thereby prohibit the

use of The Excel Center for Adults facilities by persons with disabilities who, except for their use of assistance animals, would fall within the designated class. An assistance animal in training shall not be denied admittance to The Excel Center for Adults when accompanied by an approved trainer. *Human Resources Code 121.003(c), (e), (i).*

b) *Harassment and Harm Prohibited*

A person may not assault, harass, interfere with, kill, or injure in any way, or attempt to assault, harass, interfere with, kill, or injure in any way, an assistance animal. “Harass” means any conduct that is directed at an assistance animal that impedes or interferes with, or is intended to impede or interfere with, the animal’s performance of its duties or places a person with a disability who is using an assistance animal, or a trainer who is training an assistance animal, in danger of injury.

A person is not entitled to make demands or inquiries relating to the qualifications or certifications of a service animal for purposes of admittance to a The Excel Center for Adults facility except to determine the basic type of assistance provided by the service animal to a person with a disability. If a person’s disability is not readily apparent, a staff member or administrator may inquire about whether the service animal is required because the person has a disability and what type of work or task the service animal is trained to perform. *Human Resources Code 121.002, .003(j)-(l).*

c) *Transportation*

The Excel Center for Adults may not refuse to provide transportation to or from school and/or school related activities to a student solely because of the student’s disability, nor may a student be required to pay a fee because of his or her use of an assistance animal. *Human Resources Code 121.003(b).*

d) *Responsibilities of Students with Disabilities*

A student with a disability who uses an assistance animal for assistance in travel is liable for any damages done to the premises or facilities by the animal.

A student with a disability who uses an assistance animal for assistance in travel or auditory awareness shall keep the animal properly harnessed or leashed, and a person who is injured by the animal because of the failure of a person with a disability to properly harness or leash the animal is entitled to maintain a cause of action for damages in a court of competent jurisdiction under the same law applicable to other causes brought for the redress of injuries caused by animals. *Human Resources Code 121.005.*

Sec. 1. NONDISCRIMINATION STATEMENT

The Excel Center for Adults prohibits discrimination, including harassment, against any student on the basis of race, color, religion, sex, gender, national origin, disability, age, or any other basis prohibited by law. The Excel Center for Adults further prohibits retaliation against anyone involved in the complaint process.

Sec. 2. GENERAL NON-DISCRIMINATION POLICY

a) *Prohibited Conduct*

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

i. *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, disability, age, or on any other basis prohibited by law, that adversely affects the student.

ii. *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, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

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

Examples 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 or intimidating conduct; offensive jokes; name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

iii. *Prohibited Gender-Based Harassment*

Gender-based harassment includes physical, verbal, or nonverbal conduct based on a 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 femininity or masculinity. Gender-based harassment is considered prohibited harassment if 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 of gender-based harassment, regardless of the student's or alleged harasser's actual or perceived gender, may include 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.

iv. *Prohibited Retaliation*

The Excel Center for Adults prohibits retaliation against a student alleged to have experienced discrimination or harassment or another student who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

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

b) *False Claims*

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a The Excel Center for Adults investigation regarding discrimination or harassment is subject to appropriate discipline.

c) *Reporting Procedures (Non-Sexual Harassment)*

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, counselor, Campus Director, or the appropriate Compliance Coordinator designated by The Excel Center for Adults.

Any Excel Center for Adults employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate Compliance Coordinator listed in this policy, and take any other steps required by this policy.

The procedures in this Section 2 will apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX (including sexual harassment), see the procedures below at Section 3, Sexual Harassment Prohibited – Title IX Policy.

d) *Definition of Compliance Coordinator*

For the purposes of this policy, Compliance Coordinators are the Title IX Coordinator, the ADA/Section 504 coordinator, and the Superintendent or designee.

v. *Title IX Coordinator*

The Title IX Coordinator is responsible for coordinating The Excel Center for Adults' efforts to comply with its responsibilities under Title IX with respect to discrimination based on sex, including sexual harassment. The Excel Center for Adults has designated as the following individual as the Title IX Coordinator: Lettice Mayfield, Human Resources Business Partner, 1015 Norwood Park Blvd. Austin, TX 78753, 512-531-5500, and lettice.mayfield@gwctx.org.

vi. *ADA/Section 504 Coordinator*

Reports of discrimination based on disability may be directed to the ADA/Section 504 Coordinator. The Excel Center for Adults designates the following person 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, as amended: Stacy Sturges, Special Programs Coordinator, 1015 Norwood Park Blvd. Austin, TX 78753, stacy.sturges@excelcenterhighschool.org.

vii. *Coordinator for Purposes of Compliance with Other Nondiscrimination Laws*

The following person(s) have been designated to coordinate The Excel Center for Adults' compliance with all other antidiscrimination laws; Natalie Elliott, Senior Director of Administration and Compliance, 1015 Norwood Park Blvd. Austin, TX 78753, natalie.elliott@excelcenterhighschool.org.

e) *Alternate Reporting Procedures*

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 or designee. Reports concerning prohibited conduct by the Superintendent or designee 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.

f) *Timely Reporting*

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 Excel Center for Adults' ability to investigate and address the prohibited conduct.

The Excel Center for Adults

g) *Investigation*

The Excel Center for Adults may request, but shall not insist upon, a written report. If a report is made orally, the school official shall reduce the report to written form.

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

If appropriate, The Excel Center for Adults shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

The investigation may be conducted by a Compliance Coordinator or designee, or by a third party designated by The Excel Center for Adults, such as an attorney. When appropriate, the Campus Director 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.

h) *Concluding the Investigation*

Absent extenuating circumstances, the investigation should be completed within ten school business days from the date of the report. If the investigator determines that additional time is needed to complete a thorough investigation of the complaint and/or issue a report, he or she shall inform the complainant in writing of the necessity to extend the time for investigating or responding and a specific date by which the report will be issued.

The investigator shall prepare a written report of the investigation. The report shall be filed with the Compliance Coordinator overseeing the investigation.

i) *School Action*

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

The Excel Center for Adults 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.

j) *Confidentiality*

To the greatest extent possible, The Excel Center for Adults 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.

k) *Appeal*

A student who is dissatisfied with the outcome of the investigation may appeal through Board Policy PG-330 (Student Complaints and Grievances), beginning at the appropriate level. A student shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

l) *Records Retention*

Retention of records shall be in accordance with the applicable schedule published by the Texas State Library and Archives Commission.

Sec. 3. SEXUAL HARASSMENT PROHIBITED – TITLE IX POLICY

a) *Definitions for Title IX Terms*

i. Actual Knowledge

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to The Excel Center for Adults’ Title IX Coordinator or any The Excel Center for Adults official who has authority to institute corrective measures on behalf of The Excel Center for Adults, 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 Excel Center for Adults with actual knowledge is the respondent (as that term is defined below). 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 Excel Center for Adults. “Notice” as used in this definition includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator. *34 C.F.R. 106.30(a)*.

ii. Complainant

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. *34 C.F.R. 106.30(a)*.

iii. Consent

“Consent” is not currently defined by the Title IX regulations, nor do the regulations require The Excel Center for Adults to adopt a particular definition of consent with respect to sexual assault. *34 C.F.R. 106.30(a)*.

iv. Deliberate Indifference Standard

If The Excel Center for Adults has actual knowledge of sexual harassment in an education program or activity of The Excel Center for Adults against a person in the United States, it must respond promptly in a manner that is not deliberately indifferent. The Excel Center for Adults is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. *34 C.F.R. 106.44*.

v. Education Program or Activity

For purposes of this Title IX policy, “education program or activity” includes locations, events, or circumstances over which The Excel Center for Adults exercised substantial control over both the respondent and the context in which sexual harassment occurs. *34 C.F.R. 106.44*.

vi. Formal Complaint

“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 Excel Center for Adults 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 Excel Center for Adults’ education program or activity. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email, by using the contact information for the Title IX Coordinator provided by The Excel Center for Adults, and by any additional method designated by The Excel Center for Adults. As used in this definition, the term “document filed by a complainant” means a document or electronic submission (such as by email or through an online portal provided for this purpose by The Excel Center for Adults) 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 the Title IX formal complaint and must comply with the requirements of the Title IX formal process, including the informal resolution process. *34 C.F.R. 106.30(a)*.

vii. *Respondent*

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. *34 C.F.R. 106.30(a)*.

viii. *Sexual Harassment*

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of The Excel Center for Adults conditioning the provision of an aid, benefit, or service of The Excel Center for Adults 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 Excel Center for Adults’ education program or activity; or
3. “Sexual assault” as defined in [20 U.S.C. 1091\(f\)\(6\)\(A\)\(v\)](#); “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\(a\)\(30\)](#).

34 C.F.R. 106.30(a).

ix. *Supportive Measures*

“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 Excel Center for Adults’ education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or The Excel Center for Adults’ 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, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Excel Center for Adults must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair The Excel Center for Adults’ ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. *34 C.F.R. 106.30(a)*.

b) *Requirement to Designate Title IX Coordinator*

The Excel Center for Adults must designate at least one employee as a Title IX Coordinator to coordinate The Excel Center for Adults’ efforts to comply with its requirements under Title IX.

c) *Notification of Title IX Policy*

The Excel Center for Adults must notify applicants for admission and employment, students, parents or legal guardians of students, and all professional organizations holding professional agreements with The Excel Center for Adults of the name or title, office address, email address, and telephone number of the employee or employees designated as the Title IX Coordinator.

The Excel Center for Adults must also notify the individuals noted above that The Excel Center for Adults does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required under Title IX not to discriminate in such a manner. The notification must also 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 The Excel Center for Adults may be referred to the designated Title IX Coordinator, to the assistant secretary for civil rights of the Department of Education, or both.

34 C.F.R. 106.8(a), (b)(1).

d) *Handbook Information and Website Postings*

The Excel Center for Adults must prominently display the contact information required to be listed for the Title IX Coordinator and the nondiscrimination policy described in “Notification of Title IX Policy,” above, on the Excel Center for Adults website, if any, and in the Employee Handbook and Student / Parent Handbook.

The Excel Center for Adults may not use or distribute a publication stating that The Excel Center for Adults treats applicants, students, or employees differently on the basis of sex except when such treatment is permitted by Title IX.

34 C.F.R. 106.8(b)(2).

e) *Reporting Sex Discrimination / Sexual Harassment*

Any person may report sex discrimination, including sexual harassment, whether or not the reporting person is the person alleged to be the victim of conduct that may constitute sex discrimination or sexual harassment. Reports may be made in person, by mail, by telephone, or by email through the contact information listed for The Excel Center for Adults’ Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or

written report. Reports may be made at any time (including during nonbusiness hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator. *34 C.F.R. 106.8(a)*.

f) *Complaint Procedures*

The Excel Center for Adults 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 formal Title IX complaint process that complies with applicable federal regulations.

The Excel Center for Adults must provide notice to the individuals identified in Sec. 3(b) above of the school’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 Excel Center for Adults 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).

g) *Response by Title IX Coordinator*

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.

i. *Required Supportive Measures*

The Excel Center for Adults’ response must treat complainants and respondents equitably by offering supportive measures and by following a grievance process that complies with the Title IX regulations (*see* Process for Formal Title IX Complaint, Sec. 3(h) below) before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

34 C.F.R. 106.44(a).

ii. *Response to Formal Complaint*

In response to a formal complaint, The Excel Center for Adults must follow a process that complies with the Title IX regulations (*see* Process for Formal Title IX Complaint, Sec. 3(h) below).

34 C.F.R. 106.44(b)(1).

iii. Emergency Removals

The Excel Center for Adults is not precluded from removing a respondent from its education program or activity on an emergency basis, provided that The Excel Center for Adults:

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 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).

iv. Administrative Leave

The Excel Center for Adults is not prohibited from placing a nonstudent employee respondent on administrative leave during the pendency of a Title IX formal complaint. This does not 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).*

h) *Process for Title IX Formal Complaint*

For purposes of addressing formal complaints of sexual harassment, The Excel Center for Adults' process must comply with the requirements listed in this section. Any provisions, rules, or practices other than those required by the Title IX regulations or this policy that The Excel Center for Adults 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).*

The Excel Center for Adults' Title IX formal complaint process must:

1. Treat complainants and respondents equally 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 Excel Center for Adults' 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 The Excel Center for Adults as a Title IX Coordinator, investigator, decision-maker, or any person designated by The Excel Center for Adults to facilitate an informal resolution process, not to have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Excel Center for Adults 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 Excel Center for Adults’ 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. The Excel Center for Adults 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. The Excel Center for Adults must also ensure that investigators receive training on relevance to create an investigative report that fairly summarizes relevant evidence. 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 timeframes for concluding the grievance process, including reasonably prompt timeframes for filing and resolving appeals and informal resolution processes if The Excel Center for Adults 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 Excel Center for Adults 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.
 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).

i. *Notice of Allegations*

Upon receipt of a formal complaint, The Excel Center for Adults must provide the following written notice to the parties who are known:

1. Notice of The Excel Center for Adults' 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. The written notice must inform the parties of any provision in The Excel Center for Adults' 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 Excel Center for Adults decides to investigate allegations about the complainant or respondent that are not included in the notice of allegations, The Excel Center for Adults must provide notice of the additional allegations to the parties whose identities are known.

34 C.F.R. 106.45(b)(2).

ii. Dismissal of Formal Complaint

The Excel Center for Adults 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 Excel Center for Adults' education program or activity, or did not occur against a person in the United States, then The Excel Center for Adults 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 Excel Center for Adults' Code of Conduct.

The Excel Center for Adults may dismiss the formal complaint or any allegations therein if, at any time during the investigation or hearing (if applicable):

1. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
2. The respondent is no longer enrolled or employed by The Excel Center for Adults; or
3. Specific circumstances prevent The Excel Center for Adults from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal of a formal complaint, The Excel Center for Adults must promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

34 C.F.R. 106.45(b)(3).

iii. Consolidation of Formal Complaints

The Excel Center for Adults may consolidate formal complaints as to allegations of sexual harassment against 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 section to the singular "party," "complainant," or "respondent" include the plural, as applicable. *34 C.F.R. 106.45(b)(4).*

iv. Investigating Formal Complaints

When investigating a formal complaint and throughout the Title IX formal complaint process, The Excel Center for Adults must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on The Excel Center for Adults and not on the parties, provided that The Excel Center for Adults 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 Excel Center for Adults 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 the FERPA regulations, The Excel Center for Adults must obtain the voluntary, written consent of a “parent,” as defined in the FERPA regulations.
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 or proceeding by the advisor of their choice, who may be, but is not required to be, and attorney, and not limit the choice or presence of the advisor for either the complainant or respondent in any meeting or Title IX formal complaint proceeding; however, The Excel Center for Adults 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 (if applicable), 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 Excel Center for Adults 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 Excel Center for Adults 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 Excel Center for Adults must make all such evidence subject to the parties’ inspection and review available at any hearing (if applicable) to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
 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).

v. Hearings

The Excel Center for Adults’ Title IX formal complaint process may, but need not, provide for a hearing. With or without a hearing, after The Excel Center for Adults has sent to the investigate report to the parties 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)*.

vi. *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 Excel Center for Adults must apply the same standard of evidence described at “Process for Title IX Formal Complaint, Sec. 3(h) above. The written determination must include:

1. Identification of the allegations potentially constituting sexual harassment.
2. A description of the procedural steps taken from 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 (if any).
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of The Excel Center for Adults’ 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 Excel Center for Adults imposes on the respondent, and whether remedies designed to restore or preserve equal access to The Excel Center for Adults’ education program or activity will be provided by The Excel Center for Adults to the complainant.
6. The Excel Center for Adults’ procedures and permissible bases for the complainant and respondent to appeal.

The Excel Center for Adults must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that The Excel Center for Adults 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)-(iii).

The Title IX Coordinator is responsible for effective implementation of any remedies identified in a determination regarding responsibility. *34 C.F.R. 106.45(b)(7)(iv).*

vii. Appeals

The Excel Center for Adults must offer both parties an appeal from a determination regarding responsibility, and from The Excel Center for Adults' 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 on 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.

The Excel Center for Adults may offer an appeal equally to both parties on additional bases.

As to all appeals, The Excel Center for Adults 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 standards regarding conflict of interest and bias found in the Title IX regulations (as discussed in "Process for Formal Title IX Complaint," Sec. 3(h) 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).

i) *Informal Resolution*

The Excel Center for Adults 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, The Excel Center for Adults 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 Excel Center for Adults may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication.

With respect to informal resolution, The Excel Center for Adults must provide written notice to the parties disclosing:

1. The allegations;
2. 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 grievance process with respect to the formal complaint; and
3. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The Excel Center for Adults also must obtain the parties' voluntary, written consent to the informal resolution process.

The Excel Center for Adults cannot 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).

j) *Recordkeeping*

The Excel Center for Adults 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 Excel Center for Adults' 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. The Excel Center for Adults must make these training materials publicly available on its website or, if The Excel

Center for Adults does not maintain a website, The Excel Center for Adults must make these materials available upon request for inspection by members of the public.

For each response required under “Response by Title IX Coordinator,” Sec. 3(g) above, The Excel Center for Adults 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 Excel Center for Adults 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 Excel Center for Adults’ education program or activity.

If The Excel Center for Adults does not provide a complainant with supportive measures, The Excel Center for Adults 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 Excel Center for Adults in the future from providing additional explanations or detailing additional measures taken.

34 C.F.R. 106.45(b)(10).

k) *Retaliation Prohibited*

Neither The Excel Center for Adults nor any 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 Formal Title IX Complaint,” Sec. 3(h) 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).

l) Confidentiality

The Excel Center for Adults 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 the Title IX regulations at 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).*

m) Relationship to General Non-Discrimination Policy

The formal complaint investigation and resolution process outlined above in Section 3 applies only to formal complaints alleging sexual harassment under Title IX, but not to complaints alleging sex discrimination that do not constitute sexual harassment. Complaints of sex discrimination that do not constitute sexual harassment may be filed with the Title IX Coordinator and will be handled under The Excel Center for Adults’ general process for receiving reports of suspected discrimination and harassment, as outlined in Section 2 above.

Sec. 4. ACCESS TO POLICY

Information regarding this policy shall be distributed annually to The Excel Center for Adults employees and distributed to parents and students through the Student Handbook. Copies of the policy shall be readily available at each campus and the Excel Center for Adults administrative offices.

The Excel Center for Adults prohibits students from smoking, using, or possessing e-cigarettes, vapor products, and tobacco products at school-related or school-sanctioned activities on or off The Excel Center for Adults property.

E-Cigarette or electronic 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 also includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe; a dab pen; a vapor product; or any other similar device under another product name or description. Also included is any component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device. The term does not include a prescription medical device unrelated to the cessation of smoking.

The term includes:

1. A device regardless of whether it is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description; and
2. A component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

Health and Safety Code 161.081(1-a).

Vapor product means electronic cigarettes (e-cigarettes) or any other device that uses a mechanical heating element, battery, or electronic circuit to deliver vapor that may include nicotine to the individual inhaling from the device, or any substance used to fill or refill the device.

The Excel Center for Adults personnel shall enforce this policy on The Excel Center for Adults property. Any student found in violation of this policy shall be subject to disciplinary action in accordance with the Student Code of Conduct. *Education Code 38.006.*

Sec. 1. ANTIVICTIMIZATION PROGRAM

The Excel Center for Adults shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004.*

Sec. 2. DUTY TO REPORT

a) *Definition of Abuse*

“Abuse” includes the following acts or omissions by a person:

- (A) Mental or emotional injury to a child that results in an observable and material impairment in the child’s growth, development, or psychological functioning;
- (B) Causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;
- (C) Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
- (D) Failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
- (E) Sexual conduct harmful to a child’s mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;
- (F) Failure to make a reasonable effort to prevent sexual conduct harmful to a child;
- (G) Compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;
- (H) Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;
- (I) The current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;
- (J) Causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;

- (K) Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code;
- (L) Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or
- (M) Forcing or coercing a child to enter into a marriage.

Family Code 261.001(1).

b) Definition of Neglect

“Neglect” means an act or failure to act by a person responsible for a child’s care, custody, or welfare evidencing the person’s blatant disregard for the consequences of the act or failure to act that results in harm to the child or that creates an immediate danger to the child’s physical health or safety. *Family Code 261.001(4).*

Neglect includes the leaving of a child in a situation where the child would be exposed to an immediate danger of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child. *Family Code 261.001(4)(A)(i).*

Neglect includes the following acts or omissions by a person:

- (a) Placing a child in, or failing to remove a child from, a situation that a reasonable person would realize requires judgment or actions beyond the child’s level of maturity, physical condition, or mental abilities and that results in bodily injury or an immediate danger of harm to the child;
- (b) Failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting an immediate danger of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;
- (c) The failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;
- (d) Placing a child in, or failing to remove the child from, a situation in which the child would be exposed to an immediate danger of sexual conduct harmful to the child; or
- (e) placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (E), (F), (G), (H), or (K), above, committed against another child.

