

**Notice of Regular Meeting
Board of Trustees
Monday, September 21, 2026**

A Regular Meeting of the Board of Trustees will be held on Monday, September 21, 2026, beginning at 6:00 PM, in the Clyde Auxiliary Building, 2515 South Access Road West, Clyde, Texas 79510.

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

1. CALL TO ORDER AND ANNOUNCE A QUORUM

2. INVOCATION

3. PLEDGES OF ALLEGIANCE

4. SPECIAL RECOGNITIONS AND PRESENTATIONS

1. 2026 National Recognition Program Awarded by the College Board
2. Employees of the Month

5. RECOGNITION OF VISITORS/PUBLIC COMMENT

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Members of the public are invited to make public comments on any matter, including the certificate of compliance required by Texas Education Code Section 39.008. All persons wishing to address the Board at this time MUST complete a registration form by 3:00pm on the day of the meeting.

6. ADMINISTRATIVE REPORTS

1. Campus and Departmental Reports
2. Monthly Financial and Investment Reports
3. Curriculum and Special Programs Report
 1. DOI Usage
 2. HB 3 Goals 2026-2027
4. Superintendent Report
 1. Enrollment and Attendance Update
 2. Preliminary FIRST Rating (Financial Integrity Rating System of Texas)
 3. Next Regular Meeting of the Board of Trustees: October 12, 2026 at 6:00 PM

7. DISCUSSION ITEMS

1. Facilities Planning Committee Update

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8. ACTION ITEMS

1. Consideration and Possible Action on Consent Agenda
 1. Approve Minutes of the Previous Meeting(s)
 2. Approve Monthly Financial and Investment Reports
2. Consideration and Possible Action to Approve Certification of Compliance with Certain Laws Under Texas Education Code 39.008, as Enacted by Senate Bill 12 44
3. Consideration and Possible Action to Approve a Resolution of the Board Regarding Hazardous Traffic Conditions 102
4. Consideration and Possible Action to Approve 2026-2027 HB 3 Goals
5. Consideration and Possible Action to Approve an Amendment to the 2026-2027 Clyde CISD Compensation Plan

9. CLOSED SESSION

1. Pursuant to Texas Government Code Section 551.071, Consultation with Legal Counsel Regarding Legal and Procedural Matters Concerning a District Employee's Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, Dismissal, or Leave of Absence
2. Pursuant to Texas Government Code Section 551.071, Consultation with Legal Counsel Regarding Other Legal and Procedural Matters
3. Pursuant to Texas Government Code Section 551.074, Deliberation of Other Personnel Matters, including the Appointment, Employment, Reassignment, Duties, Discipline, or Leave of Absence of a District Employee
10. **OPEN SESSION:** Act Upon Items as Discussed in Closed Session (as needed)
 1. Consideration and Possible Action to Approve a School District Teaching Permit
 2. Consideration and Possible Action to Approve Professional Employment
11. **BOARD REQUESTS**
12. **ADJOURNMENT**

If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapters D and E or Texas Government Code section 418.183(f). Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting. [See TASB Policy BEC(LEGAL)]

On Saturday, September 12, 2026, at 5:45PM, a copy of this agenda was posted on the bulletin board at the entrance of the Clyde CISD Administration Building, 526 Shalimar Drive, Clyde, TX 79510, and posted to the District's internet website.

Bryan W. Allen, Superintendent (For the Board of Trustees)

Board Operating Procedures for Public Comment

Speaker Signup

Individuals who wish to provide public comment or testimony to the Board at the designated time during a Board meeting must sign up in advance of the Board meeting by email (contact@clydeisd.org) or in-person at the Clyde CISD Administration Offices. Signup will open 72-hours prior to the posted Board meeting and close at 3:00pm on the day of the meeting. When an individual signs up, the individual must sign up using the form provided by the district. The individual must also indicate whether the comment pertains to an item on the Board agenda and, if so, which item or items. An individual who will be accompanied by a translator must notify the District at the time of signup.

If an agenda item is continued or posted again for a meeting on a later date, individuals who wish to address the Board on the item must sign up separately for that later date.

Topic of Public Comment

At meetings other than regular Board meetings, public comments are limited to items on the posted meeting notice and agenda. At regular meetings, comments on other topics may be allowed as time permits. Public comments should be limited to topics relevant to District business.

Time for Public Comment

Generally, the Board will conduct public comment at the beginning of its Board meetings.