Family Code 261.001(4)(A)(ii).

Neglect includes the failure by the person responsible for a child’s care, custody, or welfare to permit the child to return to the child’s home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away. *Family Code 261.001(4)(A)(iii)*.

Neglect includes a negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy. *Family Code 261.001(4)(A)(iv)*.

Neglect does not include the refusal by a person responsible for a child’s care, custody, or welfare to permit the child to remain in or return to the child’s home resulting in the placement of the child in the conservatorship of the department if:

- (a) the child has a severe emotional disturbance;
- (b) the person’s refusal is based solely on the person’s inability to obtain mental health services necessary to protect the safety and well-being of the child; and
- (c) the person has exhausted all reasonable means available to the person to obtain the mental health services described by subparagraph (b), above.

Family Code 261.001(4)(B)(i). Neglect also does not include allowing the child to engage in independent activities that are appropriate and typical for the child’s level of maturity, physical condition, developmental abilities, or culture. *Family Code 261.001(4)(B)(ii)*.

c) *General Duty to Report*

Any person who has reasonable 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)*. The Excel Center for Adults may not require that school personnel report suspicions of child abuse or neglect to a school administrator prior to making a report to one of the agencies identified in Sec. 4 below. *19 TAC 61.1051(b)(5)*.

d) *Reporting Abuse or Neglect of Persons with Disabilities*

Any person who has cause to believe that a person with a disability who is over the age of 18 or who has had the disabilities of minority removed is in a state of abuse, neglect, or exploitation shall report the information immediately to the Texas Department of Family and Protective Services (“DFPS”).

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, .054.*

e) *Reporting Abuse or Neglect By A Professional*

Any professional who has reasonable 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 has reasonable cause to believe 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, employees of a clinic or health care facility that provides reproductive services, and juvenile probation, detention or correctional officers. *Family Code 261.101(b).*

f) *Reporting Adult Victims of Abuse*

A person or professional shall make a report in the manner required above if the person or professional has reasonable 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).*

g) *Refusal of Psychiatric or Psychological Treatment of a Child*

An employee may not use the refusal of a parent, guardian, or managing or possessory conservator of a child to administer or consent to the administration of a psychotropic medication to a child, or to consent to any other psychiatric or psychological treatment of a child, as the sole basis for making a report of neglect of the child unless the refusal to consent:

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.

Sec. 3. 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.

Sec. 4. ENTITIES TO WHOM REPORTS MUST BE MADE 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 the DFPS, unless the report is made under item 3, below, or the report involves a juvenile justice program or facility.

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. The DFPS, including a local office where available;
3. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred; or
4. The agency designated by the court to be responsible for the protection of children.

Family Code 261.103(a); 19 TAC 61.1051(a)(1).

Sec. 5. IMMUNITIES

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).*

The Excel Center for Adults may not suspend or terminate the employment of, or otherwise discriminate against, a professional who makes a good faith report of abuse or neglect. *Family Code 261.110(b).*

Sec. 6. CRIMINAL OFFENSES

a) *Failure to Report*

A person commits a Class A misdemeanor if he or she has reasonable cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect and knowingly fails to report it as provided by law. Failure to report child abuse or neglect violates the Educator's Code of Ethics and may result in sanctions against an educator's certificate, as addressed in 19 TAC 249. *Family Code 261.109; 19 TAC 61.1051(b)(2)(A).*

b) *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)*.

c) *Coercion*

A school employee who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency may be subject to Class C misdemeanor penalties. *Penal Code 39.06*.

Sec. 7. POTENTIAL SBEC PENALTIES

The State Board for Educator Certification (SBEC) may take action as allowed under 19 TAC 249.15(a) based on satisfactory evidence that a person has failed to report or has hindered the reporting of child abuse as required under Family Code 261.001, or has failed to notify the SBEC or the Superintendent or designee under the circumstances and in the manner required by Education Code 21.006 and 19 TAC 249.14(d)-(f). *19 TAC 249.15(b)(4)*.

Sec. 8. CONFIDENTIALITY

A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act). Such information may be disclosed only for purposes consistent with federal or state law or under rules adopted by an investigating agency. *Family Code 261.201*.

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. *Family Code 261.101(d)*.

Sec. 9. INVESTIGATIONS

a) *Reports to the School*

If the DFPS initiates an investigation and determines that the abuse or neglect involves a The Excel Center for Adults employee, and that the child is a student at The Excel Center for Adults, the department shall orally notify the Superintendent. *Family Code 261.105(d)*.

The DFPS shall, upon request, send a written report of its investigation, as appropriate, to the Principal, unless the Principal is alleged to have committed the abuse or neglect, to the Board, and to the Superintendent. *Family Code 261.406(b)*.

b) *Interviewing Students*

The investigating agency shall be permitted to interview the child at any reasonable time and place, including the child’s school. *Family Code 261.302(b)*.

c) *Interfering with Investigation Confidentiality*

A person may not interfere with an investigation of a report of child abuse or neglect conducted by the DFPS. *Family Code 261.303(a)*.

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*.

Sec. 10. ANNUAL REVIEW

The Board shall annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261, 19 TAC 61.1051, and 40 TAC Chapter 700 with respect to investigations by DFPS.

Sec. 11. VIOLATIONS OF POLICY

Any The Excel Center for Adults employee who violates the reporting requirements under Chapter 261, Family Code is subject to disciplinary action, up to and including termination of employment.

Sec. 12. ANNUAL DISTRIBUTION AND STAFF DEVELOPMENT

The Superintendent or designee shall develop additional guidelines concerning the reporting of suspected child abuse and neglect. Such guidelines shall be distributed to all personnel at the beginning of each school year and shall be addressed in staff development programs at regular intervals determined by the Board. *19 TAC 61.1051(c)*.

Each school year, The Excel Center for Adults shall provide training as required by Education Code 38.0041 to all new school employees as part of new employee orientation. *Education Code 38.0041; 19 TAC 61.1051(d)*.

Sec. 13. REQUIRED POSTER

The Excel Center for Adults shall place a poster of the following specifications at every campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The poster must:

1. Be in a format and language that is clear, simple, and understandable to students;
2. Be in English and in Spanish;
3. Be 11x17 inches or larger;
4. Be in large print;
5. Be placed at eye-level to the student for easy viewing; and
6. Include the following information:
 - a. In bold print, the current toll-free DFPS abuse Hotline telephone number (1-800-252-5400);
 - b. Instructions to call 911 for emergencies; and
 - c. Directions for accessing the DFPS website (<http://www.txabusehotline.org>) for more information on reporting abuse, neglect, and exploitation.

Education Code 38.0042; 19 TAC 61.1051(e), (f).

The Superintendent shall develop and publish a plan for addressing sexual abuse, sex trafficking, and other maltreatment of children as required by Texas Education Code 38.0041. Such plan shall include:

1. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim of sexual abuse, sex trafficking, or other maltreatment, using resources developed by the Texas Education Agency (“TEA”);
2. Actions that a child who is a victim of sexual abuse, sex trafficking, or other maltreatment should take to obtain assistance and intervention; and
3. Available counseling options for students affected by sexual abuse, sex trafficking, or other maltreatment.

The Excel Center for Adults shall provide employee 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:

1. Must be provided, as part of a new employee orientation, to new The Excel Center for Adults employees, including counselors and coaches, and other professional staff members according to a schedule adopted by the TEA until all employees have taken the training; and
2. Must include training concerning:
 - a. Factors indicating a child is at risk for sexual abuse, sex trafficking, or other maltreatment;
 - b. Likely warning signs indicating a child may be a victim of sexual abuse, sex trafficking, or other maltreatment;
 - c. Internal procedures for seeking assistance for a child who is at risk for sexual abuse, sex trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;
 - d. Techniques for reducing a child’s risk of sexual abuse, sex trafficking, or other maltreatment; and
 - e. Community organizations that have relevant existing research-based programs that are able to provide training or other education for school district or open-enrollment charter school staff members, students, and parents.

The Excel Center for Adults shall maintain records that include the name of each staff member who participated in the training.

If the Superintendent or designee determines that The Excel Center for Adults does not have sufficient resources to provide the training required under this policy, The Excel Center for Adults

shall work in conjunction with a community organization to provide the training at no cost to The Excel Center for Adults.

Education Code 38.0041.

Sec. 1. IMMUNIZATION REQUIREMENTS

Each student shall be fully immunized against diphtheria, rubeola (measles), rubella, mumps, tetanus, and poliomyelitis, unless exempted under applicable law. The Texas Department of State Health Services (“TDSHS”) may modify or delete any of these immunizations or may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school. *Education Code 38.001(a), (b)*.

Students in kindergarten through twelfth grade shall have the following additional vaccines, according to the immunization schedules set forth in TDSHS regulations: pertussis, hepatitis B, hepatitis A, and varicella (chickenpox). TDSHS requires students enrolling in seventh through twelfth grades to have one dose of meningococcal vaccine on or after the student’s 11th birthday. *25 TAC 97.63*.

Under Health and Safety Code Chapter 81, Subchapter E, additional vaccinations may be required by TDSHS and/or the local health authority in specific situations under the mechanism of a control order containing control measures. *25 TAC 97.72*.

Sec. 2. IMMUNIZATION AWARENESS PROGRAM

The Excel Center for Adults shall post prominently on its Web site:

1. A list, in English and Spanish, of:
 - a. The immunizations required by TDSHS for admission to public school;
 - b. Any immunizations or vaccines recommended for public school students by TDSHS. The list must include the influenza vaccine, unless TDSHS requires the influenza vaccine for admission to public school; and
 - c. Health clinics in The Excel Center for Adults’ geographic boundaries that offer the influenza vaccine, to the extent those clinics are known to The Excel Center for Adults; and
2. A link to the TDSHS Internet Web site where a person may obtain information relating to the procedures for claiming an exemption from the immunization requirements. The link must be presented in the same manner as the information provided under paragraph 1.

Education Code 38.019.

Sec. 3. APPLICABILITY OF IMMUNIZATION REQUIREMENTS

The vaccine requirements discussed in this policy apply to all students entering, attending, enrolling in, and/or transferring to The Excel Center for Adults. *25 TAC 97.61(a)*.

a) *Exceptions to Immunization Requirements*

Immunization is not required for admission if the student submits to The Excel Center for Adults any of the following:

i. *Medical Reasons*

An affidavit or a certificate signed by the student’s physician (M.D. or D.O.) who is duly registered and licensed to practice medicine in the United States and who has examined the student. The affidavit or certificate must state that, in the physician’s opinion, the immunization required is medically contraindicated or poses a significant risk to the health and well-being of the student or any member of the student’s household. Unless it is written in the statement that a lifelong condition exists, the exemption statement is valid for only one year from the date signed by the physician.

ii. *Reasons of Conscience*

An affidavit signed by the student or, if a minor, the student’s parent or legal guardian stating that the student declines immunization for reasons of conscience, including a religious belief. The affidavit will be valid for a two-year period. The affidavit must be on a form obtained from the TDSHS and must be submitted to the admitting official not later than the 90th day after the date the affidavit is notarized. A student who has not received the required immunizations for reasons of conscience may be excluded from school in times of emergency or epidemic declared by the commissioner of state health services.

iii. *Military Duty*

If the student can prove that he or she is a member of the armed forces of the United States and is on active duty.

Education Code 38.001(c), (c-1), (f); Health and Safety Code 161.004(a), (d), .0041; 25 TAC 97.62.

Sec. 4. PROVISIONAL ENROLLMENT

A student may be provisionally admitted or enrolled if the student has begun the required immunizations. The student must have an immunization record that indicates the student has received at least one dose of each age-appropriate vaccine specified in the regulations.

a) *Completion of Vaccinations*

To remain enrolled, the student must continue to receive the necessary immunizations as rapidly as medically feasible. The student must complete the required subsequent doses in each vaccine series on schedule and as rapidly as is medically feasible and provide acceptable evidence of vaccination to The Excel Center for Adults.

b) *Status Review*

The Excel Center for Adults shall review the immunization status of a provisionally enrolled student every 30 days to ensure continued compliance in completing the required doses of vaccination. If, at the end of the 30-day period, a student has not received a subsequent dose of vaccine, the student is not in compliance and The Excel Center for Adults shall exclude the student from school attendance until the required dose is administered.

Education Code 38.001(e); 25 TAC 97.66(a).

c) *Homeless Students*

A student who is homeless, as defined in the McKinney-Vento Homeless Assistance Act, shall be admitted temporarily for 30 days if acceptable evidence of vaccination is not available. The Excel Center for Adults shall promptly refer the student to appropriate health provider to obtain the required vaccinations. *25 TAC 97.66(b); 42 U.S.C. 11302.*

d) *Student in Foster Care*

A student who is "in foster care" as defined by 45 C.F.R. 1355.20(a) shall be admitted temporarily for 30 days if acceptable evidence of vaccination is not available. The Excel Center for Adults shall promptly refer the student to an appropriate health provider to obtain the required vaccinations. *25 TAC 97.66(c).*

e) *Transfer Students*

A student can be enrolled provisionally for no more than 30 days if the student transfers from one Texas school to another and is awaiting the transfer of the immunization record. *25 TAC 97.69(a).*

f) *Military Dependents*

A military dependent can be enrolled provisionally for no more than 30 days if the student transfers from one school to another and is awaiting the transfer of the immunization record. The collection and exchange of information pertaining to immunizations shall be subject to confidentiality provisions prescribed by federal law. *Education Code 162.002 art. IV, C; 25 TAC 97.69(b).*

Sec. 5. EVIDENCE OF IMMUNIZATION

A student shall show acceptable evidence of vaccination before entry, attendance, or transfer to The Excel Center for Adults.

Vaccines administered after September 1, 1991, shall include the month, day, and year each vaccine was administered. The following documentation is acceptable:

1. Documentation of vaccines administered that includes the signature or stamp of the physician or his or her designee, or public health personnel (immunization records generated from electronic health record systems must include clinic contact information and the provider's signature/stamp);
2. An official immunization record generated from a state or local health authority; or
3. An official record received from school officials including a record from another state.

25 TAC 97.68.

Serologic confirmations of immunity to measles, rubella, mumps, hepatitis A, hepatitis B, or varicella are acceptable. Evidence of measles, rubella, mumps, hepatitis A, hepatitis B, or varicella illnesses must consist of a valid laboratory report that indicates either confirmation of immunity or infection. A written statement from a parent, legal guardian, managing conservator, school nurse, or physician attesting to a student's positive history of varicella disease (chickenpox) or varicella immunity is acceptable in lieu of a vaccine record for that disease. *25 TAC 97.65.*

Sec. 6. IMMUNIZATION RECORDS

The Excel Center for Adults shall keep an individual immunization record during the period of attendance for each student admitted. The records shall be sufficient for a valid audit or other assessment to be completed. The records shall be open for inspection at all reasonable times by the Texas Education Agency, local health departments, or the TDSHS. Immunization records may be maintained in paper and/or electronic form. *Education Code 38.002(a); 25 TAC 97.67.*

a) *Transfer of Records*

The Excel Center for Adults shall cooperate in transferring students' immunization records to other schools. Specific approval from students, parents, or guardians is not required before transferring those records. *Education Code 38.002(b).*

b) *Annual Report*

The Excel Center for Adults shall submit annual reports of the immunization status of students, in a format prescribed by and at the time and in the manner indicated by TDSHS, to monitor compliance with immunization requirements. *Education Code 38.002(c); 25 TAC 97.71.*

Sec. 7 STUDENTS OVER AGE 22

Students who are 22 years of age or older at the time of enrollment are not subject to the bacterial meningococcal vaccination requirement under Texas Education Code § 51.9192.

Such students remain subject to all other immunization requirements established by the Texas Department of State Health Services (DSHS) for admission to Texas public schools, as listed in 25 Texas Administrative Code §§ 97.61–97.72, unless a valid medical or reasons-of-conscience exemption is filed.

The District may recommend, but shall not require, meningococcal vaccination for students aged 22 or older, except as specifically mandated by state law or public-health order.

During an officially declared outbreak or public-health emergency, the District reserves the right to require additional proof of immunization or to exclude non-compliant or exempted students, consistent with DSHS directives.

Sec. 1. CONSENT TO MEDICAL TREATMENT

The Excel Center for Adults may consent to medical, dental, psychological, and surgical treatment of an enrolled 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).

a) *Form of Consent*

Consent to medical treatment 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 or legal guardians, 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; and
5. The date on which the treatment is to begin.

Family Code 32.002.

b) *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 on active duty with the armed services of the United States of America;
2. 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, managing 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;
3. 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, including all reportable diseases under Health and Safety Code 81.041;
4. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy;
5. 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; or

6. Is unmarried, is the parent of a child, and has actual custody of his or her child and consents to medical, dental, psychological, or surgical treatment for the child.

Family Code 32.003.

a) *Purchasing Medication*

The Excel Center for Adults shall not purchase nonprescription medication to administer to a student.

Sec. 2. 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. *Education Code 38.021.*

Sec. 3. 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 prescription 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 Excel Center for Adults:
 - 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 prescription 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 Campus Director of the school the student attends.

Education Code 38.015.

Sec. 4. DIETARY SUPPLEMENTS

A The Excel Center for Adults 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 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 duties.

Education Code 38.011(a), (c).

Sec. 5. PRESCRIPTION MEDICATION AND SPECIAL EDUCATION STUDENTS

A The Excel Center for Adults employee 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 or guardians 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).*

Sec. 6. STUDENT ILLNESS

The Superintendent or designee shall establish procedures to ensure that proper attention is given to a student who becomes ill during the school day.

Sec. 7. ACCIDENTS INVOLVING STUDENTS

The Superintendent or designee shall establish emergency procedures to ensure appropriate attention for a student injured at school. The Excel Center for Adults shall maintain records on all accidents requiring the attention of a medical doctor.

Sec. 8. EMERGENCY TREATMENT FORMS

Each year, students and parents shall complete and sign a form that provides emergency information and authorizes school officials to obtain emergency medical treatment, as provided by law.

Sec. 1. STANDARDS FOR ADMINISTERING MEDICATION AT SCHOOL

All medications administered to students shall be FDA-approved pharmaceuticals administered within their approved dosage and within standards of acceptable medical regimen. Research pharmaceuticals may be administered if they are a part of a University Institutional Review Board-approved protocol. Intravenous (IV) medications and treatments shall not be administered by The Excel Center for Adults personnel.

Sec. 2. AUTHORIZED PERSONNEL

The Excel Center for Adults employees shall not give any student prescription medication, nonprescription medication, herbal substances, or dietary supplements of any type, except as provided below. Employees authorized by the Superintendent or designee may administer to students:

a) *Administering Prescription Medication*

Prescription medication upon written request to administer the medication from the student or other person having legal control of the student. When administering prescription medication, the medication must be administered either:

1. From a container that appears to be from the original container and properly labeled; or
2. From a properly labeled unit dosage container filled by a registered nurse from a container that appears to be the original container and to be properly labeled.

All prescription medications shall have been prescribed by a physician licensed to practice medicine in the United States. All medications shall have been manufactured in the United States.

Texas Department of State Health Services Guide to Medication Administration in the School Setting

b) *Administering Nonprescription Medication*

i. *Nonprescription Medication Administered upon Parent Request*

Nonprescription medication may be administered by authorized The Excel Center for Adults personnel upon a student’s written request, when properly labeled and in the original container; or if required by the individualized education program (“IEP”) or Section 504 plan of a student with disabilities.

ii. *Nonprescription Medication Administered by The Excel Center for Adults*

Authorized The Excel Center for Adults personnel may administer nonprescription medication on an emergency basis and consistent with protocols established by The Excel Center for Adults’s medical adviser and student consent given on an emergency treatment form.

c) *Herbal Substances or Dietary Supplements*

Herbal substances or dietary supplements may be administered by authorized The Excel Center for Adults personnel **only if** required by the IEP or Section 504 plan of a student with disabilities.

d) *Provision of Medication Off-Campus at School-Sponsored Events*

For any The Excel Center for Adults student attending a field trip or off-campus school-sponsored event, any prescription medication that The Excel Center for Adults is required to administer under this policy shall be sent with the student’s teacher or another staff member trained in the proper administration of medication and who has been authorized to administer medication by the Superintendent or designee, along with instructions on the administration of the medication.

In addition to trained and authorized The Excel Center for Adults teacher(s) and/or nurse(s), a licensed physician in Texas, a registered nurse licensed in Texas, or a vocational nurse licensed in Texas may serve as a The Excel Center for Adults volunteer to administer prescription and non-prescription medication in accordance with this policy when on field trips and/or off-campus or on school-sponsored events. Prior to being allowed to do so, such individuals must meet with the school nurse for instruction and training on administration of medication for applicable students.

Nonprescription medication(s) generally are not administered by The Excel Center for Adults during field trips and/or off-campus or on school-sponsored events.

In the event of an emergency medical situation involving a The Excel Center for Adults student for which no The Excel Center for Adults employee was previously aware and that occurs during a field trip and/or during an off-campus, school-sponsored event when no school nurse is present, emergency medical services shall immediately be notified by any The Excel Center for Adults employee in attendance.

Sec. 3. PSYCHOTROPICS

Except as permitted by Education Code 38.016, a The Excel Center for Adults employee shall not:

1. Recommend to a student, parent that the student use a psychotropic drug;
2. Suggest a particular diagnosis; or
3. Exclude the student from a class or a school-related activity because of the parent’s refusal to consent to psychiatric evaluation or examination or treatment of the student.

Education Code 38.016.

Sec 4. AGE OF MAJORITY STUDENTS SELF-ADMINISTERED MEDICATION

Pursuant to Texas Education Code §51.9192 and applicable school policy, students who have reached the age of majority (18 or older) may be permitted to possess and self-administer legally prescribed medications on school premises, provided the appropriate disclosures and acknowledgments are made.

Sec. 1. REPORTS

The Excel Center for Adults authorities, including the Superintendent, Campus Directors, teachers, school health officials, or counselors, shall report to the local health authority those students attending school who are suspected of having a notifiable condition, as defined by state law and the Texas Department of State Health Services (“TDSHS”). If there is no local health authority appointed or if PC is outside the jurisdiction of a local health authority, the report shall be made to the regional director. *25 TAC 97.2(d), .5(a); Health and Safety Code 81.041–.042.*

a) *Sexually Transmitted Diseases and HIV*

In addition to the reporting requirements identified above, the Superintendent or designee shall report cases and suspected cases of sexually transmitted diseases in the manner outlined in *25 TAC 97.133. 25 TAC 97.132(a)(1).*

b) *Penalties*

A person commits a Class B misdemeanor if the person knowingly fails to report a reportable disease or health condition under Health and Safety Code Chapter 81, Subchapter B. *Health and Safety Code 81.049.*

Sec. 2. EXCLUSION FROM SCHOOL

Campus Directors shall exclude from attendance any student suffering from a communicable condition listed in *25 TAC 97.7(a)* until the readmission criteria for the condition are satisfied. *25 TAC 97.7(a).*

Additionally, Campus Directors shall exclude from attendance any student having or suspected of having a communicable disease designated by the Commissioner of State Health Services as a cause for exclusion. A child excluded for such reason may be readmitted, as determined by the health authority, by:

1. Submitting a certificate of an attending physician, advanced practice nurse, or physician assistant attesting that the child does not currently have signs or symptoms of a communicable disease or to the disease’s non-communicability in a school setting;
2. Submitting a permit for readmission issued by a local health authority; or
3. Meeting readmission criteria set by the Commissioner of State Health Services.

25 TAC 97.7(b)-(c).

Sec. 3. BACTERIAL MENINGITIS

In accordance with guidelines provided by the Texas Education Agency, The Excel Center for Adults shall provide information relating to bacterial meningitis to its students each school year in a manner ensuring that the information is reasonably likely to come to the attention of the parents of each student. *Education Code 38.0025.*

Sec. 4. ISSUES RELATED TO HEAD LICE

a) *No Exclusions from School*

Students should not be excluded from school due to the presence of head lice. The Centers for Disease Control and Prevention (“CDC”), the American Academy of Pediatrics, and the TDSHS have noted that there is little evidence that exclusion from school reduces the transmission of head lice.

The goal of lice prevention and control in The Excel Center for Adults is to limit the spread of lice from one student to another through accurate diagnosis and meaningful and consistent communication and education.

The Excel Center for Adults

Sec. 1. STUDENTS AT RISK FOR ANAPHYLAXIS

a) *Welfare Plan*

The Board shall adopt and implement a plan for the care of students with a diagnosed food allergy at risk for anaphylaxis based on “*Guidelines for the Care of Students With Food Allergies At-Risk for Anaphylaxis,*” as developed by the Commissioner of State Health Services.

The Board shall annually review and, as necessary, revise its policy for the care of students with a diagnosed food allergy risk for anaphylaxis to ensure the policy is consistent with the most current version of the “*Guidelines for the Care of Students With Food Allergies At-Risk for Anaphylaxis.*”

The adoption and implementation of such plan does not waive any liability or immunity of The Excel Center for Adults or its officers or employees or create any liability for or cause of action against The Excel Center for Adults or its officers or employees.

b) *Required Website Posting*

Each school year, The Excel Center for Adults shall post a summary of the “*Guidelines for the Care of Students With Food Allergies At-Risk for Anaphylaxis*” on the Excel Center for Adults website, including instructions on obtaining access to the complete guidelines document. The Excel Center for Adults website must be accessible by each enrolled student and a parent or guardian of each student.

Any forms used by The Excel Center for Adults requesting information from a student with a food allergy enrolling must include information to access on The Excel Center for Adults’ website a summary of the guidelines and instructions on obtaining access to the complete guidelines document.

Education Code 38.0151(b).

Sec. 2. FOOD ALLERGY MANAGEMENT

The Superintendent or designee shall develop and implement a student food allergy management plan for students at risk for anaphylaxis that incorporates the following components:

a) *General Procedures*

Procedures to limit the potential health risks to students with food allergies will include:

1. Specialized training for the employees responsible for the development, implementation, and monitoring of The Excel Center for Adults’ food allergy management plan;

2. Training for employees regarding signs and symptoms of food allergies and emergency response in the event of an anaphylactic reaction;
3. General strategies to reduce the risk of exposure to common food allergies;
4. Methods for requesting and obtaining food allergy information from the parent of a student with a diagnosed food allergy; and
5. The annual review of The Excel Center for Adults' food allergy management plan.

b) *Students at Risk for Anaphylaxis*

Procedures for the care of students with diagnosed food allergies who are at risk for anaphylaxis will include:

1. Development and implementation of food allergy action plans, emergency action plans, and Section 504 plans, as appropriate;
2. Training, as necessary, for employees, including strategies for reducing student risk of exposure to diagnosed allergens; and
3. Periodic review of general procedures to limit the potential health risks to students.

c) *Distribution*

The Superintendent shall distribute information regarding this policy and The Excel Center for Adults' food allergy management plan annually in the student handbook. Information will also be made available at each The Excel Center for Adults campus.

Sec. 3. SEIZURE MANAGEMENT AND TREATMENT PLANS

a) *General Requirements*

A student with a seizure disorder may seek care for the student's seizures while the student is at school or participating in a school activity by submitting to The Excel Center for Adults a copy of a seizure management and treatment plan developed by the student and the physician responsible for the student's seizure treatment. The plan must be submitted to and reviewed by The Excel Center for Adults:

1. Before or at the beginning of the school year;
2. On enrollment of the student if the student enrolls after the beginning of the school year;
or
3. As soon as practicable following a diagnosis of a seizure disorder for the student.

Education Code 38.032(a).

b) *Seizure Management and Treatment Plan Requirements*

A seizure management and treatment plan must:

1. Identify the health care services the student may receive at school or while participating in a school activity;
2. Evaluate the student's ability to manage and level of understanding of the student's seizures; and
3. Be signed by the student or guardian and the physician responsible for the student's seizure treatment.

Education Code 38.032(b).

c) *Immunity Protections*

The care of a student with a seizure disorder by a The Excel Center for Adults employee under a seizure management plan is incident to or within the scope of the duties of the employee's position of employment and involves the exercise of judgment or discretion on the part of the employee for purposes of Education Code 22.0511. *Education Code 38.032(c).*

The immunity from liability provided by Education Code 22.0511 applies to an action or failure to act by a The Excel Center for Adults employee in administering a medication, assisting with self-administration, or otherwise providing for the care of a student under a seizure management plan submitted for the student. *Education Code 38.032(d).*

Sec. 1. TRANSFERS FOR SCHOOL SAFETY PURPOSES

A student who becomes a victim of a violent criminal offense, as defined below, or who is assigned to a campus assigned by the Texas Education Agency (“TEA”) as persistently dangerous shall be offered an opportunity to transfer to a safe public or charter school within The Excel Center for Adults. *Every Student Succeeds Act (ESSA) Section 8532, TEA Unsafe School Choice Option Guidance Handbook.*

For each school safety transfer request, The Excel Center for Adults shall explore appropriate transfer options. These options may include a transfer agreement with or enrollment in a neighboring school district or, if The Excel Center for Adults operates more than one campus, a transfer to another The Excel Center for Adults campus or school that serves the appropriate grade level. *TEA Unsafe School Choice Option Guidance Handbook.*

a) *Transfers for Victims of Violent Criminal Offenses*

For purposes of this policy, a student is considered to be a victim of a violent criminal offense if the student is a victim of one of the following Penal Code offenses while on the premises of a school or while attending a school-sponsored or school-related activity on or off school property:

- a. Aggravated assault on someone other than a district employee or volunteer;
- b. Aggravated kidnapping;
- c. Aggravated robbery;
- d. Attempted murder;
- e. Continuous sexual abuse of young child or children occurring on school property or while attending a school-sponsored or school-related activity on or off school property;
- f. Indecency with a child; or
- g. Sexual assault or aggravated sexual assault against someone other than a district employee or volunteer.

Within 14 calendar days after a violent criminal offense occurs in or on the grounds of the school the student attends, The Excel Center for Adults will notify the student victim of the right to request a transfer. The student must then submit a written application for transfer to the Superintendent or designee. The Superintendent or designee will approve or disapprove the request within 14 calendar days after receipt.

A transfer arranged for any student who is the victim of a violent criminal offense will be renewed for as long as the threat to the student exists at the campus from which the student transferred.

For each violent criminal offense, The Excel Center for Adults shall maintain, for at least five years, documentation reflecting the date and nature of the offense, notice provided to the student concerning the transfer option, any submitted transfer application, action taken in response to a transfer application, and other relevant information concerning the offense.

b) *Transfers from a Persistently Dangerous School*

A student attending a school identified by TEA as persistently dangerous shall be notified of the parent’s right to request a transfer. Such notice shall be provided at least 14 calendar days prior to the start of the school year or, if a student enrolls after the school year begins, upon the student’s enrollment.

In order to request a transfer for safety reasons, a student must submit a written transfer application to the Superintendent or designee. The Superintendent or designee will complete the transfer prior to the start of the school year or, if applicable, within 14 calendar days of the request for a student who enrolls after the school year begins.

A transfer arrangement for a student from a campus identified by the TEA as persistently dangerous will be renewed so long as the campus from which the student transferred remains identified by the TEA as persistently dangerous.

The Excel Center for Adults shall maintain, in accordance with its adopted record retention schedule and/or the state’s record retention schedule for school records, documentation of notice of the transfer options, transfer applications submitted, and actions taken in response to transfer applications. *TEA ESSA Unsafe School Choice Option LEA Requirements (August 22, 2019)*.

Gang-related behavior and hazing shall be prohibited by The Excel Center for Adults. The consequences for gang-related behaviors and hazing shall be addressed in the Student Code of Conduct.

The Campus Director or designee shall document, and update as needed known or suspected gang-related apparel, gang hand signals, gang signatures, mottoes, graffiti, or persistent gang involvement and activity. The Student Handbook shall include notice to students in this regard.

PART 1: EDUCATION RECORDS

Sec. 1. “EDUCATION RECORDS” DEFINED

For the purposes of this policy, the term “education records” means those records, files, documents, and other materials that contain information directly related to a student and are maintained by The Excel Center for Adults or by a person acting for The Excel Center for Adults.

The term “education records” does not include:

1. Records that are created or received by The Excel Center for Adults after an individual is no longer a student in attendance, and that are not directly related to the individual’s attendance as a student.
2. Records made by The Excel Center for Adults personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of The Excel Center for Adults that were created by that law enforcement unit for the purpose of law enforcement.
4. Records on a student who is eighteen years of age or older, or who is attending an institution of postsecondary education, that are:
 - a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
 - b. Made, maintained, or used only in connection with treatment of the student; and
 - c. Disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

20 U.S.C. 1232g; 34 C.F.R. 99.3.

State and federal law safeguard educational records from unauthorized inspection or use. All information relating to student performance, including grades, test results, and disciplinary records are considered confidential educational records. Release of those records are restricted to parents or guardians, or the student if aged 18 or older; school staff members with a legitimate educational interest; various governmental agencies or in response to a subpoena or court order; or a school to which the student transfers or subsequently enrolls. Release to any other person or agency will occur only with prior written consent of the parent or guardian, or the student if aged 18 or older

Sec. 2. SCREENING RECORDS

The Campus Director of each The Excel Center for Adults campus shall maintain records of screening for special senses and communication disorders, spinal screening, and assessment for

type 2 diabetes for each student in The Excel Center for Adults. Records shall be open for inspection by the state or local health department. The Texas-Mexico Border Health Coordination Office may, directly or through local health departments, enter a school and inspect records relating to assessment for type 2 diabetes. Individual screening records may be transferred among schools in accordance with provisions below concerning “Access by Other Persons.” *20 U.S.C. 1232g; Health and Safety Code 36.006, 37.003, 95.004; 25 TAC 37.145(b).*

Sec. 3. IMMUNIZATION RECORDS

As applicable, The Excel Center for Adults shall maintain an individual immunization record during the period of attendance for each student admitted. The records shall be open for inspection at all reasonable times by the Texas Education Agency or by representatives of local health departments or the Texas Department of State Health Services. The Excel Center for Adults shall cooperate with other districts and schools in transferring students’ immunization records between other schools. Specific approval from students, parents, or guardians is not required prior to making such record transfers. *Education Code 38.002.*

Sec. 4. MEDICAL RECORDS

The parent or guardian of a student or a student is entitled to access to the student’s medical records maintained by The Excel Center for Adults. On request of a student’s parent or guardian, The Excel Center for Adults shall provide a copy of the student’s medical records to the parent or guardian. The Excel Center for Adults may not impose a charge that exceeds the amount authorized by Section 552.261 of the Government Code. *Education Code 38.0095.*

a) *Privacy Rule for Non-“Education Records”*

To the extent The Excel Center for Adults is a covered entity under the Health Insurance Portability and Accountability Act (HIPAA), The Excel Center for Adults must comply with the Privacy Rule, 45 CFR Part 164, with respect to protected health information that is not an education record. *45 C.F.R. 160.103, 164.501.*

Sec. 5. FOOD ALLERGY INFORMATION

Information regarding a student’s food allergy, regardless of how it is received by The Excel Center for Adults, shall be retained in the student records, but may not be placed in the health record maintained for the student by The Excel Center for Adults.

a) *Exceptions*

If The Excel Center for Adults receives documentation of a food allergy from a physician, that documentation shall be placed in the health record maintained for the student by The Excel Center for Adults. *Education Code 25.0022(d)–(f).*

Sec. 6. ASSESSMENT INSTRUMENTS

The results of individual student performance on basic skills assessment instruments or other achievement tests administered by The Excel Center for Adults are confidential and may be made available only to the student, the student’s parent or guardian, and to The Excel Center for Adults personnel directly involved with the student’s educational program. However, overall student performance data shall be aggregated by ethnicity, sex, grade level, subject area, campus, and school system, and made available to the public, with appropriate interpretations, at regularly scheduled Board meetings. The information may not contain the names of individual students or teachers. *Education Code 39.030(b)*.

Sec. 7. ACADEMIC ACHIEVEMENT RECORDS (GRADES 9–12)

The Excel Center for Adults shall use the academic achievement record (transcript) form adopted by the State Board. This form shall serve as the academic record for each student and shall be maintained permanently by The Excel Center for Adults. Copies of the record shall be made available to students transferring to another district. The information may be provided to the student or to the receiving district or to both. The Excel Center for Adults shall respond promptly to all requests for student records from receiving districts. *19 TAC 74.5*.

Sec. 8. ENROLLMENT RECORDS

If a student or other person with legal control of a student enrolls the student in The Excel Center for Adults the student or other person, or district in which the student most recently attended school, shall furnish to The Excel Center for Adults all of the following:

1. The student’s birth certificate, or another document suitable as proof of the student’s identity as defined by the Commissioner in the Student Attendance Accounting Handbook.
2. A copy of the student’s records from the school the student most recently attended if he or she was previously enrolled in a school in Texas or in another state.

The Excel Center for Adults must furnish information under items 1 and 2 not later than the tenth working day after the date The Excel Center for Adults receives a request for the information.

If a student or other person with legal control of a student under a court order requests that The Excel Center for Adults transfer a student’s student records, The Excel Center for Adults shall notify the student or other person as soon as practicable that the student or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

Education Code 25.002.

PART 2: ACCESS, DISCLOSURE, AND AMENDMENT

Sec. 1. DEFINITIONS

a) *Attendance*

“Attendance” includes, but is not limited to:

1. Attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
2. The period during which a person is working under a work-study program.

b) *Disclosure*

“Disclosure” means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

c) *Parent*

“Parent” includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

d) *Personally Identifiable Information*

“Personally identifiable information” includes, but is not limited to:

1. The student’s name;
2. The name of the student’s parent or other family members;
3. The address of the student or student’s family;
4. A personal identifier, such as the student’s biometric record, defined as a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting); social security number; or student number;
5. Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the Excel Center for Adults community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

7. Information requested by a person who The Excel Center for Adults reasonably believes knows the identity of the student to whom the education record relates.

e) *Record*

“Record” means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audiotape, film, microfilm, and microfiche.

f) *Authorized Representative*

“Authorized representative” means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 C.F.R. 99.31(a)(3) to conduct—with respect to federal- or state-supported education programs—any audit, evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

g) *Education Program*

“Education program” means any program that is principally engaged in the provision of education, including but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.

34 C.F.R. 99.3.

h) *Signed and Dated Written Consent*

“Signed and dated written consent” may include a record and signature in electronic form that:

1. Identifies and authenticates a particular person as the source of the electronic consent; and
2. Indicates such person’s approval of the information contained in the electronic consent.

34 C.F.R. 99.30(d).

Sec. 2. ACCESS BY PARENTS

Access to the education records of a student who is or has been in attendance at The Excel Center for Adults shall be granted to the parent of the student who is a minor or who is a dependent for tax purposes.

34 C.F.R. 99.10, .31(a)(8).

The Excel Center for Adults shall presume that a parent has authority to inspect and review the student's records unless it has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights. A court may order the custodian of records to delete all references in a child's records to the place of residence of either party appointed as conservator before their release to another party appointed as conservator.

34 C.F.R. 99.4; Family Code 153.012, .073.

Sec. 3. ACCESS BY STUDENT

Whenever a student has attained 18 years of age or is attending an institution of postsecondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student. Nothing in this section prevents The Excel Center for Adults from disclosing education records, or personally identifiable information from education records, to a parent without prior written consent of an eligible student if the disclosure meets the conditions in 34 C.F.R. 99.31(a), including if the student is a dependent for tax purposes or in the case of a health or safety emergency. *34 C.F.R. 99.5.*

If material in the education record of a student includes information on another student, only the portion of the material relating to the student whose records were requested may be inspected and reviewed. *34 C.F.R. 99.12(a).*

Sec. 4. ACCESS BY OTHER PERSONS

Personally identifiable information in education records shall not be released without the written consent of the student or student's parents, except to the following:

a) *School Officials*

School officials, including teachers, who have legitimate educational interests are authorized to review personally identifiable information in education records. An administrator, nurse, or teacher is entitled to access a student's medical records maintained by The Excel Center for Adults for reasons determined in The Excel Center for Adults policy.

A contractor, consultant, volunteer, or other party to whom The Excel Center for Adults has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party:

1. Performs an institutional service or function for which The Excel Center for Adults would otherwise use employees;
2. Is under the direct control of The Excel Center for Adults with respect to the use and maintenance of education records; and

3. Is subject to the requirements of 34 CFR 99.33(a) governing the use and redisclosure of personally identifiable information from education records.

The Excel Center for Adults must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

34 C.F.R. 99.31, .36; Education Code 38.009.

b) *Officials of Other Schools*

Officials of other schools or school systems in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student’s enrollment or transfer, provided that The Excel Center for Adults either:

1. Includes in its policies a statement that notifies the parent or student that it forwards education records on request of the other school to such officials; or
2. Makes a reasonable attempt to notify the student (unless the record transfer is initiated by the student).

In either case, The Excel Center for Adults shall furnish a copy of the transferred records to the student if requested and shall give the student an opportunity for a hearing to challenge the content of the record.