However, in the interest of time and the orderly conduct of public business, the Board reserves the right to:

- Increase or decrease the per-speaker time limit to address the Board.
- Move comment on non-agenda topics to the end of the meeting.
- Take items in a different order than shown on the meeting notice.
- Proceed first with agenda items for which no speakers have registered to provide comment.
- Recommend that comments involving the performance of individual District employees or officers be made through the grievance policy.
- Require that comments involving personally identifiable student information be made through the grievance policy.
- Continue a meeting or an agenda item to another day in order to allow adequate time for public comment.
- Make other reasonable adjustments to the timing of public comment in accordance with law.

The Board delegates to its presiding officer the authority to make reasonable adjustments to the timing and conduct of public comment in accordance with law. [See BDAA]

The presiding officer will announce these adjustments in an open meeting.

Per-Speaker Time Limit

A speaker will be given up to five (5) minutes to address the Board. If, however, the total number of speakers seeking to address the Board at a meeting exceeds five (5) the per-speaker time limit may be reduced. In no event will a speaker be given less than one minute to address the Board. A speaker who wishes to address multiple agenda items may be given one (1) additional minute as additional time to address the Board.

Written Comments to the Board

In lieu of or in addition to speaking at an open meeting, a member of the public may also submit written comments to the Board regarding District business as follows:

Written comments to the Board may be submitted to the superintendent, either via email, USPS mail or in-person, before the public comment deadline.

Written submissions to the Board are subject to public disclosure in accordance with the law.

Public Comment Signup Sheet

Public comment at regular Board meetings will be conducted in accordance with BED(LOCAL) and the Board's procedures on public comment.

At meetings other than regular Board meetings, public comments are limited to items on the posted meeting notice and agenda. At regular meetings, comments on other topics may be allowed as time permits. Public comments should be limited to topics relevant to District business.

In lieu of or in addition to speaking at an open meeting, a member of the public may also submit written comments to the Board regarding District business as follows:

Written comments to the Board may be submitted to the superintendent, either via email, USPS mail or in-person, before the public comment deadline. Anonymous submissions will not be addressed.

The following guidelines apply to public comment:

1. Individuals must sign up in advance by email (contact@clydeisd.org) or in-person at the Clyde CISD Administration Offices. Signup will open 72 hours prior to the posted Board meeting time and close at 3:00pm on the day of the Board meeting. When an individual signs up, the individual must sign up using the form provided by the district. The individual must also indicate whether the comment pertains to an item on the Board agenda and, if so, which item or items. An individual who will be accompanied by a translator must notify the District at the time of signup.
2. If an agenda item is continued or posted again for a meeting on a later date, individuals who wish to address the Board on the item must sign up separately for that later date.
3. The period reserved for public comment at a Board meeting will generally occur at the beginning of the meeting. However, in the interest of time and the orderly conduct of public business, the presiding officer may make adjustments in accordance with the Board's adopted procedures on public comment.
4. A speaker will be given up to five (5) minutes to address the Board. If, however, the total number of speakers seeking to address the Board at a meeting exceeds five (5), the per-speaker time limit may be reduced. In no event will a speaker be given less than one minute to address the Board. A speaker who wishes to address multiple agenda items may be given more time to address the Board in accordance with the Board's adopted procedures.
5. Under the Texas Open Meetings Act, the Board is not permitted to discuss or act upon any issues that are not posted on the agenda for the meeting.
6. The Board has adopted complaint policies that are designed to secure, at the lowest possible administrative level, a prompt and equitable resolution of complaints and concerns for employees, students or their parents, and the general public. [See DGBA, FNG, and GF] Each of these processes provides that, if a resolution cannot be achieved administratively, the person may appeal the administrative decision to the Board as a properly posted agenda item. For further information on those policies, please contact the superintendent's office at (325) 893-4222. If the subject of a speaker's comment involves a pending grievance, the speaker should seek resolution

through the grievance process and address the Board only at the appropriate stage of that process.

7. Under the Texas Open Meetings Act, the Board may exercise its authority to discuss certain subject matters on the agenda in closed session, including matters involving individual District staff members and individual students. If a speaker's comment concerns one of these subjects, the speaker should address the concern through the District's complaint policies.
8. Rules of order and decorum will be enforced during the public comment period to ensure efficient meetings. Unlawful or disruptive conduct, including interrupting scheduled speakers, speaking out of turn, or interfering with the rights of others, will not be tolerated. Each participant is legally responsible for the content and consequences of his or her own statements.