34 C.F.R. 99.34.

c) *Authorized Governmental Representatives*

Authorized representatives of the officials or agencies headed by the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal- or state-supported education programs or in connection with the enforcement of or compliance with federal legal requirements that relate to such programs.

34 C.F.R. 99.35.

The Excel Center for Adults may not refuse to report information concerning a student holding an F, J, or M visa on the basis of the Family Educational Rights and Privacy Act (“FERPA”) and any regulation implementing FERPA. The Excel Center for Adults is authorized and required to report information that would ordinarily be protected by FERPA only to the extent required by 8 U.S.C. 1372, 8 CFR 214.3, or any corresponding regulation. *8 U.S.C. 1372(c)(2); 8 C.F.R. 214.1(h).*

d) *Financial Aid Personnel*

Personnel involved with a student’s application for, or receipt of, financial aid.

e) *Juvenile Justice Officials*

State and local officials to whom such information is specifically allowed to be reported or disclosed by state statute if:

1. The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve the student whose records are released; and
2. The officials and authorities to whom such information is disclosed certify in writing to The Excel Center for Adults that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent or the student.

The Superintendent or designee shall disclose information contained in a student's educational records to a juvenile service provider as required by Family Code 58.0051.

Education Code 37.084(a).

f) *Organizations Conducting Surveys*

Organizations conducting studies for, or on behalf of, The Excel Center for Adults for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies who have legitimate interests in the information. Such information must be destroyed when no longer needed for the original purposes of the studies.

The Excel Center for Adults must enter into a written agreement with the organization that:

1. Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
2. Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
3. Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and
4. Requires the organization to destroy or return to The Excel Center for Adults all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be returned or destroyed.

If The Excel Center for Adults enters into an agreement with an organization conducting a study, it may redisclose personally identifiable information from education records on behalf of

educational agencies and institutions that disclosed the information to The Excel Center for Adults in accordance with the requirements of 34 C.F.R. 99.33(b).

The Excel Center for Adults is not required to initiate a study or agree with or endorse the conclusions or results of the study.

g) *Accrediting Organizations*

Accrediting organizations that require the information for purposes of accreditation.

h) *Health & Safety Emergency*

Appropriate persons, including the student’s parents, who, in an emergency, must have such information in order to protect the health or safety of the student or other person. In making a determination, The Excel Center for Adults may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If The Excel Center for Adults determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. *34 C.F.R. 99.36.*

i) *State or Local Child Welfare Agency*

An agency caseworker or other representative of a state or local child welfare agency who has the right to access a student’s case plan when the agency is legally responsible, in accordance with state law, for the care and protection of the student. *20 U.S.C. 1232g(b)(1)(L).*

j) *Directory Information*

Any person requesting directory information after The Excel Center for Adults has given public notice of that definition. *34 C.F.R. 99.37.*

k) *Written Consent*

The parent or student aged 18 or over shall provide a signed and dated written consent before The Excel Center for Adults discloses personally identifiable information from a student’s education records to any individual, agency, or organization other than the parent, the student, or those listed above. Such consent shall specify records to be released, the reason for such release, and to whom the records are to be released. *34 C.F.R. 99.30.*

Sec. 5. INFORMATION COLLECTION

a) *DOE Funded Surveys*

No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education (DOE), to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent:

1. Political affiliations or beliefs of the student or the student’s parents.
2. Mental and psychological problems of the student or the student’s family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student’s parent.
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

20 U.S.C. 1232h(b).

b) *Information Collection Funded by Other Sources*

Except as provided by 20 U.S.C. 1232h(a) or (b), as a condition of receiving funds from programs funded in whole or in part by the U.S. DOE The Excel Center for Adults shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), and provide for parent notification in accordance with 20 U.S.C. 1232(c)(2). *20 U.S.C. 1232h(c)(1)–(4).*

Sec. 6. SUBPOENAED RECORDS

The Excel Center for Adults shall release student records to an entity or persons designated in a subpoena. The Excel Center for Adults shall not disclose to any person the existence or contents of the subpoena if a court orders The Excel Center for Adults to refrain from such disclosure. Unless the court or other issuing agency orders The Excel Center for Adults to refrain from such disclosure or the order is an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331, The Excel Center for Adults shall make a reasonable effort to notify the parents and the student of all such subpoenas in advance of compliance, except when a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, and the order is issued in the context of that proceeding. *20 U.S.C. 1232g(b)(1)(J), (b)(2)(B); 34 C.F.R. 99.31(a)(9).*

Sec. 7. SEX OFFENDERS

The Excel Center for Adults may disclose personally identifiable information without consent if the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to The Excel Center for Adults under 42 U.S.C. 14071 and applicable federal guidelines. *34 C.F.R. 99.31(a)(16)*.

Sec. 8. REQUEST PROCEDURE

Upon request of a properly qualified individual, access to a student’s education record shall be granted within a reasonable period of time, not to exceed 45 days. The Excel Center for Adults shall respond to reasonable requests for explanations and interpretations of the records. *34 C.F.R. 99.10*.

Sec. 9. DESTRUCTION OF RECORDS

The Excel Center for Adults shall not destroy any education records if there is an outstanding request to inspect and review the records. *34 C.F.R. 99.10(e)*.

Sec. 10. DE-IDENTIFIED RECORDS

The Excel Center for Adults, or a party that has received education records or information from education records, may release the records or information without the student’s written consent after the removal of all personally identifiable information provided that The Excel Center for Adults or other party has made a reasonable determination that a student’s identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.

a) *Education Research*

The Excel Center for Adults, or a party that has received education records or information from education records, may release de-identified student-level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

1. The Excel Center for Adults or other party that releases de-identified data under this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student’s social security number or other personal information.

Sec. 11. AUTHENTICATING REQUESTORS' IDENTITIES

The Excel Center for Adults must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom The Excel Center for Adults discloses personally identifiable information from education records. *34 C.F.R. 99.31(b)–(c)*.

Sec. 12. TRANSFER NOT PERMITTED

Personal information from student education records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student. If a third party permits access to information in violation of this policy, The Excel Center for Adults shall not permit access to information from education records to that third party for a period of not less than five years. *20 U.S.C. 1232g(b)(4)(B); 34 C.F.R. 99.33(a)(1)*.

The Excel Center for Adults shall inform a party to whom a disclosure is made of the requirements of 34 CFR 99.33, unless the disclosure is made pursuant to a court order, lawfully issued subpoena, or litigation; the disclosed information is directory information; the disclosure concerns sex offenders; or the disclosure is made to a parent of a student who is not an eligible student or to a student. *34 C.F.R. 99.33(c)–(d)*.

The Excel Center for Adults may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of The Excel Center for Adults if:

1. The disclosures meet the requirements of 34 CFR 99.31; and
2. The Excel Center for Adults has complied with the requirements of 34 CFR 99.32(b) regarding the record of disclosure; or a state or local educational authority or federal official or agency listed requesting information through a subpoena or *ex parte* order has complied with the requirements of 34 CFR 99.32(b)(2).

34 C.F.R. 99.33(b).

Sec. 13. RECORD OF ACCESS TO STUDENT RECORDS

Each campus shall maintain a record, kept with the education record of each student, that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's education records, as well as the names of state and local educational authorities and federal officials and agencies listed in 34 CFR 99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent. The Excel Center for Adults must obtain a copy of the record of further disclosures maintained by the named

authorities, officials, and agencies under 34 CFR 99.32(b)(2) and make it available in response to a parent’s or eligible student’s request to review the record.

The Excel Center for Adults must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception (see “Health & Safety Emergency,” above):

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. The parties to whom The Excel Center for Adults disclosed the information.

34 C.F.R. 99.32.

The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as The Excel Center for Adults maintains the student’s education record. The record of access shall be available only to students, parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system. *20 U.S.C. 1232g(b)(4)(A).*

The record shall not include requests for access by, or access granted to, parents of the student or officials of The Excel Center for Adults, requests accompanied by prior written consent of the parent, requests for directory information, or a party seeking or receiving records in accordance with a subpoena or *ex parte* order. *34 C.F.R. 99.32(d).*

Sec. 14. RIGHT TO AMEND RECORDS

The parent of a student or eligible student whose records are covered by this policy may ask The Excel Center for Adults to amend the student’s record if the parent or eligible student believes it contains information that is inaccurate, misleading, or in violation of the student’s right of privacy or other rights. If The Excel Center for Adults decides not to amend the education records requested, it shall inform the parent or eligible student of its decision and his or her right to a hearing to challenge the content of the student’s education records.

If The Excel Center for Adults decides to amend the records as a result of the hearing, it shall inform the parent in writing. If, as a result of the hearing, The Excel Center for Adults decides not to amend the records, it shall inform the parent or eligible student of the right to place a statement in the records commenting on the contested information and/or stating why the parent or eligible student disagrees with the decision of The Excel Center for Adults. Any explanation shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed.

34 C.F.R. 99.20–.21.

Sec. 15. FEES FOR COPIES

No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for copies of education records that are made for the parents or students under this policy provided that the fee does not effectively prevent them from exercising their right to inspect and review those records. Hardship cases shall be dealt with on an individual basis. *20 U.S.C. 1232g; 34 C.F.R. 99.11; Education Code 26.012.*

Sec. 16. RECORDS OF STUDENTS WITH DISABILITIES

The Excel Center for Adults shall permit parents to inspect and review education records collected, maintained, or used for purposes of identifying, evaluating, placing, or educating students with disabilities. *34 C.F.R. 300.613(a).*

a) *Access Rights*

In addition to policies applicable to all student records, the following guidelines shall apply when parents of a student with disabilities request to review or inspect The Excel Center for Adults records relating to the education of their child:

1. Parents may request that a representative inspect and review the records.
2. The Excel Center for Adults shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program (“IEP”) or hearing relating to the identification, evaluation, or placement of the child, and in no case longer than 45 days after the request.
3. The Excel Center for Adults shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees), including name, date of access, and the purpose for which the person is authorized to use the records.

34 CFR 300.613, .614.

b) *List of Types and Locations of Information*

The Excel Center for Adults shall provide parents on request a list of types and locations of education records. *34 C.F.R. 300.616.*

c) *Parental Consent*

Parental consent or consent of a student who has reached the age of majority under state law must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the Individuals with Disabilities Education Act or disclosed to anyone other than officials of agencies collecting or using this information. The Excel Center for Adults may

not release information from these records without parental consent except as provided in FERPA. *34 C.F.R. 300.622.*

d) Confidentiality

The Excel Center for Adults shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in The Excel Center for Adults shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. The Excel Center for Adults shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information. *34 C.F.R. 300.623.*

e) Destruction of Information

The Excel Center for Adults shall inform students or parents when personally identifiable information collected, maintained, or used to provide special education and related services is no longer needed to provide educational services to the student. Such information shall be destroyed at the request of the parents.

A permanent record of the student’s name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

34 C.F.R. 300.624.

Sec. 17. ANNUAL NOTIFICATION OF RIGHTS

The Excel Center for Adults shall give students in attendance and eligible students in attendance annual notification of their rights under FERPA. For purposes of FERPA and student information confidentiality under this policy, a student is considered “in attendance” from the time The Excel Center for Adults receives a completed Lottery Information Form or completed Admissions Application packet from the student or, otherwise, from the time the student first attends classes at The Excel Center for Adults and is enrolled, until the student withdraws or graduates from The Excel Center for Adults.

The notice must inform parents or eligible students that they have the right to:

1. Inspect and review the student’s education records;
2. Seek amendment of the student’s education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student’s privacy rights;

3. Consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that the Act and 34 CFR 99.31 authorize disclosure without consent; and
4. File with the United States Department of Education a complaint under 34 CFR 99.63 and 99.64 concerning alleged failures by The Excel Center for Adults to comply with the requirements of the Act and 34 CFR part 99.

The notice must include all of the following:

1. The procedure for exercising the right to inspect and review education records.
2. The procedure for requesting amendment of records under 34 CFR 99.20.
3. If The Excel Center for Adults has a policy of disclosing education records under 34 CFR 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

The Excel Center for Adults may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights. The Excel Center for Adults shall effectively notify parents who are disabled and parents of students who have a primary or home language other than English.

20 U.S.C. 1232g(e); 34 C.F.R. 99.7.

Sec. 18. CUSTODIAN OF RECORDS

The Superintendent or designee is designated as the custodian of all student records. The Campus Director of each campus is designated as an agent of the Superintendent or designee for the purposes of the receipt of requests concerning the disclosure of student records.

Sec. 19. PARENTAL RIGHTS AND STUDENT PRIVACY LOCAL POLICY

As a condition of receiving funds under any applicable program, The Excel Center for Adults adopts the following policies, pursuant to 20 U.S.C. 1232h(c)(1):

1. Parents and age of majority students have a right to inspect any survey created by a third party before the survey is administered or distributed by The Excel Center for Adults to the student. Students should submit such a request to the Campus Director, and shall be provided an opportunity to inspect the survey within a reasonable period of time as determined by the Campus Director. Upon a student’s request to inspect a survey, the student shall not participate in the survey until the student has had a reasonable opportunity to inspect the survey, as determined by the Campus Director.

2. In the event a survey contains the items listed above, and is administered or distributed to students, The Excel Center for Adults shall comply with FERPA and other applicable law to protect student privacy.
3. Parents and students have a right to inspect all teaching materials, instructional materials, and other teaching aids used in the classroom, including while participating in virtual or remote learning. Parents should submit such a request to the Campus Director. The Campus Director shall provide reasonable access to parents within a reasonable period of time, as determined by the Campus Director. *Education Code 26.006.*
4. The Excel Center for Adults may administer physical examinations or other screenings to students as required and/or authorized by state or federal law and in accordance with other applicable policy.
5. The Excel Center for Adults shall not collect, disclose, or use a student’s personal information for the purpose of marketing or selling that information to third parties. This policy does not apply to or restrict the use of personal information collected from students for the purpose of developing, evaluating, or providing educational products or services offered by The Excel Center for Adults, for or to students or educational institutions, such as recruiters, book clubs, curriculum and instructional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs, or as otherwise required by law. This policy is also subject to state and federal public information laws and FERPA, that makes some student personal information, defined above as Directory Information, public.
6. Parents and students have a right to inspect any instrument used in collection of personal information, described above, before the instrument is administered to the student. Parents and students should submit such a request to the Campus Director. The Campus Director shall provide reasonable access to students within a reasonable period of time, as determined by the Campus Director. Upon a student’s request to inspect such an instrument, the student’s child shall not participate until the student has had a reasonable opportunity to inspect the instrument, as determined by the Campus Director.

The Superintendent or designee shall ensure that students are provided reasonable notice of the adoption or continued use of these policies. Such notice shall be provided directly to the students in attendance at The Excel Center for Adults. At a minimum, The Excel Center for Adults shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies; and
2. Offer an opportunity for the student to opt out of participation in an activity described above.

Sec. 20. NOTICE OF SCHEDULED ACTIVITIES

The Superintendent or designee shall ensure that The Excel Center for Adults directly notifies students, at least annually at the beginning of the school year, of the specific or approximate dates

during the school year when activities, described below, are scheduled or expected to be scheduled. The following activities require notification under this section:

1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information.
2. The administration of any survey containing one or more items described above.
3. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by The Excel Center for Adults in advance, and not necessary to protect the immediate health and safety of the student or of other students.

PART 3: DIRECTORY INFORMATION

Certain information about students is considered “directory information” and will be released to anyone who follows procedures for requesting it unless the parent, or eligible student objects in writing to its release within ten calendar days of receiving notice of FERPA rights. A parent or eligible student may also choose to opt out of the release of directory information at any time during the school year. At any time after restricting the release of directory information, a parent or eligible student may in writing authorize The Excel Center for Adults to release directory information. *34 C.F.R. 99.37.*

Sec. 1. DEFINITION

a) *School-Related Purposes*

The Excel Center for Adults has designated the following categories of information as directory information for purposes of disclosure relating to school-sponsored/school-affiliated purposes:

1. student’s name;
2. address;
3. telephone listing;
4. electronic mail address;
5. photograph (including video image);
6. date and place of birth;
7. major field of study;
8. degrees, honors, and awards received;
9. dates of attendance;
10. grade level;
11. most recent educational institution attended;
12. participation in officially recognized activities and sports; and
13. weight and height of members of athletic teams.

Directory information does not include a student’s:

1. Social security number; or
2. Student identification number, unless the student identification number, user identification number, or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number, password, or other factor known or possessed only by the authorized user.

School-sponsored/school-affiliated purposes are those events or activities that The Excel Center for Adults conducts and/or sponsors to support the educational mission of The Excel Center for Adults. Examples include, but are not limited to:

1. extracurricular programs or events (e.g., school plays, concerts, athletic events, graduation ceremony);
2. publications (e.g., newsletters, yearbook, etc.);
3. honor roll and other student recognition lists; and
4. marketing materials of The Excel Center for Adults (e.g., print media, website, videos, newspaper, etc.).

b) *Military Recruiters and Institutions of Higher Education*

The Excel Center for Adults has designated the following categories of information as directory information for the purpose of disclosure to military recruiters and institutions of higher education, but only for secondary students:

1. student's name;
2. address;
3. e-mail address; and
4. telephone listing.

c) *Law Enforcement Authorities*

The Excel Center for Adults has designated the following categories of information as directory information for purposes of responding to requests for general student information made by law enforcement officials and authorities:

1. student's name;
2. address; and
3. telephone listing.

The Excel Center for Adults will comply with a request by a military recruiter or an institution of higher education for secondary students' names, addresses, and telephone listings unless a parent

or eligible student has advised The Excel Center for Adults in writing not to release a student's information without prior written consent.

d) *Release of Directory Information*

The Excel Center for Adults shall not release directory information except for the purposes indicated above, namely:

1. disclosure relating to school-sponsored/school-affiliated purposes;
2. disclosure to military recruiters and institutions of higher education, but only for secondary students; and
3. disclosure to law enforcement officials and authorities.

As such, there is no directory information available to any persons not meeting the above requirements and purposes.

Sec. 2. IN CLASS

A parent or eligible student may not use the right of refusal to opt out of directory information disclosures to prevent The Excel Center for Adults from disclosing or requiring a student to disclose the student's name, identifier, or institutional e-mail address in a class in which the student is enrolled.

Sec. 3. FORMER STUDENTS

The Excel Center for Adults may disclose directory information about former students without satisfying the public notice conditions above. However, The Excel Center for Adults must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt-out request.

Sec. 4. CONFIRMATION OF IDENTITY OR RECORDS

The Excel Center for Adults may not disclose or confirm directory information without meeting the written consent requirements in 34 CFR 99.30 if a student's social security number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records.

34 C.F.R. 99.3, .37.

PART 4: INFORMATION FROM LAW ENFORCEMENT

Sec. 1. ORAL NOTICE OF ARREST OR REFERRAL

Upon receipt of oral notice from a law enforcement agency that it has arrested a student or referred a student to the juvenile board for a specified offense, the Superintendent shall promptly notify all instructional and support personnel who have responsibility for supervising the student. All personnel shall keep the information received confidential.

Sec. 2. WRITTEN NOTICE OF ARREST OR REFERRAL

Upon subsequent receipt of confidential, written notice of the arrest or referral, the Superintendent or designee may send the information in the confidential notice to a The Excel Center for Adults employee having direct supervisory responsibility over the student if the Superintendent or designee determines that the employee needs the information for educational purposes or for the protection of the person informed or others.

Sec. 3. ORAL NOTICE OF CONVICTION OR ADJUDICATION

Upon receipt of oral notice from a prosecuting attorney of a student's conviction, deferred prosecution, or adjudication of a specified offense, including a statement as to whether the student is required to register as a sex offender, the Superintendent shall, within 24 hours of receiving the notice, notify all instructional and support personnel who have regular contact with the student.

Sec. 4. NOTICE OF TRANSFER OR REENROLLMENT

Upon receipt of notice from a parole, probation, or community supervision office having jurisdiction over a student that a student has transferred or reenrolled, the Superintendent shall, within 24 hours of receiving the notice, notify all instructional and support personnel who have regular contact with the student.

A person who receives information described above shall not disclose it except as specifically authorized by Code of Criminal Procedure 15.27.

Required oral or written notice must include all pertinent details of the offense or conduct, including details of any assaultive behavior or other violence; weapons used in the commission of the offense or conduct; or weapons possessed during the commission of the offense or conduct.

Information received by The Excel Center for Adults under this provision shall not be attached to the permanent academic file of the student who is the subject of the report. The Excel Center for Adults shall destroy the information at the end of the academic year in which the report was filed.

Sec. 5. DUTY TO FLAG RECORDS

Upon receipt of notification from a law enforcement agency or the missing children and missing persons information clearinghouse that a child under 11 years of age who attended or who is enrolled in The Excel Center for Adults is missing, The Excel Center for Adults shall flag the

child's records and maintain the records in its possession so that on receipt of a request regarding the child, The Excel Center for Adults will be able to notify law enforcement or the missing children and missing persons information clearinghouse that a request for a flagged record has been made.

a) *Request in Person*

When a request for a flagged record is made in person, The Excel Center for Adults may not advise the requesting party that the request concerns a missing child and shall:

1. Require the person requesting the flagged record to complete a form stating the person's name, address, telephone number, and relationship to the child for whom a request is made, and the name, address, and birth date of the child;
2. Obtain a copy of the requesting party's driver's license or other photographic identification, if possible;
3. If the request is for a birth certificate, inform the requesting party that a copy of a certificate will be sent by mail; and
4. Immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and include a physical description of the requesting party, the identity and address of the requesting party, and a copy of the requesting party's driver's license or other photographic identification.

After providing the information listed above, The Excel Center for Adults shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

b) *Request in Writing*

When a request for a flagged record is made in writing, The Excel Center for Adults may not advise the requesting party that the request concerns a missing child and shall immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and provide to the law enforcement agency a copy of the written request. After providing the notification, The Excel Center for Adults shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

c) *Removal of Flag*

On the return of a missing child under 11 years of age, the law enforcement agency shall notify each school that has maintained flagged records for the child that the child is no longer missing. On receipt of this notification, The Excel Center for Adults shall remove the flag from the records.

A school that has reason to believe that a missing child has been recovered may request confirmation that the missing child has been recovered from the appropriate law enforcement agency or the missing children and missing persons information clearing-house. If a response is

not received after the 45th day after the date of the request for confirmation, The Excel Center for Adults may remove the flag from the record and shall inform the law enforcement agency or the missing children and missing persons information clearing-house that the flag has been removed.

Code of Criminal Procedure 63.020–.022.

The Excel Center for Adults shall participate in an electronic student records system that satisfies standards approved by the Commissioner.

The electronic student records system must permit an authorized state or The Excel Center for Adults official to electronically transfer to and from an educational institution in which the student is enrolled and retrieve student transcripts, including information concerning a student's:

1. Course or grade completion;
2. Teachers of record;
3. Assessment instrument results;
4. Receipt of special education services, including placement in a special education program and the individualized education program developed; and
5. Personal graduation plan as described by Education Code 28.0212 or 28.02121, as applicable.

Any person involved in the transfer and retrieval of student information is subject to any state or federal law governing the release of or providing access to any confidential information to the same extent as the educational institution from which the data is collected. A person may not release or distribute the data to any other person in a form that contains confidential information.

Education Code 7.010.

Sec. 1. PERSONAL USE

a) *Telecommunications Devices*

The Superintendent or designee shall develop guidelines regarding student possession of electronic devices, including personal telecommunications devices or paging devices, at school or school-related activities. Such guidelines shall be addressed in the Student Handbook.

Disciplinary consequences for violating The Excel Center for Adults' guidelines concerning student possession of electronic devices will be in accordance with the Student Code of Conduct. The Excel Center for Adults will not be responsible for damage to or loss or theft of confiscated items.

b) *Other Electronic Devices*

Guidelines regarding personal electronic devices shall be addressed in the Student Handbook.

c) *No Responsibility for Devices*

The Excel Center for Adults is not responsible for any damaged, lost, or stolen personal device.

Sec. 2. INSTRUCTIONAL USE

A student shall obtain prior approval before using personal telecommunications or other personal electronic devices for on-campus instructional purposes. The student shall also acknowledge receipt and understanding of applicable regulations and shall sign the appropriate user agreements.

Each student is expected to respect the rights and privileges of other students, teachers, and The Excel Center for Adults staff. All teachers, administrators, and other The Excel Center for Adults personnel are expected to respect the rights and privileges of students.

Sec. 1. STUDENT HANDBOOK

The Superintendent or designee shall develop student handbooks with information on curriculum, grading, extracurricular activities, and other such topics that students and parents are likely to need during the school year. The Superintendent or designee shall ensure that no student handbook information is in conflict with policy or the Student Code of Conduct. In case of conflict between a Board policy or the Student Code of Conduct and provisions of student handbooks, policy and/or the Student Code of Conduct shall prevail.

Sec. 2. DISTRIBUTION

Student handbooks shall be made available on the Excel Center for Adults website at the beginning of the school year; hard copy shall be provided upon request. Amendments to the Student Handbook shall be communicated promptly to students.

Sec. 1. MARRIED STUDENTS

Married students have the same rights and responsibilities as unmarried students. This includes the right to participate in any extracurricular activities on the same basis, and subject to the same requirements, as unmarried students.

If The Excel Center for Adults receives federal funds, it shall not apply any rule concerning a student's actual or potential marital status that treats students differently on the basis of sex. *20 U.S.C. 1681; 34 CFR 106.40.*

Except as expressly provided by law, a student who has been married in accordance with Texas law has the capacity and power of an adult, regardless of age. *Family Code 1.104.*

Sec. 2. PREGNANT STUDENTS

The Excel Center for Adults shall not discriminate against any student or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of The Excel Center for Adults' program or activity.

Pregnant students have the right to continue their education during pregnancy and may choose to exercise that right by:

1. Remaining in the regular school program.
2. Participating in any other special program The Excel Center for Adults may provide for pregnant students.

The student may also choose to request a leave of absence. Such request shall be accompanied by a licensed physician's certification that the leave is a medical necessity. Students who avail themselves of this option are exempt from compulsory attendance during the period certified by the physician as necessary for the leave of absence.

The Excel Center for Adults may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

Sec. 1. GUIDING PRINCIPLES

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

a) *Informal Process*

The Excel Center for Adults encourages students and parents to discuss their complaints or grievances with the appropriate teacher, Campus Director, or other campus administrator who has the authority to address the concerns. Concerns and complaints should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

b) *Grievance Procedures*

The Superintendent or designee shall develop a detailed grievance process; this process shall recognize the Board’s final authority to hear or decide parent and student grievances. The grievance process 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.

The Superintendent or designee shall ensure that the detailed grievance process is made available to students and parents through the Student Handbook.

c) *Board Consideration of Student Grievances*

The Board shall retain final authority to hear or decide parent and student grievances. *19 TAC 100.1113(a)(1)(A)*.

The Board may conduct a closed meeting when hearing or deciding a parent or student grievance as allowed by applicable law. *Gov’t Code Ch. 551, Subch. D*.

d) *Freedom from Retaliation*

Neither the Board nor any The Excel Center for Adults employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.

Sec. 1. AUTHORIZED FEES

The Excel Center for Adults may require payment of:

1. Fees for materials used in any program in which the resultant product is in excess of minimum requirements and, at the student's option, becomes the personal property of the student. Fees may not exceed the cost of materials.
2. Membership dues in student organizations or clubs, and admission fees or charges for attending extracurricular activities when membership or attendance is voluntary.
3. Security deposits for the return of materials, supplies, or equipment.
4. Fees for personal physical education and athletic equipment and apparel. However, any student may provide his or her own equipment or apparel if it meets reasonable requirements and standards relating to health and safety established by the Board.
5. Fees for items of personal use or products that a student may purchase at the student's option, such as student publications, class rings, annuals, and graduation announcements.
6. Fees specifically permitted by any other statute.
7. Fees for an authorized, voluntary student health and accident benefit plan.
8. A reasonable fee, not to exceed the actual annual maintenance cost, for the use of musical instruments and uniforms owned or rented by The Excel Center for Adults.
9. Fees for items of personal apparel that become the property of the student and that are used in extracurricular activities.
10. Parking fees and fees for identification cards.
11. Fees for driver training courses, provided that such fees shall not exceed the actual The Excel Center for Adults cost per student in such programs for the current school year.
12. Fees for courses offered for credit that require the use of facilities not available on the school premises or the employment of an educator who is not part of the school's regular staff, if participation in the course is at the student's option.
13. Fees for courses offered during summer school, except that the Board may charge a fee for a course required for graduation only if the course is also offered without a fee during the regular school term.
14. A reasonable fee for transportation of a student who lives within two miles of the school the student attends to and from that school, except that the Board may not charge a fee for transportation for which The Excel Center for Adults receives funds under Education Code 48.151(d).
15. A reasonable fee, not to exceed \$50, for costs associated with an educational program offered outside of regular school hours through which a student who was absent from class receives instruction voluntarily for the purpose of making up the missed instruction and meeting the level of attendance required under Education Code 25.092.
16. If The Excel Center for Adults does not receive any funds under Section 48.151 and does not participate in a county transportation system for which an allotment is provided under Section 48.151(i), a reasonable fee for the transportation of a student to and from the school the student attends.

Education Code 11.158, 30A.155.

Sec. 2. PROHIBITED FEES

The Excel Center for Adults may not charge fees for:

1. Instructional materials, workbooks, laboratory supplies, or other supplies necessary for participation in any instructional course except as authorized under the Education Code.
2. Field trips required as part of a basic educational program or course.
3. Any specific form of dress necessary for any required educational program or diplomas.
4. Instructional costs for necessary school personnel employed in any course or educational program required for graduation.
5. Library materials required to be used for any educational course or program. However, fines may be assessed for lost, damaged, or overdue materials.
6. Admission to any activity the student is required to attend as a prerequisite to graduation.
7. Admission or examination in any required educational course or program.
8. Lockers.

Education Code 11.158(b).

Sec. 3. PERSONAL SUPPLIES

Students may be required to furnish personal or consumable items, including pencils, paper, pens, erasers, and notebooks. Students may be required to furnish school uniforms, subject to the provisions of Education Code 11.162 regarding educationally disadvantaged students. *Education Code 11.158(c)*

Sec. 4. WAIVER OF FEES

The Excel Center for Adults shall adopt reasonable procedures for waiving a deposit or fee if a student or the student's parent or guardian is unable to pay it. This policy shall be posted in a central location in each school facility, in the school policy manual, and in the student handbook. *Education Code 11.158(f).*

Sec. 5. POST-SECONDARY INSTRUCTIONAL PROGRAMS

The Board may charge reasonable fees for goods and services provided in connection with any postsecondary instructional program, including career and technology, adult, veterans, or continuing education, community service, evening school, and high school equivalency programs. *Education Code 11.158(b)-(c), (e)-(g).*

Sec. 6. DISSEMINATION OF FEE SCHEDULE

The Superintendent or designee shall ensure that the Student Fee Schedule is provided in the Student Handbook, as appropriate, to all students.

Sec. 1. SCHOOL-SPONSORED PUBLICATIONS

All publications edited, printed, or distributed in the name of or within the Excel Center for Adults system shall be under the control of the school administration and the Board.

All school-sponsored publications approved by The Excel Center for Adults that contain student work and/or are published by students at an individual campus shall be part of the instructional program, under the supervision of a faculty sponsor, and shall be carefully edited to reflect the ideals and expectations of the citizens of the school's geographical area for their schools. The Campus Director shall be responsible for all matters pertaining to the organization, issuance, and sale of such publications and any other publication procedure, subject to the Superintendent's approval.

Expression in a school-sponsored publication is prohibited when the material:

1. Advertises or promotes any product or service not permitted by law;
2. Associates The Excel Center for Adults with any position other than neutrality on matters of political controversy;
3. Does not meet the standards of the educators who supervise the production of the publication;
4. Encourages students to commit illegal acts;
5. Encourages students to violate the Excel Center for Adults Student Code of Conduct;
6. Expresses or advocates sexual, racial, or religious harassment or violence or prejudice;
7. Impinges on the rights of other students;
8. Invades the privacy of others;
9. Is distributed or displayed in violation of time, place, and manner regulations;
10. Is inappropriate for the level of maturity of the readers;
11. Is libelous or slanderous;
12. Is obscene;
13. Is vulgar or profane;
14. Might reasonably be perceived to advocate drug or alcohol use, irresponsible sex, or conduct otherwise inconsistent with the shared values of a civilized social order;
15. Substantially disrupts the orderly operation of school or school activities; or
16. Would substantially interfere with the work of The Excel Center for Adults.

Expression in official school publications is subject to editorial control by The Excel Center for Adults over style and content so long as The Excel Center for Adults' actions are reasonably related to legitimate educational/pedagogical concerns. These may include, but are not limited to:

1. Assuring that participants learn whatever lessons the activity is designed to teach;
2. Assuring that readers or listeners are not exposed to material that may be inappropriate for their level of maturity;

3. Assuring that the views of the individual speaker are not erroneously attributed to The Excel Center for Adults;
4. Assuring that The Excel Center for Adults is not associated with any position other than neutrality on matters of political controversy;
5. Assuring that student speech cannot reasonably be perceived to advocate conduct otherwise inconsistent with the shared values of a civilized social order; and
6. Assuring that The Excel Center for Adults is not associated with expression that is, for example, ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for school-related audiences.

Sec. 2. ADVERTISING

Advertising in individual school publications may be accepted from bona fide business firms, subject to the approval of professional employees exercising editorial supervision over the publications. Advertising deemed inappropriate for student readers or that advertises products presenting a health hazard, such as alcohol or tobacco products, shall not be accepted.

Sec. 3. COMPLAINTS

Students who have a complaint regarding the procedures or a professional decision affecting the content or style of a school-sponsored publication shall present that complaint in accordance with Board Policy PG-3.30 (Student Complaints and Grievances).

Sec. 1. DISTRIBUTION OF NON-SCHOOL LITERATURE

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by The Excel Center for Adults or by a The Excel Center for Adults-affiliated school-support organization shall not be sold, circulated, distributed, or posted on any The Excel Center for Adults premises by any The Excel Center for Adults student, except in accordance with this policy.

The Excel Center for Adults does not endorse, and shall not be responsible for the contents of any non-school literature distributed by students.

For purposes of this policy, “distribution” means the circulation of more than ten printed copies of material from a source other than The Excel Center for Adults.

Each school campus shall designate an area where materials that have been approved for distribution by students in accordance with this policy may be made available or distributed. The Superintendent may develop reasonable time, place, and manner restrictions regarding the distribution of materials at designated areas.

Sec. 2. PRIOR REVIEW

All non-school literature intended for distribution by students under this policy shall be submitted to the Campus Director or designee for prior review according to the following procedures:

1. Materials shall include the name of the person or organization sponsoring the distribution.
2. Using the standards below at “Limitations on Content,” the Campus Director or designee shall approve or reject submitted materials within three school days from the time the materials were received.

Each Campus Director shall designate times, locations, and means by which non-school literature that is appropriate for distribution may be made available or distributed by students at the campus.

Sec. 3. POLICY VIOLATIONS

Failure to comply with this policy shall result in appropriate administrative action, including but not limited to confiscation of non-approved materials, suspension of a student group’s use of The Excel Center for Adults facilities, and/or other disciplinary action in accordance with the Student Code of Conduct.

Sec. 4. LIMITATIONS ON CONTENT

Non-school literature shall not be distributed by students on The Excel Center for Adults property if:

1. The distribution of such materials would violate the intellectual property rights, privacy rights, or other rights of another person.
2. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
3. The materials are 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.
4. The materials are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience.
5. The materials contain defamatory statements about public figures or others.
6. The materials endorse actions endangering the health or safety of students.
7. The materials promote illegal use of drugs, alcohol, or other controlled substances.
8. There is reasonable cause to believe that distribution of the non-school literature would result in material and substantial interference with school activities or the rights of others. The Excel Center for Adults may not demonstrate reasonable cause to believe that the expression would engender material and substantial interferences solely because other students, teachers, administrators, or parents may disagree with its content.

Sec. 5. APPEALS

Administrative decisions regarding this policy may be appealed in accordance with Board Policy PG-3.30 (Student Complaints and Grievances).

Sec. 1. GENERAL GUIDELINES

The Excel Center for Adults personnel shall adhere to the following general guidelines when imposing discipline:

1. A student shall be disciplined when necessary to improve the student’s behavior, to maintain essential order, or to protect other students, school employees, or property.
2. Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case.

Disciplinary consequences shall not have the effect of discriminating on the basis of gender, race, color, disability, religion, ethnicity, age, or national origin.

Sec. 2. STUDENT CODE OF CONDUCT

The Board shall adopt a Student Code of Conduct, which shall establish standards for behavior and identify general types of prohibited behavior and their possible consequences. The Student Code of Conduct shall also outline The Excel Center for Adults’ due process procedures with respect to expulsion. *Education Code 12.131(a)*.

At the beginning of the school year and throughout the school year as necessary, the Student Code of Conduct shall be:

1. Made available for review in the Campus Director’s office; and
2. Made available on the Excel Center for Adults website and/or as hard copy to students, parents, teachers, administrators, and to others on request.

Revisions to the Student Code of Conduct approved by the Board during the year shall be made available promptly to students and parents, teachers, administrators, and others.

Sec. 3. OUT-OF-SCHOOL SUSPENSION AND STUDENTS WHO ARE HOMELESS

The Excel Center for Adults may not place a student who is homeless in out-of-school suspension unless the student engages in the following conduct while on school property or while attending a school-sponsored or school-related activity on or off of school property:

1. Conduct that contains the elements of an offense related to weapons under Penal Code 46.02 or 46.05;
2. Conduct that contains the elements of a violent offense under Penal Code 22.01, 22.011, 22.02, or 22.021; or
3. Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of:

- a. Marijuana or a controlled substance, as defined by Health and Safety Code Chapter 481 or by 21 USC 801;
- b. A dangerous drug, as defined by Health and Safety Code Chapter 483; or
- c. An alcoholic beverage, as defined by Alcoholic Beverage Code 1.04.

Education Code 37.005(d).

Sec. 4. CORPORAL PUNISHMENT

The Board prohibits the use of corporal punishment in The Excel Center for Adults. Students shall not be spanked, paddled, or otherwise physically disciplined for violations of the Student Code of Conduct.

Sec. 5. EXTRACURRICULAR STANDARDS OF BEHAVIOR

Sponsors and coaches of extracurricular activities may develop and submit for approval standards of behavior that are higher than the Excel Center for Adults-developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. Extracurricular standards of behavior may take into consideration conduct that occurs at any time, on or off The Excel Center for Adults property. Extracurricular behavioral standards shall not have the effect of discriminating on the basis of gender, race, color, disability, religion, ethnicity, age, or national origin.

Students shall be informed of any extracurricular behavior standards at the beginning of each school year or when the students first begin participation in the activity. Students shall sign and return to the sponsor or coach a statement that they have read the extracurricular behavior standards and consent to them as a condition of participation in the activity.

Standards of behavior for an extracurricular activity are independent of the Student Code of Conduct. Violations of these standards of behavior that are also violations of the Student Code of Conduct may result in independent disciplinary actions.

A student may be removed from participation in extracurricular activities or may be excluded from school honors for violation of extracurricular standards of behavior for an activity or for violation of the Student Code of Conduct.

Sec. 6. EXPULSION

The Superintendent or designee shall determine conduct for which students may be expelled from school. Expellable offenses shall be described in the Student Code of Conduct, which shall be distributed to students at least on an annual basis, as well as made available at each The Excel Center for Adults campus and posted on the Excel Center for Adults website. *Education Code 12.131.*

a) *Federal Firearm Provision*

In accordance with the Gun-Free Schools Act, The Excel Center for Adults shall expel from the student’s regular program, for a period of one year, any student who is determined to have brought a firearm, as defined by federal law, to any The Excel Center for Adults campus. The Superintendent may modify the term of expulsion for a student or assess another comparable penalty that results in the student’s exclusion from the regular school program on a case-by-case basis. *18 U.S.C. 922.*

For the purposes of this provision, “firearm” means:

1. Any weapon (including a starter gun), which will or is designed to or which may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer; or
4. Any destructive device. “Destructive device” means any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the preceding described devices. It also means any type of weapon (other than a shotgun shell or a shotgun that is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and any combination of parts either designed or intended for use in converting any device into a destructive device as described in this item, and from which a destructive device may be readily assembled.