Please provide the information requested below if you wish to address the Board during the public comment period:

Name: _____

Telephone or
other contact
information: _____

Will you be accompanied by a translator?

☐ Yes (if known, please provide the name of the translator: _____)

☐ No

Does the topic or topics on which you wish to address the Board appear on the current agenda?

☐ Yes

☐ No

If Yes, please indicate the topic or topics on the agenda about which you wish to address the Board:

If No, please list any topics on which you would like to comment that are not on the agenda for the meeting:



CLYDE CISD

Facility Planning Committee

Meeting #1

AGENDA



Welcome + Introductions



About Clyde CISD



Committee Overview & Purpose



Community Survey Results



Demographic Study



Tour / Next Steps



Group Introductions



1. Name
2. Profession/Role in the community
3. **One Word** about Clyde CISD



ONE WORD

PERSONAL blessed family launch inviting special
refreshing friendship
OPPORTUNITY
busy future HOME PRIDE change tight-knit
COMMUNITY
exciting heart tradition caring
great school
teamwork potential smaller leadership
accepting hopeful passion connections
supportive great-kids champions





About Clyde CISD



CLYDE CISD MISSION & VISION

MISSION STATEMENT:

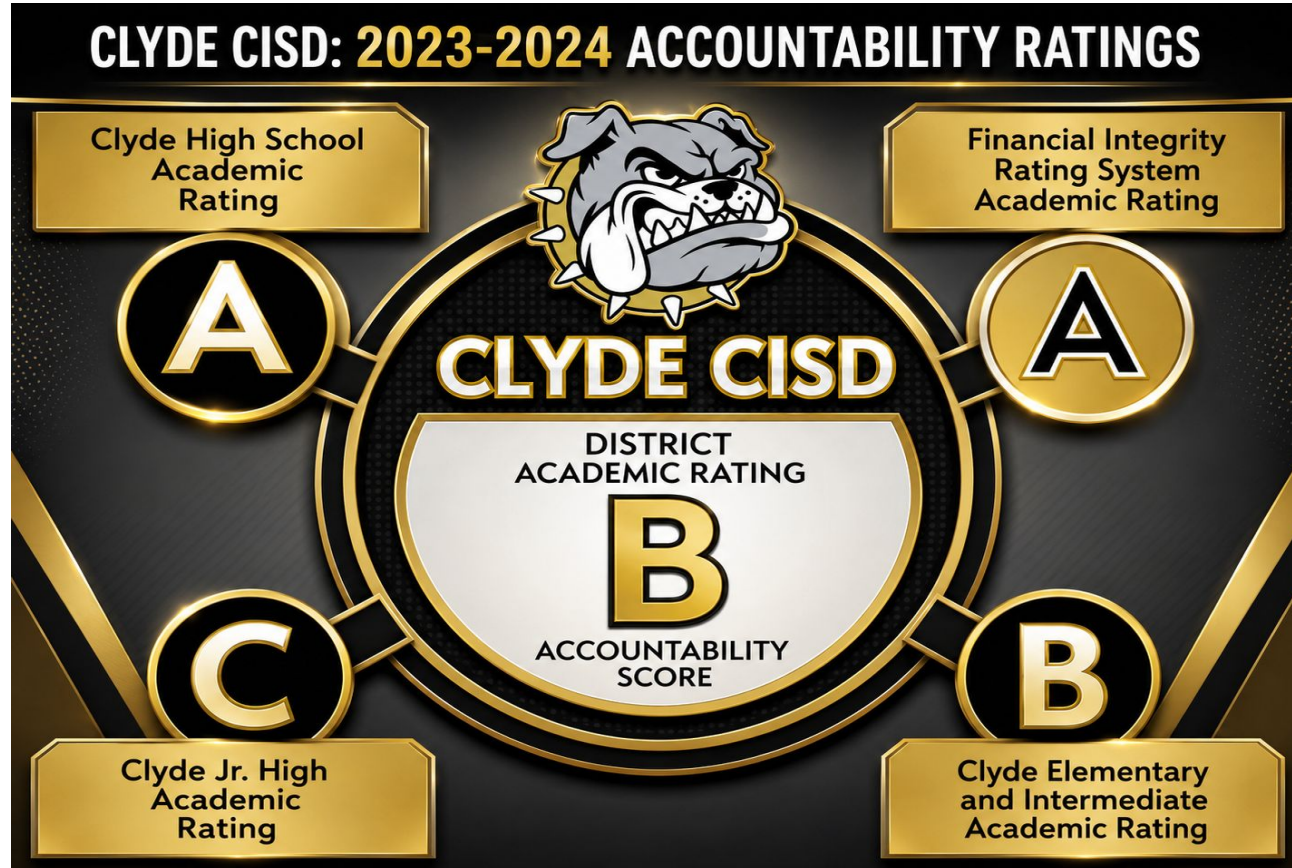
Our Mission is to value, nurture and empower each student to build confidence, perseverance and adaptability so they become successful and resilient servant leaders.

VISION STATEMENT:

Empowering Leaders, Committed to Success



DISTRICT HIGHLIGHTS



DISTRICT HIGHLIGHTS





Committee Overview & Purpose



COMMITTEE CHARGES

- Assess and prioritize Clyde CISD current and long-term facility needs including, but not limited to:
 - District growth and capacity, building age, safety and condition, land acquisition, evolving educational delivery and programs, energy efficiency and sustainable features
- Develop and prioritize potential projects, including new construction, renovations/additions, technology, equipment and other areas that may arise from community input
- Consider the educational needs of all students and align recommendations with the district's mission, vision and goals
- Represent the entire school district community, values and perceptions, and seek input from other residents
- Consider the district's current financial position and funding methods to develop a master plan recommendation that is fiscally sound
- Make a recommendation to the Board of Trustees that addresses the district's growth and facility needs based on the identified priorities



PARAMETERS



The Committee shall engage in productive dialogue, strive to be objective and maintain a district-level perspective at all times.



The Committee should make recommendations that are based on current, relevant data and best practices, and adhere to law and policy that govern school construction and bond issue requirements.



The Committee process will be transparent. All presentations, materials and meeting minutes will be posted online for Committee member use and public consumption.



The Committee will establish its own goal for consensus and agree on recommendations proceeding when such consensus is met.



The Board of Trustees shall make a final decision.