18 U.S.C. 921(a).

b) *Expulsion Proceedings*

i. *Due Process*

Before a student may be expelled, the Board or its designee shall provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution. The minimum procedural requirements necessary to satisfy due process depend upon the circumstances and the interests of the parties involved. Federal due process requires notice and some opportunity for hearing.

ii. *Notice*

The notice should contain a statement of the specific charges and grounds that, if proven, would justify expulsion. In some cases, the student should be given the names of the witnesses against him or her and an oral or written report on the facts to which each witness testifies.

iii. Hearing

The rights of the student may properly be determined upon the hearsay evidence of school administrators who investigate disciplinary infractions.

iv. Representative

At the hearing, the student is entitled to be represented by the student's parent, guardian, or another adult who can provide guidance to the student and who is not an employee of The Excel Center for Adults. If The Excel Center for Adults makes a good-faith effort to inform the student of the time and place of the hearing, The Excel Center for Adults may hold the hearing regardless of whether the student, the student's parent or guardian, or another adult representing the student attends.

v. Term of Expulsion

If the period of expulsion is inconsistent with the guidelines on length of expulsion in the Student Code of Conduct, the order must give notice of the inconsistency.

vi. Appeals

The Superintendent or designee shall develop an appeal process for expulsion decisions; this process shall recognize the Board's final authority to hear or decide a parent or student appeal of an expulsion. The Superintendent or designee shall ensure that the appeal process is made available to students and parents through the Student Handbook. The Board's decision is final and may not be appealed.

Disciplinary consequences shall not be deferred pending an appeal.

Sec. 1. SEARCHES OF STUDENTS

In the interest of promoting student safety and attempting to ensure that The Excel Center for Adults is safe and drug free, school officials may, from time to time, conduct searches. Such searches are conducted without a warrant and as permitted by law.

Administrators, teachers and other professional personnel may question a student regarding the student's own conduct or the conduct of other students. In the context of school discipline, students have no claim to the right not to incriminate themselves.

Students shall be free from unreasonable searches and seizures by The Excel Center for Adults officials. The Excel Center for Adults officials may search a student's outer clothing, pockets, or property by establishing reasonable cause or securing the student's voluntary consent.

A search is reasonable if it meets both of the following criteria:

1. The action is justified at the inception, i.e., the school official has reasonable grounds for suspecting that the search will uncover evidence of a rule violation or a criminal violation.
2. The scope of the search is reasonably related to the circumstances that justified the search in the first place such as the extent of the search, the objectives of the search, the age and sex of the student, and the nature of the infraction.

Sec. 2. INTERROGATIONS

a) *By School Officials*

Administrators, teachers, and other professional personnel may question a student regarding the student's own conduct or the conduct of other students. In the context of school discipline, students have no claim to the right not to incriminate themselves.

b) *By Police or Other Authorities*

When a representative of the Department of Family and Protective Services or another lawful authority requests to question or interview a student at school as part of a child abuse investigation, the Campus Director or designee shall cooperate fully with the official's requests regarding the conditions of the interview or questioning.

When law enforcement officers or other lawful authorities request to question or interview a student at school for any purpose other than a child abuse investigation, the following guidelines shall apply:

1. The Campus Director or designee 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 Campus Director or designee ordinarily shall make reasonable efforts to notify the student's parent or other person having lawful control of the student. If the interviewer raises what the Campus Director or designee considers to be a valid objection to the notification, the parent or other person having lawful control of the student shall not be notified.
3. The Campus Director or a designee ordinarily shall be present during the questioning or interview. If the interviewer raises what the Campus Director or designee considers to be a valid objection to a third party's presence, the interview shall be conducted without that person's presence.

Before a student at school is arrested or taken into custody by a law enforcement officer or other legally authorized person, the Campus Director or designee shall verify the official's identity. To the best of his or her ability, the Campus Director or designee shall verify the official's authority to take custody of the student and then shall deliver over the student.

The Campus Director or designee shall immediately notify the Superintendent and ordinarily shall notify the parent or other person having lawful control of the student. If the officer or other authorized person raises what the Campus Director or designee considers to be a valid objection to notifying the parent or other person having lawful control of the student at that time, the Campus Director or designee shall not notify the parent or other person having lawful control of the student.

Sec. 3. DESKS AND LOCKERS

Desks, lockers, and similar items are the property of The Excel Center for Adults and are provided for student use as a matter of convenience. The Excel Center for Adults will make periodic inspections of lockers and desks at any time, with or without notice or student consent. The Excel Center for Adults officials will remove any item that violates The Excel Center for Adults policy or that may potentially be dangerous.

Students have full responsibility for the security of their lockers and desks and shall be held responsible for any prohibited items found during a search. The student shall be notified if any prohibited articles or materials are found in a student's desk or locker, or on the student's person, as a result of a search conducted in accordance with this policy.

Sec. 4. VEHICLES

Vehicles parked on The Excel Center for Adults property and property under The Excel Center for Adults' control are under the jurisdiction of The Excel Center for Adults and may be searched at any time if reasonable suspicion exists to believe that the search will result in evidence that school rules or other laws have been violated. If a vehicle subject to search is locked, the student shall be

asked to unlock the vehicle and consent to a search of the vehicle. If the student refuses to permit the vehicle to be searched, The Excel Center for Adults may contact law enforcement officials. A student may be held responsible for and in possession of prohibited items found in his or her vehicle parked on The Excel Center for Adults' property or at a school-related event.

Sec. 5. USE OF TRAINED DOGS

The Excel Center for Adults may use or contract for specially trained nonaggressive dogs to sniff out and alert The Excel Center for Adults officials to the presence of concealed, prohibited or illegal items, including drugs and alcohol. Such visits to The Excel Center for Adults may be unannounced. The dogs shall be used to sniff vacant classrooms, vacant common areas, the areas around student lockers, and the areas around vehicles parked on The Excel Center for Adults property. The dogs shall not be asked to alert on students. If a dog alerts to a locker, a vehicle, or an item in a classroom, it may be searched by The Excel Center for Adults officials.

Sec. 1. PURPOSE

The Excel Center for Adults recognizes that physical, mental, behavioral, and emotional health are each important components of a student’s educational outcomes. The purpose of this policy is to protect the health and well-being of all students by establishing procedures to assess the risk of, prevent, intervene in, and respond to suicide.

This policy is intended to be paired with other policies supporting the mental, behavioral, and emotional health of students. As part of that intention, this policy is meant to be applied in accordance with The Excel Center for Adults’ Child Find obligations under federal law.

Sec. 2. SCOPE

This policy applies to actions that take place on school property during the school day, at school-sponsored events, and on school buses or vehicles. This policy applies to the entire school community, including educators, staff, students, parents/guardians, and volunteers. This policy will also cover appropriate school responses to suicidal or high-risk behaviors that take place outside of the school environment of which school personnel become aware.

Sec. 3. DEFINITIONS

a) *At risk*

A student who is defined as high risk for suicide is one who has made a suicide attempt, has the intent to die by suicide, or has displayed a significant change in behavior suggesting the onset or deterioration of a mental health condition. The student may have thought about suicide, including potential means of death and may have a plan. In addition, the student may exhibit feelings of isolation, hopelessness, helplessness, and the inability to tolerate any more pain. This situation would necessitate a referral in accordance with this policy.

b) *Crisis team*

A multidisciplinary team of primarily administrative, mental health, safety professionals, and support staff whose primary focus is to address crisis preparedness, intervention/response, and recovery. These professionals have been specifically trained in crisis preparedness through recovery and take the leadership role in developing crisis plans, ensuring school staff can effectively execute various crisis protocols, and may provide mental health services for effective crisis interventions and recovery supports.

The Excel Center for Adults may designate the threat assessment and safe and supportive school team established under Section 37.115 of the Texas Education Code as the crisis team for purposes of this policy.

c) *Mental health*

A state of mental and emotional being that can impact choices and actions that affect wellness. Mental health problems include mental and substance use disorders.

d) *Postvention*

A crisis intervention strategy implemented after a suicide death in the school community designed to reduce the risk of suicide and suicide contagion, provide the support needed to help survivors cope, address the social stigma associated with suicide, and disseminate factual information.

e) *Risk assessment*

An evaluation of a student who may be at risk for suicide, conducted by the appropriate school staff (e.g., school psychologist, school counselor, or school social worker). This assessment is designed to elicit information regarding the student's intent to die by suicide, previous history of suicide attempts, presence of a suicide plan and its level of lethality and availability, presence of support systems, and level of hopelessness and helplessness, mental status, and other relevant risk factors.

f) *Warning signs or risk factors for suicide*

Characteristics or conditions that increase the chance that a person may try to take his or her life. Suicide risk tends to be highest when someone has several risk factors at the same time. Risk factors may encompass biological, psychological, and or social factors in the individual, family, and environment. Warning signs may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others.

g) *Self-harm*

Behavior that is self-directed and deliberately results in injury or the potential for injury to oneself. It can be categorized as either nonsuicidal or suicidal. Although self-harm often lacks suicidal intent, persons who engage in self-harm are more likely to attempt suicide.

h) *Suicide*

Death caused by self-directed injurious behavior with any intent to die as a result of the behavior. Note: The coroner's or medical examiner's office must first confirm that the death was a suicide before any school official may state this as the cause of death.

i) *Suicide attempt*

A self-injurious behavior for which there is evidence that the person had at least some intent to kill himself or herself. A suicide attempt may result in death, injuries, or no injuries. A mixture of ambivalent feelings such as wish to die and desire to live is a common experience with most suicide attempts. Therefore, ambivalence is not a sign of a less serious or less dangerous suicide attempt.

j) *Suicidal behavior*

Suicide attempts, intentional injury to self-associated with at least some level of intent, developing a plan or strategy for suicide, gathering the means for a suicide plan, or any other overt action or thought indicating intent to end one's life.

k) *Suicide contagion*

The process by which suicidal behavior or a suicide influences an increase in the suicidal behaviors of others. Guilt, identification, and modeling are each thought to play a role in contagion. Although rare, suicide contagion can result in a cluster of suicides.

l) *Suicidal ideation*

Thinking about, considering, or planning for self-injurious behavior which may result in death. A desire to be dead without a plan or intent to end one's life is still considered suicidal ideation and should be taken seriously.

Sec. 4. STAFF TRAINING

In accordance with Section 153.1013 of Title 19 of the Texas Administrative Code, The Excel Center for Adults provides suicide prevention training to educators as required by Section 21.451(d) of the Texas Education Code.

Sec. 5. PREVENTION

a) *Policy Implementation*

The Superintendent shall designate a district-wide suicide prevention coordinator. The suicide prevention coordinator will be responsible for planning and coordinating The Excel Center for Adults' implementation of this policy.

Each school Campus Director shall designate a campus-level suicide prevention coordinator to act as a point of contact in each school for issues relating to suicide prevention and policy implementation. All staff members shall report students they believe to be at elevated risk for suicide to the school suicide prevention coordinator.

Each campus-level suicide prevention coordinator shall assemble a crisis team for their school in accordance with definition provided above.

b) *Staff Professional Development*

The Excel Center for Adults will provide suicide prevention training using an approved best practice-based program in accordance with Section 153.1013 of Title 19 of the Texas Administrative Code, which incorporates Section 21.451(d) of the Texas Education Code, as well as Section 38.151(e) of the Texas Education Code.

c) *Youth Suicide Prevention Education*

Developmentally appropriate, student-centered education materials will be integrated into the curriculum of all The Excel Center for Adults health classes. The content of these age-appropriate materials will include: 1) the importance of safe and healthy choices and coping strategies, 2) how to recognize risk factors and warning signs of mental disorders and suicide in oneself and others, and 3) help-seeking strategies for oneself or others, including how to engage school resources and refer friends for help. The Excel Center for Adults may also provide supplemental small-group suicide prevention programming for students.

Publication and Distribution

Notice of this policy will be distributed annually and included in all student and employee handbooks. The policy will be available online on the Excel Center for Adults website. A copy of this policy will also be available in campus and district administrative offices.

Sec. 6. INTERVENTION

a) *Assessment and Referral*

When a student is identified by a The Excel Center for Adults staff member, peer, or other source as potentially suicidal, e.g., verbalizes about suicide, presents overt risk factors such as agitation or intoxication, an act of self-harm occurs, or expresses or otherwise shows signs of suicidal ideation, the student shall be seen by a school-employed mental health professional, such as a school psychologist, school counselor, school social worker, within the same school day to assess risk and facilitate referral if necessary. The Excel Center for Adults staff shall also be aware of written threats and expressions about suicide and death in school assignments. Such incidences require immediate referral to the appropriate school-employed mental health professional.

If there is no mental health professional available, a designated staff member (e.g., school nurse or administrator) shall address the situation according to The Excel Center for Adults protocol until a mental health professional is brought in.

b) *At-Risk Students*

The Excel Center for Adults staff shall continuously supervise the student to ensure their safety until the assessment process is complete. The campus principal and school suicide prevention coordinator shall be made aware of the situation as soon as reasonably possible

The school-employed mental health professional or Campus Director shall contact the student's family, as applicable, described in the Emergency Contact Notification Involvement section and in compliance with existing state law/district policy (if applicable), and shall assist the family with urgent referral.

Urgent referral may include, but is not limited to, working with the student to set up an outpatient mental health or primary care appointment and conveying the reason for referral to the healthcare provider; in some instances, particularly life-threatening situations, the school may be required to contact emergency services, or arrange for the student to be transported to the local Emergency Department by EMS.

If abuse or neglect is suspected or reported, the appropriate state protection officials (e.g., local Child Protection Services) shall be contacted as per law.

Staff will ask the eligible student for written permission to discuss the student's health with outside care providers, if appropriate.

If the student is unable to secure transport for immediate evaluation, the Counselor or Campus Director shall contact local emergency services as appropriate and consider the need for a CPS referral.

c) *Law Enforcement Involvement*

When a student is actively suicidal and the immediate safety of the student or others is at-risk (such as when a weapon is in the possession of the student), The Excel Center for Adults staff shall call 911 immediately. The staff calling shall provide as much information about the situation as possible, including the name of the student, any weapons the student may have, and where the student is located. School staff may tell the dispatcher that the student is a suicidal emotionally disturbed person, or "suicidal EDP," to allow for the dispatcher to send officers with specific training in crisis de-escalation and mental illness.

Sec. 7. EMERGENCY CONTACT NOTIFICATION AND INVOLVEMENT

The Campus Director, designee, or school mental health professional shall notify the student's emergency contact on the same school day, or as soon as possible, any time a student is identified as having any level of risk for suicide or the student has made a suicide attempt.

a) *Counseling Alternatives*

Following initial risk assessment, the Campus Director, designee, or school mental health professional may offer recommendations for next steps based on perceived student need. These can include but are not limited to, an additional, external mental health evaluation conducted by a qualified health professional or emergency service provider.

The Excel Center for Adults will provide a list of mental health facilities, local counselors, and other resources for parents to consider when their child is identified as possibly in need of early mental health intervention and/or suicide prevention. These resources are not in any way connected to The Excel Center for Adults nor are they necessarily recommended above other resources the student may find on their own; the student is free to select providers of their choice.

b) *Means Counseling*

When a student indicates suicidal intent, the Campus Director, designee, or school mental health professional shall attempt to discuss safety at home, or “means safety” with the student. This includes limiting the student’s access to mechanisms for carrying out a suicide attempt (*e.g.*, guns, knives, pills, etc.) and may also include safety planning. It is imperative to ask whether or not the student has access to a firearm, medication, or other lethal means.

The Excel Center for Adults staff will seek student permission, in the form of a Release of Information form, to communicate with outside mental health care providers regarding the student’s safety plan and access to lethal means.

i. *Firearms*

The Excel Center for Adults staff member engaging in means counseling with the student will:

1. Inquire if firearms are kept in the home or are otherwise accessible to the student.
2. Recommend that all guns are stored away from home while the student is struggling, *e.g.*, following state laws, store their guns with a relative, gun shop, or police.
3. Discuss concerns and help problem-solve around offsite storage, including notice that offsite storage is an effective, immediate way to protect the student.
4. Explain that in-home locking is not as safe as offsite storage, as individuals sometimes find the keys or get past the locks.

If there are no guns at home, The Excel Center for Adults staff member will also ask about guns in other residences (*e.g.*, joint custody situation, access to guns in the homes of friends or other family members).

If the student is unwilling or unable to store firearms offsite, the Excel Center for Adults staff member will inform the student that the next safest option is to unload guns, lock them in a gun safe, and lock ammunition separately (or do not ammunition at home). If guns are already locked,

the Excel Center for Adults staff member will ask the student to consider changing the combination or key location in case the student is aware of the combination or location.

ii. Medications

The Excel Center for Adults staff member engaging in means counseling with the student will:

1. Recommend the student lock up all medications (except rescue meds like inhalers), either with a traditional lock box or a daily pill dispenser.
2. Recommend disposing of expired and unneeded medications, especially prescription pain pills.
3. Recommend another trusted party maintain possession of the student's medication, only dispensing one dose at a time under supervision.

If the student is unwilling or unable lock medication away from access, the Excel Center for Adults staff member will advise they prioritize and seek specific guidance from a doctor or pharmacist regarding: (1) prescriptions, especially for pain, anxiety or insomnia; (2) over-the-counter pain pills; and (3) over-the-counter sleeping pills.

Sec. 8. IN-SCHOOL SUICIDE ATTEMPTS

In the case of an in-school suicide attempt, the health and safety of the student is paramount. In these situations:

1. First aid will be rendered until professional medical treatment and/or transportation can be received, following district emergency medical procedures.
2. The Excel Center for Adults staff will supervise the student to ensure his or her safety.
3. Staff will move all other students out of the immediate area as soon as possible.
4. If appropriate, staff will immediately request a mental health assessment for the student.
5. Staff will immediately notify the Campus Director or school suicide prevention coordinator regarding in-school suicide attempts.
6. The Campus Director, designee, or school mental health professional will contact the student's family or emergency contact Notification and Involvement section.
7. The Excel Center for Adults will engage as necessary the crisis team to assess whether additional steps should be taken to ensure student safety and well-being.

Sec. 9. OUT-OF-SCHOOL SUICIDE ATTEMPTS

If a The Excel Center for Adults staff member becomes aware of a suicide attempt by a student that is in progress in an out-of-school location, the staff member will:

1. Call the police and/or emergency medical services, such as 911.
2. Inform the student’s emergency contact.
3. Inform the campus suicide prevention coordinator and Campus Director.

If the student contacts the staff member and expresses suicidal ideation, the staff member should maintain contact with the student (either in person, online, or on the phone). The staff member should then enlist the assistance of another person to contact the police while maintaining verbal engagement with the student.

Sec. 10. RE-ENTRY PROCEDURE

For students returning to school after a mental health crisis (*e.g.*, suicide attempt or psychiatric hospitalization), the Campus Director, designee, or school mental health professional will meet with the student to discuss re-entry.

The meeting shall address next steps needed to ensure the student’s readiness for return to school, plan for the first day back, and ease the transition back into the school environment (*e.g.*, whether or not the student will be required to make up missed work, the nature of check-in/check-out visits, etc.). Any necessary accommodations shall also be discussed and documented.

Following a student hospitalization, students may be encouraged to inform the school mental health professional of the student’s hospitalization to ensure continuity of service provision and increase the likelihood of a successful re-entry. While not a requirement for re-entry, The Excel Center for Adults may coordinate with the hospital and any external mental health providers to assess the student for readiness to return to school.

A school mental health professional or other designee shall be identified to coordinate with the student, their parent or guardian, and any outside health care providers. The mental health professional shall meet with the student and their parents or guardians to discuss and document a re-entry procedure

The designated staff person shall periodically check-in with the student to help with readjustment to the school community and address any ongoing concerns, including social or academic concerns.

The school mental health professional shall check-in with the student at an agreed upon interval depending on the student’s needs either on the phone or in person for a mutually agreed upon time period (*e.g.*, for a period of three months). These efforts are encouraged to ensure the student is supported in the transition, with more frequent check-ins initially, and then fading support.

The administration shall disclose to the student’s teachers and other relevant staff (without sharing specific details of mental health diagnoses) that the student is returning after a medically related

absence and may need adjusted deadlines for assignments. The school mental health professional shall be available to teachers to discuss any concerns they may have regarding the student after re-entry.

Sec. 11. POSTVENTION

a) *Development and Implementation of an Action Plan*

The crisis team will develop an action plan to guide school response following a death by suicide. A meeting of the crisis team to implement the action plan should take place immediately following news of the suicide death. The action plan may include the following steps:

1. **Gather facts.** The crisis response coordinator or other designated school official (*e.g.*, the campus principal or superintendent) will confirm the death and determine the cause of death through communication with the student’s parent or guardian, the coroner’s office, local hospital, or police department. Before the death is officially classified as a suicide by the coroner’s office, the death shall be reported to staff, students, and parents or guardians, with an acknowledgement that its cause is unknown. When a case is perceived as being an obvious instance of suicide, it shall not be labeled as such until after a cause of death ruling has been made. If the cause of death has been confirmed as suicide but the parent or guardian prefers the cause of death not be disclosed, the school may release a general statement without disclosing the student’s name (*e.g.*, “We had a ninth-grade student die over the weekend”). If the family does not want to disclose cause of death, an administrator or mental health professional from the school who has a good relationship with the family shall be designated to speak with them to explain the benefits of sharing mental health resources and suicide prevention with students. If the family refuses to permit disclosure, schools may state “The family has requested that information about the cause of death not be shared at this time.” Staff may also use the opportunity to talk with students about suicide.
2. **Assess the situation.** The crisis team shall meet to prepare the postvention response according to the crisis response plan. The team shall consider how the death is likely to affect other students, and determine which students are most likely to be affected. The crisis response team shall also consider how recently other traumatic events have occurred within the school community and the time of year of the suicide. The team and Campus Director shall triage staff first, and all teachers directly involved with the victim shall be notified in-person and offered the opportunity for support.
3. **Share information.** The designated staff person shall inform the other staff that a sudden death has occurred, preferably in an all-staff meeting. The crisis team shall provide a written statement for staff members to share with students and assess staff’s readiness to provide this message in the event a designee is needed. The statement shall include the basic facts of the death and known funeral arrangements (without providing

details of the suicide method), recognition of the sorrow the news will cause, and information about the resources available to help students cope with their grief.