FACILITY PLANNING PROCESS STEPS

ASSESS

Assess needs at
existing facilities

Identify deficiencies
and inequities at
existing campuses

REVIEW

Review financial
data

Understand the
financial capacity
and implications

STUDY

Study
demographics
& enrollment
projections

ALIGN

Align around Final
Plan for
Committee, Board,
and Community

Ongoing Responsibilities of Clyde CISD



FACILITY PLANNING PROCESS STEPS

PRIORITIZE

Prioritize potential projects

Develop consensus on how to address the district's needs

RECOMMEND

Present findings and make recommendations

CONSIDER

Board should determine actions and make a final decision

Responsibilities of Facility Planning Committee



COMMITTEE OVERVIEW



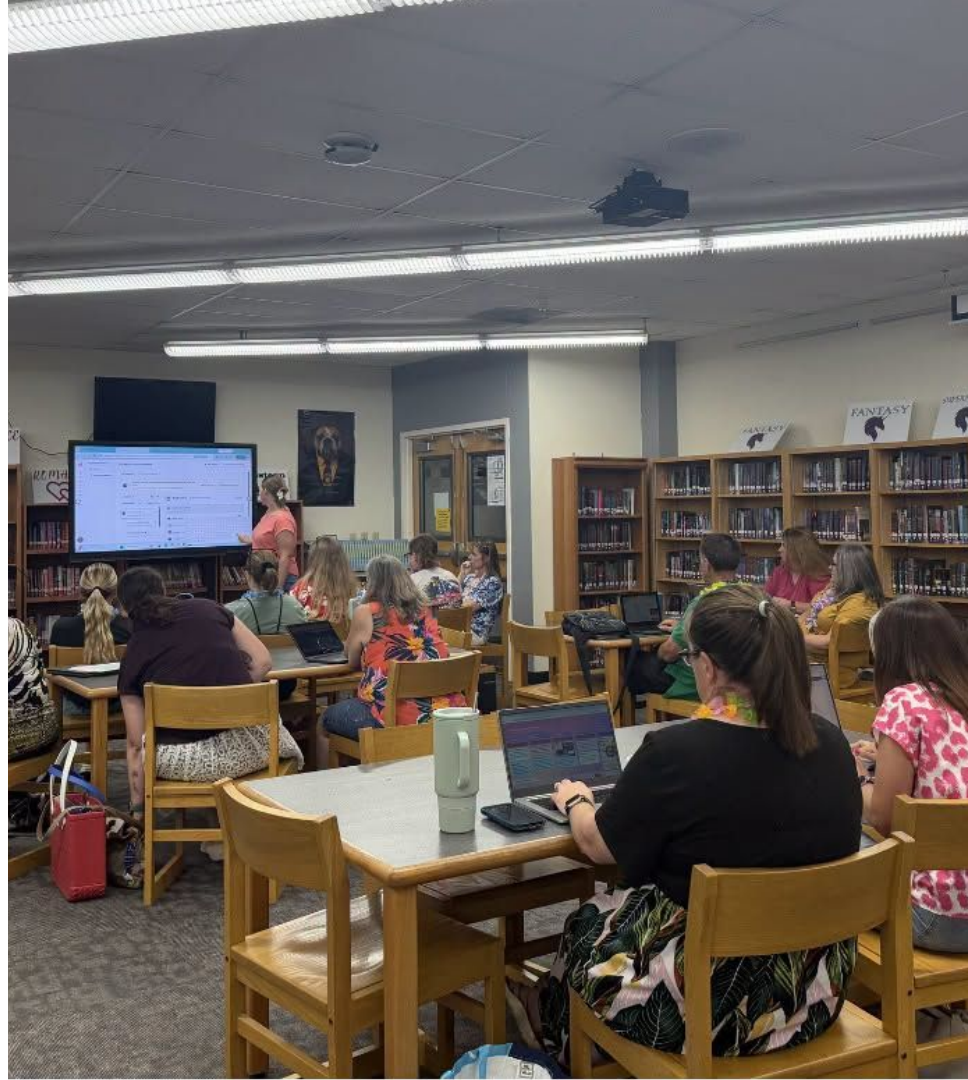
In the upcoming meetings, the Committee will discuss the following topics:

1. CCISD Demographic Study
2. Facility and Infrastructure Needs
3. School Finance
4. Potential Solutions & Costs
5. Final Board Recommendation

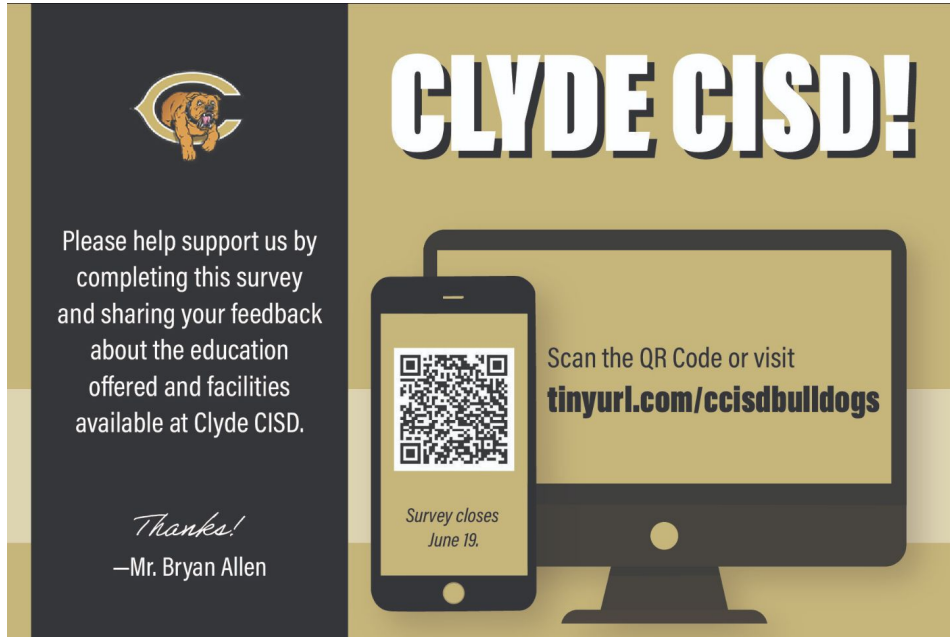




Community Survey Results



SURVEY OVERVIEW





Please help support us by completing this survey and sharing your feedback about the education offered and facilities available at Clyde CISD.

Thanks!
—Mr. Bryan Allen

CLYDE CISD!

Scan the QR Code or visit
tinyurl.com/ccisdbulldogs

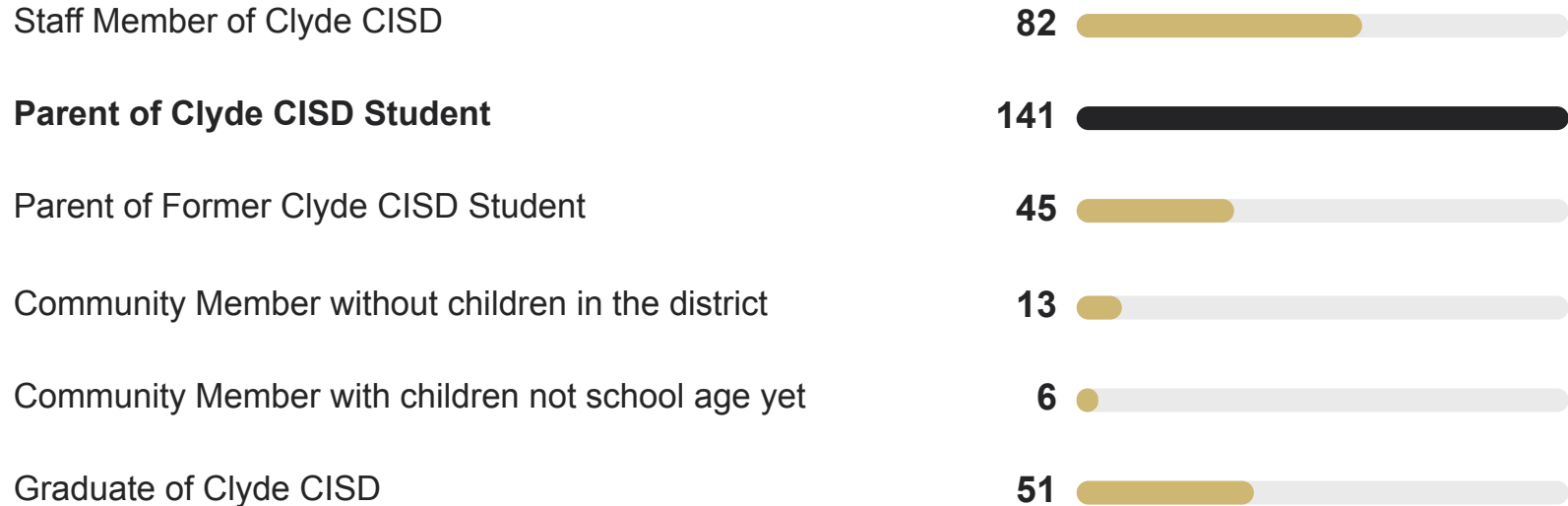
Survey closes
June 19.

- Advertised on Clyde CISD Facebook Page and in the newspaper
- Survey open for 5 weeks
- 197 responses received
 - **73%** of respondents were ages 30-54
 - **57%** of respondents have lived in Clyde CISD for 8+ years
 - **86%** of respondents were female