Staff shall respond to questions only with factual information that has been confirmed. Staff shall dispel rumors with facts, be flexible with academic demands, encourage conversations about suicide and mental health, normalize a wide range of emotional reactions, and know the referral process and how to get help for a student. Staff will avoid public address system announcements and school-wide assemblies in favor of face-to-face notifications, including small-group and classroom discussions. The crisis response team may prepare a letter (with the input and permission from the student's family) to communicate with the school community which includes facts about the death, information about what the school is doing to support students, the warning signs of suicidal behavior, and a list of resources available. If necessary, a community meeting may also be planned. Staff shall direct all media inquiries to the designated school or district spokesperson.

4. **Avoid suicide contagion.** The Excel Center for Adults will actively triage particular risk factors for contagion, including emotional proximity (*e.g.*, siblings, friends, or classmates), physical proximity (witness, neighbor) and pre-existing mental health issues or trauma. The designated staff person shall explain in an all-staff meeting that one purpose of trying to identify and provide services to other high-risk students is to prevent another death. The crisis team shall work with teachers to identify students who are most likely to be significantly affected by the death, or who exhibit behavioral changes indicating increased risk. In the staff meeting, the crisis team shall review suicide warning signs and procedures for referring students who present with increased risk. For those school personnel who are concerned that talking about suicide may contribute to contagion, it has been clearly demonstrated through research that talking about mental health and suicide in a nonjudgmental, open way that encourages dialogue and help-seeking does not elevate risk.
5. **Initiate support services.** Students identified as being more likely to be affected by the death will be assessed by a school mental health professional to determine the level of support needed. The crisis team shall coordinate support services for students and staff in need of individual and small group counseling as needed. School mental health professionals will provide on-going and long-term support to students impacted by the death of the student, as needed. If long term intensive services by a community provider are warranted, the school mental health professional will collaborate with that provider and the family to ensure continuity of care between the school, home, and community. Crisis team members shall provide information for partner community mental health providers, or providers with appropriate expertise, to ensure a smooth transition from the crisis intervention phase to meeting underlying or ongoing mental health needs. These discussions may include debriefing (orientation to the facts), reflection on memories, reminders for and re-teaching of coping skills, and encouraging spending

time with friends and caregivers as soon as possible. Students and staff affected by the suicide death shall be encouraged to return to a normal routine as much as possible, understanding that some deviation from routine is to be expected.

- 6. Develop memorial plans.** The Excel Center for Adults will not create or permit on-campus physical memorials (e.g., photos, flowers, locker displays), funeral services, or fly the flag at half-mast because it may sensationalize the death and encourage suicide contagion. School should not be canceled for the funeral. Spontaneous memorials may occur from students expressing their grief.

School shall not be canceled for the funeral or for reasons related to the death. Any school-based memorials (e.g., small gatherings) shall include a focus on how to prevent future suicides and prevention resources available. Any school-based memorials (e.g., small gatherings) will include a focus on how to prevent future suicides and prevention resources available.

b) *External Communication*

The Excel Center for Adults-appointed spokesperson will be the sole media spokesperson. Staff will refer all inquiries from the media directly to the spokesperson. The spokesperson will:

1. Keep the district suicide prevention coordinator and Superintendent informed of school actions relating to the death.
2. Prepare a statement for the media including the facts of the death, postvention plans, and available resources. The statement will not include confidential information, speculation about victim motivation, means of suicide, or personal family information.
3. Answer all media inquiries. If a suicide is to be reported by news media, the spokesperson should encourage reporters not to make it a front-page story, not to use pictures of the suicide victim, not to use the word suicide in the caption of the story, not to describe the method of suicide, and not to use the phrase “suicide epidemic” – as this may elevate the risk of suicide contagion. They should also be encouraged not to link bullying to suicide and not to speculate about the reason for suicide. Media should be asked to offer the community information on suicide risk factors, warning signs, and resources available.

Opioid Antagonist Administration Policy

Policy Number: 3.41

Adopted: April 24, 2026

Sec. 1 PURPOSE & AUTHORITY

To comply with Texas Education Code Chapter 38, Subchapter E-1, this policy authorizes trained personnel to administer an opioid antagonist when an opioid-related overdose is reasonably suspected.

Sec. 2 DEFINITIONS

- Opioid antagonist: Medication such as naloxone that blocks opioid effects.
- Opioid-related overdose: Symptoms include unresponsiveness, slowed breathing, limpness, and pinpoint pupils.

Sec. 3 COVERAGE & SCOPE

This policy applies to all campuses serving grades 6–12.

Sec. 4 STANDING ORDER & PROCUREMENT

A licensed physician shall issue a standing order for opioid antagonists. These may be dispensed without identifying individual users.

Sec. 5 STORAGE & INVENTORY

Medication must be securely stored yet accessible. Monthly checks for expiration are required and replacements obtained as necessary.

Sec. 6 AUTHORIZED PERSONNEL & TRAINING

At least one trained staff member must be present during school hours. Annual training is mandatory and must be documented.

Sec. 7 ADMINISTRATION PROTOCOL

Opioid antagonists may be administered when an overdose is suspected. EMS must be contacted immediately. Staff must remain with the individual until EMS arrives.

Sec. 8 REPORTING REQUIREMENTS

Report each administration to the district, physician, and Texas DSHS within 10 business days using the required form.

Sec. 9 DISPOSAL & INVENTORY MANAGEMENT

Used or expired doses must be disposed of in accordance with medical waste protocols and logged properly.

Sec. 10 LEGAL IMMUNITY

District employees and volunteers acting in good faith are protected from liability under state law.

Sec. 11 COMMUNICATIONS & COMMUNITY ENGAGEMENT

Students may opt out in writing. The district must inform stakeholders annually of the policy and administration procedures.

Sec. 12 RESOURCES & COLLABORATION

The district will coordinate with SHAC and comply with HHSC/DSHS rules for overdose prevention and opioid education.

Rationale for Instructional Framework Creation

Draft a clear narrative explaining why the instructional framework is critical, the problems it is intended to solve, and how it will support teachers, leaders, and learners.

A coherent instructional framework is necessary to bring clarity, consistency, and equity to teaching and learning across the district. Research consistently shows that systems with a shared vision of high-quality instruction produce stronger and more equitable student outcomes because teachers and leaders operate with common expectations and aligned supports (Fullan, 2016; Hattie, 2009). Without a shared definition of effective teaching and learning, each campus, department, and classroom inevitably develops its own interpretation, resulting in variability in student experience, uneven expectations, duplicated work, and increased strain on educators attempting to navigate competing priorities.

Over time, the district has grown and evolved, bringing increased complexity. Departments have often worked in parallel without a shared operating system for instruction. Curriculum resources have lived in multiple locations and formats, creating confusion about which materials are current and how they connect. Teachers have participated in numerous trainings, yet these experiences have not always been anchored to a single codified vision of instruction, making it difficult to translate professional learning into consistent classroom practice. Research on implementation science highlights that initiatives fail not because of poor intentions, but because systems lack coherence and shared understanding (Fixsen et al., 2005; Fullan, 2016). When instructional expectations are fragmented, teachers and leaders struggle to prioritize and sustain change.

The absence of a codified instructional framework creates several persistent challenges. First, expectations for teaching and learning are not consistently defined. Without a shared vision of the instructional core, teachers must independently interpret standards, pacing, and rigor. This leads to inconsistent learning experiences for students and undermines equitable access to high-quality instruction (Newmann et al., 2001).

Second, professional learning and coaching lack coherence. Effective professional learning requires alignment between training, practice, and feedback (Darling-Hammond et al., 2017). When initiatives are not anchored to a unified framework, teachers may struggle to connect new learning to daily instruction, and leaders may lack a shared lens for coaching and observation. Research shows that collective efficacy and shared instructional practice are among the strongest predictors of student achievement (Donohoo et al., 2018; Hattie, 2009).

Third, curriculum, assessment, and instruction are not fully aligned as a system. Fragmented curriculum access and inconsistent resource use increase teacher workload and limit the district's ability to ensure rigor and alignment. Studies of instructional coherence emphasize that alignment among curriculum, assessment, and andragogy is essential for sustained improvement (Newmann et al., 2001).

Fourth, the district serves a diverse population of adult learners who often return to education after interruptions, work responsibilities, and prior academic challenges. Adult learners benefit from instruction grounded in andragogy, relevance, and clear expectations (Knowles et al., 2015). Without a shared framework, the implementation of these research-based practices varies widely, making it difficult to ensure that all students experience rigorous and supportive instruction.

A districtwide instructional framework addresses these challenges by creating a shared language and shared expectations for teaching and learning. It defines what effective instruction looks like in practice and how curriculum, assessment, advising, and professional learning fit together to support student success. Research on instructional frameworks and professional capital shows that coherent systems reduce variability and improve teacher effectiveness (Fullan, 2016; Hargreaves & Fullan, 2012).

For teachers, the framework provides clarity and reduces cognitive overload. Clear expectations and structured guidance improve instructional decision-making and allow teachers to focus on high-impact practices (Rosenshine, 2012). A shared framework also strengthens collaboration and collective efficacy, enabling teachers to plan together and share resources effectively (Donohoo et al., 2018).

For instructional leaders, the framework establishes a common lens for coaching, walkthroughs, and feedback. Aligned systems support more consistent and actionable feedback, which is critical for improving instructional practice (Darling-Hammond et al., 2017).

For students, the framework promotes equity and consistency. Regardless of campus or modality, students experience common expectations for engagement, rigor, and support. Instruction becomes more predictable and coherent, allowing students to focus on learning rather than navigating inconsistent systems. Consistent, high-quality instruction is strongly associated with improved student achievement and persistence (Hattie, 2009).

Ultimately, the instructional framework serves as the district's operating system for teaching and learning. By reducing fragmentation and clarifying expectations, it enables teachers and leaders to focus their efforts on providing every student with a rigorous, supportive, and meaningful learning experience that leads to graduation and postsecondary success.

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PREWORK FORM



Certification of Provision of Instructional Materials Survey 2026–27

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Survey Prewrite Form

2026–27 Certification of Provision of Instructional Materials

In accordance with [Texas Education Code \(TEC\) §31.1011](#) local school systems are required to annually certify to the State Board of Education (SBOE) and TEA commissioner that students have access to instructional materials covering all Texas Essential Knowledge and Skills (TEKS) for all required subjects, except physical education.

Additionally, school systems are required to certify that they protect against access to obscene or harmful content in compliance with the requirements for certification under the (i) the Children's Internet Protection Act (Pub. L. No. 106-554); (ii) TEC, Section [28.0022](#); (iii) Section [43.22](#), Penal Code; and (iv) any other law or regulation that protects students from obscene or harmful content. The Certification 2026–27 Survey includes a section for school systems to certify they meet this requirement.

TEA utilizes the following tools for the Certification of Provision of Instructional Materials process:

- **Certification 2026–27 Prewrite Form:** The prework form is a fillable and printable PDF intended to mirror the online survey and provide guidance for successful survey completion. The prework form should be completed offline and presented to the board of trustees or governing body for ratification and signatures.
- **Certification 2026–27 Survey:** The survey is a web-based application where school systems will submit the responses collected on the Certification 2026–27 Prewrite Form and upload the signature page.
 - The Certification 2026–27 Survey will be open for submissions beginning **Tuesday, February 17, 2026.**

The 2026–27 Certification of Provision of Instructional Materials process requires:

- The completion of the Certification 2026–27 Prewrite Form,
- Ratification by the local school system's board of trustees or governing body in an open, public-noticed meeting, and
- Submission of the Certification 2026–27 Survey and upload the last page of the ratified Certification 2026–27 Prewrite Form.

TEA recommends that local school systems complete the prework form and survey by **May 1, 2026**. The prework form and survey can be found on the [Certification of Provision of Instructional Materials](#) web page.

The state online instructional materials ordering system, EMAT, will close for annual maintenance on March 31, 2026, and is scheduled to reopen on May 15, 2026. Completion of the Certification process **is required** to regain access to allotment funds when EMAT reopens.

Certification 2026–27 Survey submissions received after May 15, 2026, are typically processed within five business days of receipt, and access to allotment funds in EMAT will follow.

Certification of Provision of Instructional Materials Process Steps

1. **Review the Certification 2026–27 Prewrite Form:** Print the fillable Certification 2026–27 Prewrite Form on the [Certification of Provision of Instructional Materials](#) web page.
2. **Gather information:** The form may require consultation with content area leaders or other local school system staff.
3. **Complete Certification 2026–27 Prewrite Form:** Complete the prework form by hand or digitally.
4. **Schedule and obtain needed signatures:** Coordinate placement of the Certification 2026–27 Prewrite Form on the agenda of an open, publicly noticed board meeting and secure formal ratification by the local school system’s board of trustees or governing body.
5. **Submit Certification 2026–27 Survey:** Complete the online Certification 2026–27 Survey by answering the questions. Inside the survey, upload the last page of the signed and ratified Certification 2026–27 Prewrite Form from step 4.

The survey will be open for submissions beginning Tuesday, February 17, 2026, and will be located on the [Certification of Provision of Instructional Materials](#) web page.

Additional Supports

For the Certification of Provision of Instructional Materials process, local school systems are highly encouraged to:

- View detailed Instructional Materials Review and Approval (IMRA) reports for all instructional materials reviewed through the IMRA process at im.tea.texas.gov.
- Refer to the IMRA List of [SBOE-Approved Instructional Materials](#) and [SBOE-Rejected Instructional Materials](#).
- Attend the TEA webinar about the Certification of Provision of Instructional Materials process for 2026–27 on **Tuesday, February 17th, at 11:00 a.m. CST**. [Registration](#) is required.
- Attend TEA office hours to get help and support with the Certification of Provision of Instructional Materials process; registration is required.
 - Monday, March 2nd, at 11:00 a.m. CST | [Register on Zoom](#)
 - Thursday, March 5th, at 11:00 a.m. CST. | [Register on Zoom](#)
- View the [Certification of Provision of Instructional Materials Resource List | 2026–27](#)
- Request a copy of the previous year’s submission (if needed) by submitting a [Help Desk Ticket](#).

For questions about the Certification of Provision 2026–27 Prewrite Form, survey, or process, please submit a [Help Desk ticket](#).

Terminology

- **Scope and Sequence:** A document that provides a brief outline of the standards and a recommended teaching order for a particular course/grade-level over the course of a school year.
- **Full-subject materials** (often referred to as Tier one or core materials): instructional material designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.
- **Supplemental materials:** Instructional materials designed to supplement core products in instruction of one or more essential knowledge and skill.
- **SBOE-Approved Instructional Materials:** SBOE-approved instructional materials are any materials that go through the IMRA process and receive approval by the SBOE. In Texas, SBOE-approved instructional materials are considered HQIM and qualify for the SBOE-Approved Instructional Materials Entitlement as outlined in Section 48.307.
- **State-Adopted Instructional Materials:** state-adopted instructional materials were reviewed and adopted in the preceding Proclamation process. These materials have not been reviewed in the IMRA process, are not considered HQIM (per the Texas definition), and are not eligible for additional HB 1605 funding entitlements.

Qualtrics Survey and Prewrite Form Guidance

Please note that the format of the Certification 2026–27 Prewrite Form **will not** match the appearance of the official Certification 2026–27 Qualtrics Survey. While the **questions are identical**, this form uses **open-ended text boxes** for responses. In the survey, the questions will be presented with **drop-down menus** containing predefined answer choices.

To help support completion of the Certification 2026–27 Prewrite Form accurately—and to ensure responses align with the options that will appear in the survey—an [additional resource](#) is provided. The Certification of Provision of Instructional Materials Resource List provides all the instructional materials that will appear in the survey's questions with drop-down menus.

Please ensure the naming convention for the products you list on this form mirrors the naming convention on the resource list (e.g., no acronyms, no abbreviations, and the title is listed as written on the instructional material). This ensures the naming conventions refer to the accurate product and will align with the predefined answer choices provided on the survey drop-down menus.

If your local school system uses a district-developed product, or if the product you use **does not appear** in the list, you will be asked to manually enter the publisher and product name(s).

It is highly recommended to refer to [this resource](#) while completing this prework form.

Instructional Materials Procurement Reminder

Beginning in the 2026–27 school year, local school systems may not locally adopt, use, or spend any funds to procure materials placed on the list of SBOE-Rejected Instructional Materials (TEC, §§31.024 and 31.106).

Certification 2026–27 Survey Questions

Background Information

QUESTION 1.0:

Name of person completing this form:

Dayna Swain

QUESTION 1.1:

Your email address:

dayna.swain@excelcenterhighschool.org

QUESTION 1.2:

Select the role that best describes your position at your district or charter: [Single Select]

- Instructional Materials Coordinator
- Curriculum Director
- Principal
- Administrative Assistant
- Superintendent
- Other

Local School System Information

Please note: The information provided will be publicly accessible. Only school-related details should be entered in the fields below (e.g., use work-related email addresses).

QUESTION 2.0:

Region #

13

QUESTION 2.1:

School system name and number

The Excel Center for Adults 227827

QUESTION 2.2:

Name of superintendent

Theresa Rappaport

QUESTION 2.3:

Email address of the superintendent

theresa.rappaport@excelcenterhighschool.org

QUESTION 2.4:

Name of the school board president or officer of the governing body

Richard Shields

QUESTION 2.5:

Email address of the school board president or officer of the governing body

richard.shields.cpa@gmail.com

QUESTION 2.6:

Date of the local board of trustees or governing body meeting at which the certification prework form was presented and approved?

04/24/2026

Reading Language Arts Certification

Scope and Sequence: All Grade Levels RLA

QUESTION 3.0:

Are instructional materials for English RLA and phonics managed at the local school system level and generally consistent across classrooms within the same grade level?

Yes

No

English Reading Language Arts K–5 TEKS Coverage Certification

QUESTION 4.0:

For school year 2026–27, will your local school system provide materials to cover 100% of the **English RLA TEKS grades K–5?** (This includes teacher- or district-developed materials. You may select "yes" even if not all classrooms use the same materials.) [Single Select]

Yes

No

English Reading Language Arts K–5 Instructional Materials

QUESTION 5.0:

Share the **full-subject and/or supplemental** publisher(s)/product(s) that teachers in your district will use regularly (once a week or more, on average) for **English RLA and/or Phonics grades K–5** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier one or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials: Instructional materials designed to supplement core products in instruction of one or more essential knowledge and skill.

REMINDER: Ensure the naming convention for the products you list on this form mirrors the naming convention on the [resource list](#) (e.g., no acronyms, no abbreviations, and the title is listed as written on the instructional material). This ensures the naming conventions refer to the accurate product and will align to the predefined answer choices provided on the Qualtrics survey drop-down menus. If your local school system uses a district-developed product, or if the product you use **does not appear** in the list, enter the full publisher and product names.

English RLA and/or Phonics grades K-5 full-subject and/or supplemental publisher(s)/ product(s) used:

n/a

QUESTION 5.1:

(If above answer includes SBOE-Approved Bluebonnet Learning instructional materials):

What is the estimated unique count of students in your local school system that are using Bluebonnet Learning Reading Language Arts, Edition 1 (grades K-5) in their classroom on a regular basis?

QUESTION 5.2:

(If above answer includes SBOE-Approved Bluebonnet Learning instructional materials):

What is the estimated unique count of students in your local school system that are using Bluebonnet Learning Foundational Skills, Edition 1 (grades K-3) in their classroom on a regular basis?