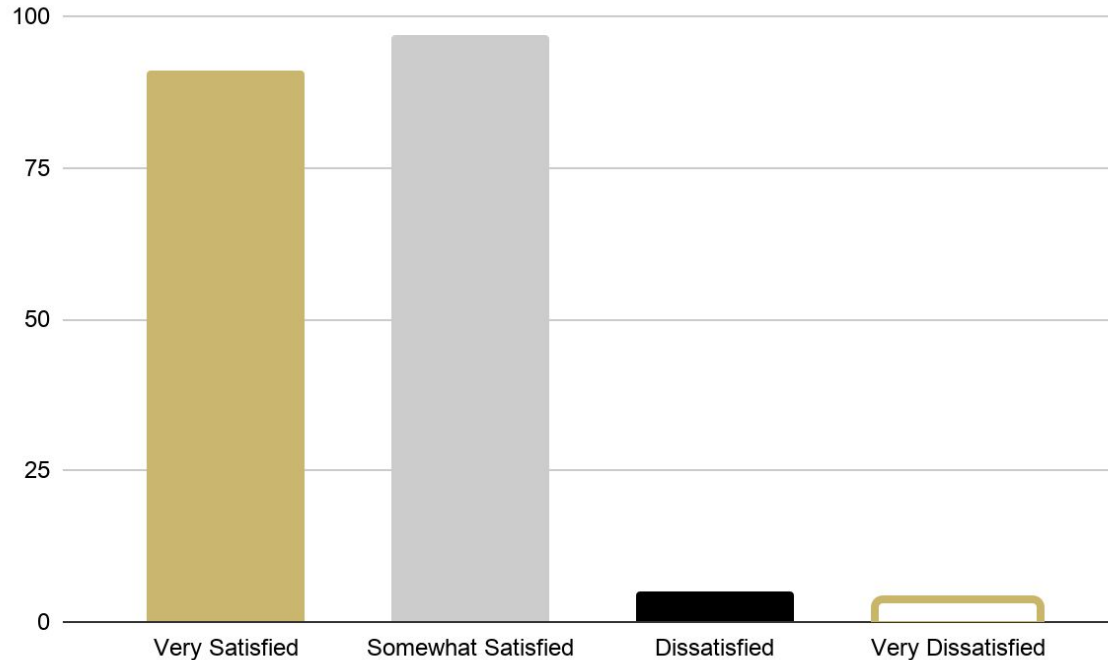
SURVEY QUESTION

Let us know more about you. **Check all that apply.**



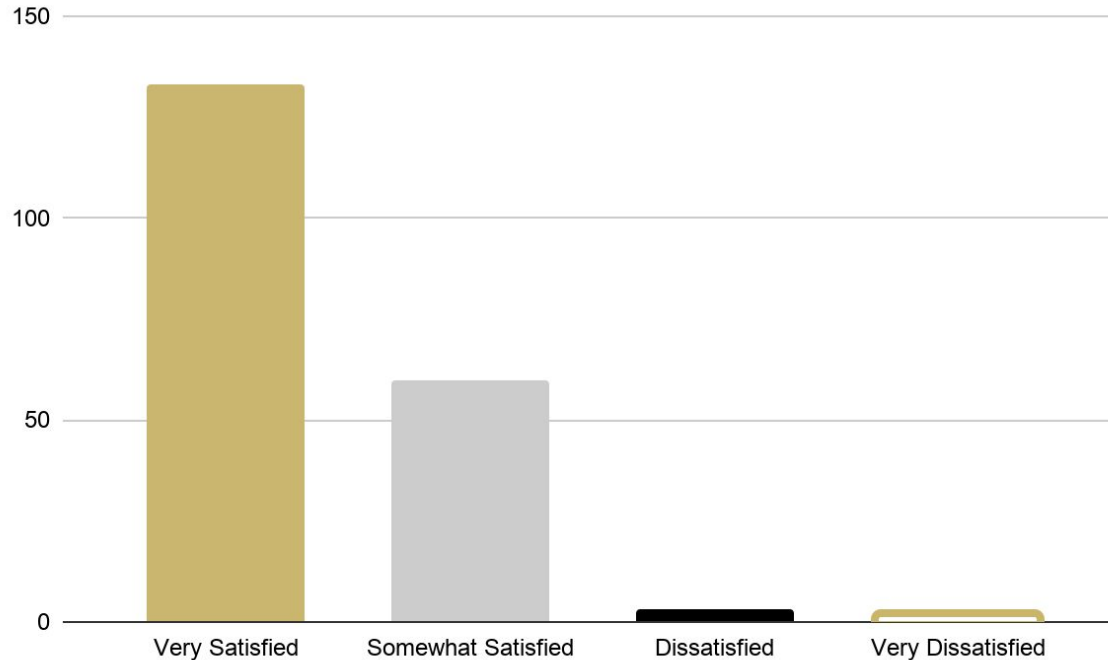
SURVEY QUESTION

How satisfied are you with the quality of education in Clyde CISD schools?