Spanish Reading Language Arts K–5 TEKS Coverage Certification

QUESTION 6.0:

For school year 2026–27, will your local school system provide materials to cover 100% of the **Spanish RLA TEKS grades K–5**? (This includes teacher- or district-developed materials. You may select "yes" even if not all classrooms use the same materials) [Single select]

Yes

No

Spanish Reading Language Arts K–5 Instructional Materials

QUESTION 7.0:

Share the **full subject and/or supplemental** publisher(s)/product(s) that teachers in your district will use regularly (once a week or more, on average) for **Spanish RLA and/or Phonics grades K–5** instruction to ensure coverage of 100% of the TEKS. [Single select for each grade band]

Full-subject instructional materials (often referred to as Tier one or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials: Instructional materials designed to supplement core products in instruction of one or more essential knowledge and skill.

REMINDER: Ensure the naming convention for the products you list on this form mirrors the naming convention on the [resource list](#) (e.g., no acronyms, no abbreviations, and the title is listed as written on the instructional material). This ensures the naming conventions refer to the accurate product and will align to the predefined answer choices provided on the Qualtrics survey drop-down menus. If your local school system uses a district-developed product, or if the product you use **does not appear** in the list, enter the full publisher and product names.

Spanish RLA and/or Phonics grades K–5 full-subject and/or supplemental publisher(s)/product(s) used:

n/a

QUESTION 7.1:

(If above answer includes Aprendizaje Bluebonnet instructional materials):

What is the estimated unique count of students in your local school system that are using Aprendizaje Bluebonnet Artes del lenguaje y lectura, (grados K-5) in their classroom on a regular basis?

QUESTION 7.2:

What is the estimated unique count of students in your local school system that are using Aprendizaje Bluebonnet Destrezas fundamentales, (grados K-3) in their classroom on a regular basis?

English Reading Language Arts (RLA) 6-8 TEKS Coverage Certification

QUESTION 8.0:

For school year 2026-27, will your local school system provide materials to cover 100% of the **English RLA TEKS grades 6-8**? (This includes teacher- or district-developed materials. You may select "yes" even if not all classrooms use the same materials) [Single select]

Yes

No

English Reading Language Arts (RLA) 6–8 Instructional Materials

QUESTION 9.0:

Share the **full subject and/or supplemental** publisher(s)/product(s) that teachers in your local school system will use regularly (once a week or more, on average) for **English RLA grades 6–8** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier one or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials: Instructional materials designed to supplement core products in instruction of one or more essential knowledge and skill.

REMINDER: Ensure the naming convention for the products you list on this form mirrors the naming convention on the [resource list](#) (e.g., no acronyms, no abbreviations, and the title is listed as written on the instructional material). This ensures the naming conventions refer to the accurate product and will align to the predefined answer choices provided on the Qualtrics survey drop-down menus. If your local school system uses a district-developed product, or if the product you use **does not appear** in the list, enter the full publisher and product names.

English RLA grades 6–8 full-subject and/or supplemental publisher(s)/ product(s) used:

n/a

English Reading Language Arts (RLA) 9–12 TEKS Coverage Certification

QUESTION 10.0:

For school year 2026–27, will your local school system provide materials to cover 100% of the **English RLA TEKS grades 9–12**? (This includes teacher- or district-developed materials. You may select "yes" even if not all classrooms use the same materials.

Yes

No

English Reading Language Arts (RLA) 9–12 Instructional Materials

QUESTION 11.0:

Are the **full-subject and/or supplemental** publisher(s)/product(s) that teachers in your local school system will use regularly (once a week or more, on average) for **English RLA grades 9–12** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier one or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials: Instructional materials designed to supplement core products in instruction of one or more essential knowledge and skill.

REMINDER: Ensure the naming convention for the products you list on this form mirrors the naming convention on the [resource list](#) (e.g., no acronyms, no abbreviations, and the title is listed as written on the instructional material). This ensures the naming conventions refer to the accurate product and will align to the predefined answer choices provided on the Qualtrics survey drop-down menus. If your local school system uses a district-developed product, or if the product you use **does not appear** in the list, enter the full publisher and product names.

English RLA grades 9–12 full-subject and/or supplemental publisher(s)/product(s) used:

McGraw Hill, Study Sync
Edmentum Learning Path

Mathematics Certification

Scope and Sequence: All Grade Levels Mathematics

QUESTION 12.0:

Are instructional materials for mathematics managed at the school system-level and generally consistent across classrooms within the same grade level?

Yes

No

Mathematics K–5 TEKS Coverage Certification

QUESTION 13.0:

For school year 2026–27, will your local school system provide materials to cover 100% of the **mathematics TEKS grades K–5**? (This includes teacher- or district-developed materials. You may select "yes" even if not all classrooms use the same materials). [Single Select]

Yes

No

Mathematics K–5 Instructional Materials

QUESTION 14.0:

Share the **full-subject and/or supplemental** publisher(s)/product(s) that teachers in your local school system will use regularly (once a week or more, on average) for **mathematics grades K–5** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier one or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials: Instructional materials designed to supplement core products in instruction of one or more essential knowledge and skill.

REMINDER: Ensure the naming convention for the products you list on this form mirrors the naming convention on the [resource list](#) (e.g., no acronyms, no abbreviations, and the title is listed as written on the instructional material). This ensures the naming conventions refer to the accurate product and will align to the predefined answer choices provided on the Qualtrics survey drop-down menus. If your local school system uses a district-developed product, or if the product you use **does not appear** in the list, enter the full publisher and product names.

Mathematics grades K–5 full-subject and/or supplemental publisher(s)/product(s) used:

n/a

QUESTION 14.1:

(If above answers include Bluebonnet Learning instructional materials):

What is the estimated unique count of students in your local school system that are using Bluebonnet Learning, Edition 1 (grades K–5) in their classroom on a regular basis?

Mathematics 6–8 TEKS Coverage Certification

QUESTION 15.0

For school year 2026–27, will your local school system provide materials to cover 100% of the **mathematics TEKS grades 6–8**? (This includes teacher- or district-developed materials. You may select “yes” even if not all classrooms use the same materials). [Single Select]

- Yes
- No

Mathematics 6–8 Instructional Materials

QUESTION 16.0:

Share the **full-subject and/or supplemental** publisher(s)/product(s) that teachers in your local school system or charter will regularly use (once a week or more, on average) for **mathematics grades 6–8** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier one or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials: Instructional materials designed to supplement core products in instruction of one or more essential knowledge and skill.

REMINDER: Ensure the naming convention for the products you list on this form mirrors the naming convention on the [resource list](#) (e.g., no acronyms, no abbreviations, and the title is listed as written on the instructional material). This ensures the naming conventions refer to the accurate product and will align to the predefined answer choices provided on the Qualtrics survey drop-down menus. If your local school system uses a district-developed product, or if the product you use **does not appear** in the list, enter the full publisher and product names.

Mathematics grades 6–8 full-subject and/or supplemental publisher(s)/product(s) used:

n/a

QUESTION 16.0B:

(If above answers include Bluebonnet Learning instructional materials instructional materials):

What is the estimated unique count of students in your local school system that are using Bluebonnet Learning Secondary Mathematics, Edition 1 (grades 6–8, Algebra I) in their classroom on a regular basis?

--

Advanced Mathematics 6–8 Instructional Materials

QUESTION 17.0:

Share the **full-subject and/or supplemental** publisher(s)/product(s) that teachers in your local school system or charter will regularly use (once a week or more, on average) for **advanced mathematics grades 6–8** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier one or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials: Instructional materials designed to supplement core products in instruction of one or more essential knowledge and skill.

REMINDER: Ensure the naming convention for the products you list on this form mirrors the naming convention on the [resource list](#) (e.g., no acronyms, no abbreviations, and the title is listed as written on the instructional material). This ensures the naming conventions refer to the accurate product and will align to the predefined answer choices provided on the Qualtrics survey drop-down menus. If your local school system uses a district-developed product, or if the product you use **does not appear** in the list, enter the full publisher and product names.

Advanced Mathematics grades 6–8 full-subject and/or supplemental publisher(s)/ product(s) used:

n/a

Mathematics 9–12 TEKS Coverage Certification

QUESTION 18.0:

For school year 2026–27, will your local school system provide materials to cover 100% of the **mathematics TEKS grades 9–12**? (This includes teacher- or district-developed materials. You may select "yes" even if not all classrooms use the same materials). [Single Select]

Yes

No

Mathematics 9–12 Instructional Materials

QUESTION 19.0:

Share the **full-subject and/or supplemental** publisher(s)/product(s) that teachers in your local school system or charter will regularly use (once a week or more, on average) for **mathematics grades 9–12** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier one or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials: Instructional materials designed to supplement core products in instruction of one or more essential knowledge and skill.

REMINDER: Ensure the naming convention for the products you list on this form mirrors the naming convention on the [resource list](#) (e.g., no acronyms, no abbreviations, and the title is listed as written on the instructional material). This ensures the naming conventions refer to the accurate product and will align to the predefined answer choices provided on the Qualtrics survey drop-down menus. If your local school system uses a district-developed product, or if the product you use **does not appear** in the list, enter the full publisher and product names.

Mathematics grades 9–12 full-subject and/or supplemental publisher(s)/product(s) used:

Edmentum TEKS-based courseware

Social Studies Certification

Scope and Sequence: All Grade Levels Social Studies

QUESTION 20.0:

Are instructional materials for social studies managed at the school system level and generally consistent across classrooms within the same grade level?

- Yes
- No

Social Studies K–5 TEKS Coverage Certification

QUESTION 21.0:

For school year 2026–27, will your local school system provide materials to cover 100% of the **social studies TEKS grades K–5**? (This includes teacher- or district-developed materials. You may select "yes" even if not all classrooms use the same materials)

- Yes
- No

Social Studies K–5 Instructional Materials

QUESTION 22.0:

Share the **full-subject and/or supplemental** publisher(s)/product(s) that teachers in your local school system or charter will regularly use (once a week or more, on average) for **social studies grades K–5** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier one or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials: Instructional materials designed to supplement core products in instruction of one or more essential knowledge and skill.

REMINDER: Ensure the naming convention for the products you list on this form mirrors the naming convention on the [resource list](#) (e.g., no acronyms, no abbreviations, and the title is listed as written on the instructional material). This ensures the naming conventions refer to the accurate product and will align to the predefined answer choices provided on the Qualtrics survey drop-down menus. If your local school system uses a district-developed product, or if the product you use **does not appear** in the list, enter the full publisher and product names.

Social Studies grades K–5 full-subject and/or supplemental publisher(s)/product(s) used:

n/a

Social Studies 6–8 TEKS Coverage Certification

QUESTION 23.0:

For school year 2026–27, will your local school system provide materials to cover 100% of the **social studies TEKS grades 6–8**? (This includes teacher- or district-developed materials. You may select "yes" even if not all classrooms use the same materials)

Yes

No

Social Studies 6–8 Instructional Materials

QUESTION 24.0:

Select **full-subject and/or supplemental** publisher(s)/product(s) that teachers in your local school system or charter will regularly use (once a week or more, on average) for **social studies grades 6–8** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier one or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials: Instructional materials designed to supplement core products in instruction of one or more essential knowledge and skill.

REMINDER: Ensure the naming convention for the products you list on this form mirrors the naming convention on the [resource list](#) (e.g., no acronyms, no abbreviations, and the title is listed as written on the instructional material). This ensures the naming conventions refer to the accurate product and will align to the predefined answer choices provided

on the Qualtrics survey drop-down menus. If your local school system uses a district-developed product, or if the product you use **does not appear** in the list, enter the full publisher and product names.

Social Studies grades 6–8 full-subject and/or supplemental publisher(s)/product(s) used:

n/a

Social Studies 9–12 TEKS Coverage Certification

QUESTION 25.0:

For school year 2026–27, will your local school system provide materials to cover 100% of the **social studies TEKS grades 9–12**? (This includes teacher- or district-developed materials. You may select “yes” even if not all classrooms use the same materials)

- Yes
- No

Social Studies 9–12 Instructional Materials

QUESTION 26.0:

Share the **full-subject and/or supplemental** publisher(s)/product(s) that teachers in your local school system or charter will regularly use (once a week or more, on average) for **social studies grades 9–12** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier one or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials: Instructional materials designed to supplement core products in instruction of one or more essential knowledge and skill.

REMINDER: Ensure the naming convention for the products you list on this form mirrors the naming convention on the [resource list](#) (e.g., no acronyms, no abbreviations, and the title is listed as written on the instructional material). This ensures the naming conventions refer to the accurate product and will align to the predefined answer choices provided on the Qualtrics survey drop-down menus. If your local school system uses a district-developed product, or if the product you use **does not appear** in the list, enter the full publisher and product names.

Social Studies grades 9–12 full-subject and/or supplemental publisher(s)/product(s) used:

Other, District Developed

Science Certification

Scope and Sequence: All Grade Levels Science

QUESTION 27.0:

Are instructional materials for science managed at the school system level and generally consistent across classrooms within the same grade level?

Yes

No

Science K–5 TEKS Coverage Certification

QUESTION 28.0:

For school year 2026–27, will your local school system provide materials to cover 100% of the **science TEKS grades K–5**? (This includes teacher- or district-developed materials. You may select "yes" even if not all classrooms use the same materials)

Yes

No

Science K–5 Instructional Materials

QUESTION 29.0:

Share the **full-subject and/or supplemental** publisher(s)/product(s) that teachers in your local school system or charter will regularly use (once a week or more, on average) for **science grades K–5** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier one or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials: Instructional materials designed to supplement core products in instruction of one or more essential knowledge and skill.

REMINDER: Ensure the naming convention for the products you list on this form mirrors the naming convention on the [resource list](#) (e.g., no acronyms, no abbreviations, and the title is listed as written on the instructional material). This ensures the naming conventions refer to the accurate product and will align to the predefined answer choices provided on the Qualtrics survey drop-down menus. If your local school system uses a district-developed product, or if the product you use **does not appear** in the list, enter the full publisher and product names.

Science grades K–5 full-subject and/or supplemental publisher(s)/product(s) used:

n/a

Science 6–8 TEKS Coverage Certification

QUESTION 30.0:

For school year 2026–27, will your local school system provide materials to cover 100% of the **science TEKS grades 6–8**? (This includes teacher- or district-developed materials. You may select "yes" even if not all classrooms use the same materials)

Yes

No

Science 6–8 Instructional Materials

QUESTION 31.0:

Share the **full-subject and/or supplemental** publisher(s)/product(s) that teachers in your local school system or charter will regularly use (once a week or more, on average) for **science grades 6–8** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier one or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials: Instructional materials designed to supplement core products in instruction of one or more essential knowledge and skill.

REMINDER: Ensure the naming convention for the products you list on this form mirrors the naming convention on the [resource list](#) (e.g., no acronyms, no abbreviations, and the title is listed as written on the instructional material). This ensures the naming conventions refer to the accurate product and will align to the predefined answer choices provided on the Qualtrics survey drop-down menus. If your local school system uses a district-developed product, or if the product you use **does not appear** in the list, enter the full publisher and product names.

Science grades 6–8 full-subject and/or supplemental publisher(s)/product(s) used:

n/a

Science 9–12 TEKS Coverage Certification

QUESTION 32.0:

For school year 2026–27, will your local school system provide materials to cover 100% of the **science TEKS grades 9–12**? (This includes teacher- or district-developed materials. You may select "yes" even if not all classrooms use the same materials)

Yes

No

Science 9–12 Instructional Materials

QUESTION 33.0:

Share the **full-subject and/or supplemental** publisher(s)/product(s) that teachers in your district or charter will regularly use (once a week or more, on average) for **science grades 9–12** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier one or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials: Instructional materials designed to supplement core products in instruction of one or more essential knowledge and skill.

REMINDER: Ensure the naming convention for the products you list on this form mirrors the naming convention on the [resource list](#) (e.g., no acronyms, no abbreviations, and the title is listed as written on the instructional material). This ensures the naming conventions refer to the accurate product and will align to the predefined answer choices provided on the Qualtrics survey drop-down menus. If your local school system uses a district-developed product, or if the product you use **does not appear** in the list, enter the full publisher and product names.

Science grades 9–12 full-subject and/or supplemental publisher(s)/product(s) used:

Glencoe Biology, Chemistry, Physics

The Children's Internet Protection Act

The Children's internet protection Act (CIPA) was enacted by Congress in 2000 to address concerns about children's access to obscene or harmful content over the Internet. (You may find more information on the FCC website.)

In accordance with Texas Administrative Code 19 TAC §66.105, school districts or charter schools are required to certify that they protect against access to obscene or harmful content in compliance with the requirements for certification under the Children's Internet Protection Act, 47 USC §254(h)(5)(B) and (C, Section [28.0022](#), [Section 43.22](#), Penal Code, and any other law or regulation that protects students from obscene or harmful content.

QUESTION 34.0:

Does your district or charter school protect against access to obscene or harmful content in compliance with the requirements for certification under the Children's Internet Protection Act, 47 USC §254(h)(5)(B) and (C), Section 28.0022, Penal Code, and any other law or regulation that protects students from obscene or harmful content?

Yes

No

Additional Informational Questions (Optional)*

QUESTION 35.0:

Has your local school system used, or plan to use, [Instructional Materials Review and Approval \(IMRA\)](#) reports to inform local adoption decisions for ELAR, SLAR, phonics, and mathematics instructional materials?

Yes

No

QUESTION 35.1:

If "Yes" is selected: In which subject area(s) have you used the IMRA reports to obtain information about the quality of products? *

English reading language arts

Spanish reading language arts

English phonics

Spanish phonics

Full-subject, Tier one mathematics

Supplemental mathematics

QUESTION 35.2:

On a scale from 0 to 10, how likely are you to recommend the use of IMRA reports to support local adoption of HQIM? 0 (Not at all) to 10 (Extremely likely) *

- 0.
- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

QUESTION 36.0:

Assessment Platform: Select the assessment platform (if any) your local school system leverages for unit/module, diagnostic, or interim, and for which type of assessments.

Product	Interim	Diagnostic	Unit/Module Formatives
Eduphoria	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DMAC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Texas Formative Assessment Resource	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STAAR Interim	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="text" value="Edmentum Exact Path"/>			
Other:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="text" value="TABE"/>			
Other:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="text" value="LasLinks"/>			

QUESTION 37.0:

What approach does your school system take to making full-subject instructional materials available to teachers and staff?

- Teachers access educational applications through a Single Sign On platform (e.g., Clever, ClassLink)
- Teachers access educational applications within a Learning Management System (e.g., Schoology, Google Classroom, Canvas, Moodle)
- Teachers log directly to publisher curriculum platforms (e.g., HMH Ed, Savvas Realize, Amplify, Great Minds)
- Teachers access copied files or links within a Learning Management System (e.g., Google Classroom, Canvas, Moodle)
- Teachers access copied files or links within a Student Information System (e.g., PowerSchool, Infinite Campus, Skyward)
- Teachers access copied files or links in a shared cloud drive (e.g., Google Drive, OneDrive, Dropbox)
- Teachers access copied files or links through a district resource portal (e.g., SharePoint, Google Site, intranet)
- Other (Please Explain):

Other Certified Subject Areas

QUESTION 38.0:

Please select each subject in the required curriculum below for which your district provides each student with instructional materials that cover all elements of the essential knowledge and skills, as referenced in [Texas Education Code 28.002](#): [multiple select]

- Languages other than English (LOTE)
- Health, with emphasis on the importance of proper nutrition and exercise
- Physical education
- Fine arts
- Career and Technical Education (CTE)
- Technology applications
- Personal financial literacy
- None

Certification 2026–27 Survey Ratification

[Print, Sign, and Upload via Qualtrics]

In accordance with [Texas Education Code §31.1011](#), school districts and open-enrollment charter schools are required to certify annually to the State Board of Education and the commissioner that, for each subject in the required curriculum other than physical education, students have access to instructional materials that cover all the Texas Essential Knowledge and Skills (TEKS) for the coming school year. Additionally, in accordance with Texas Administrative Code [19 TAC §66.105](#), school districts or charter schools are required to certify that they protect against access to obscene or harmful content in compliance with the requirements for certification under the Children's Internet Protection Act, 47 USC §254(h)(5)(B) and (C).

These certifications must be ratified by local school boards of trustees or governing bodies in public, noticed meetings. Districts and open-enrollment charter schools will be unable to order instructional materials through EMAT until the certifications have been received by the Texas Education Agency (TEA)

District County Number (6-digit ID):

227827

District Name:

The Excel Center High School for Adults

Date of Ratification by Local School Board of Trustees or Governing Body:

04/24/2026

Signature of the Board President and Secretary or Governing Board Officer

Board President

Date

Board Secretary

After ratification, please scan the last page of this form and submit it to TEA through the electronic Qualtrics Certification of Provision of Instructional Materials Survey.

- The Certification 2026–27 Survey will be available on the Certification of Provision of Instructional Materials web page and open for submissions beginning **Tuesday, February 17, 2026.**