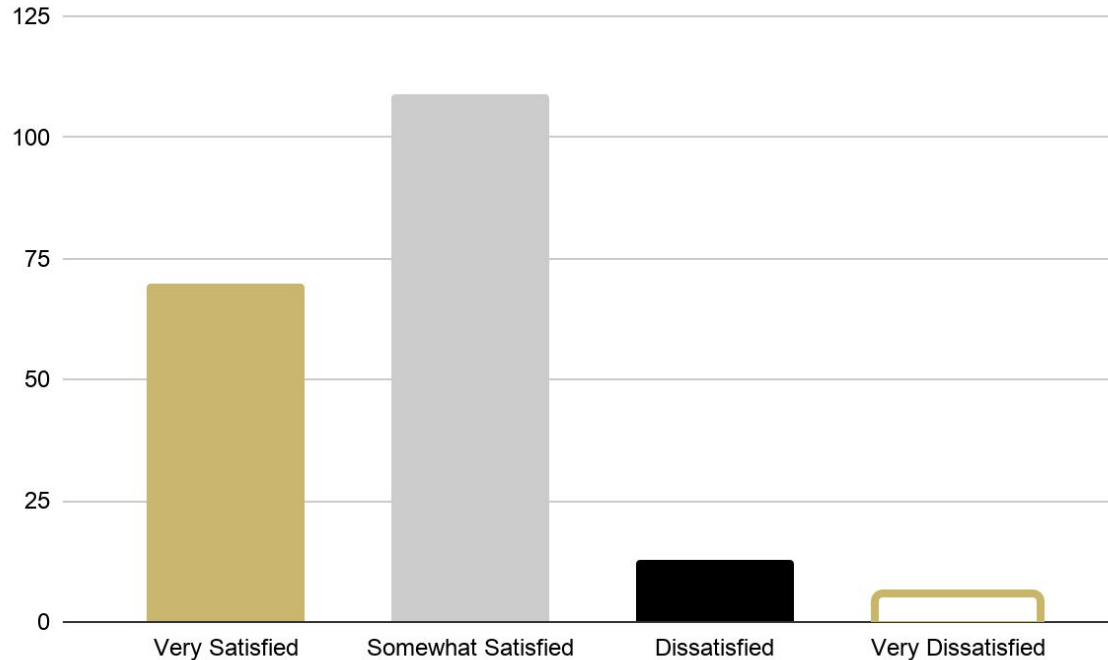
SURVEY QUESTION

How satisfied are you with the quality of safety and security in Clyde CISD?



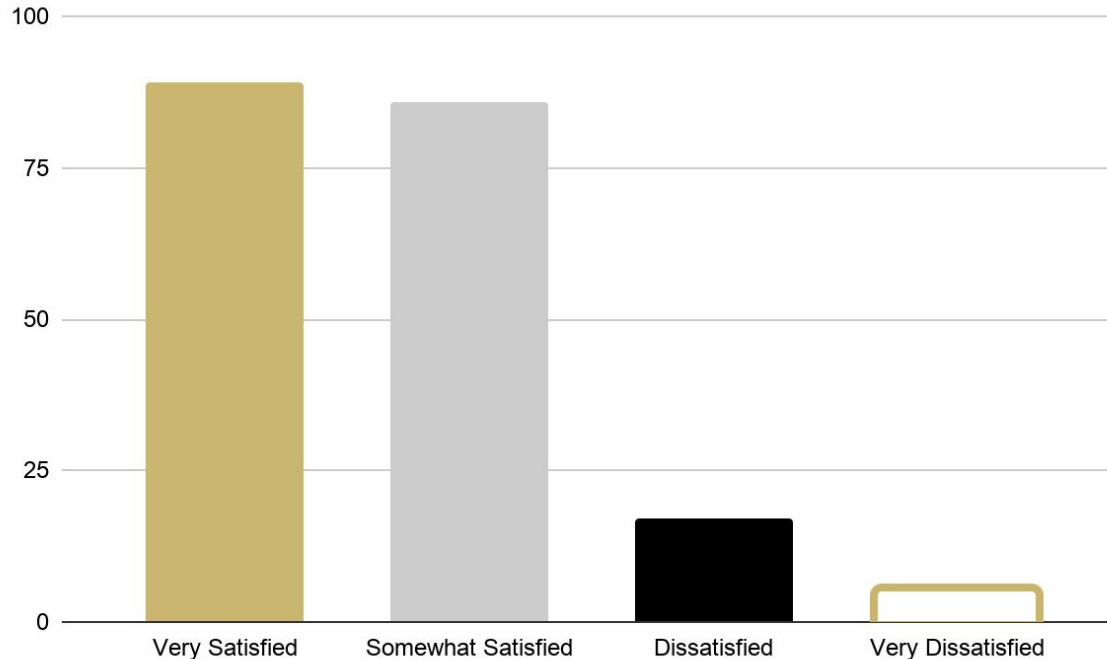
SURVEY QUESTION

How satisfied are you with the quality of Career & Tech education in Clyde CISD schools?



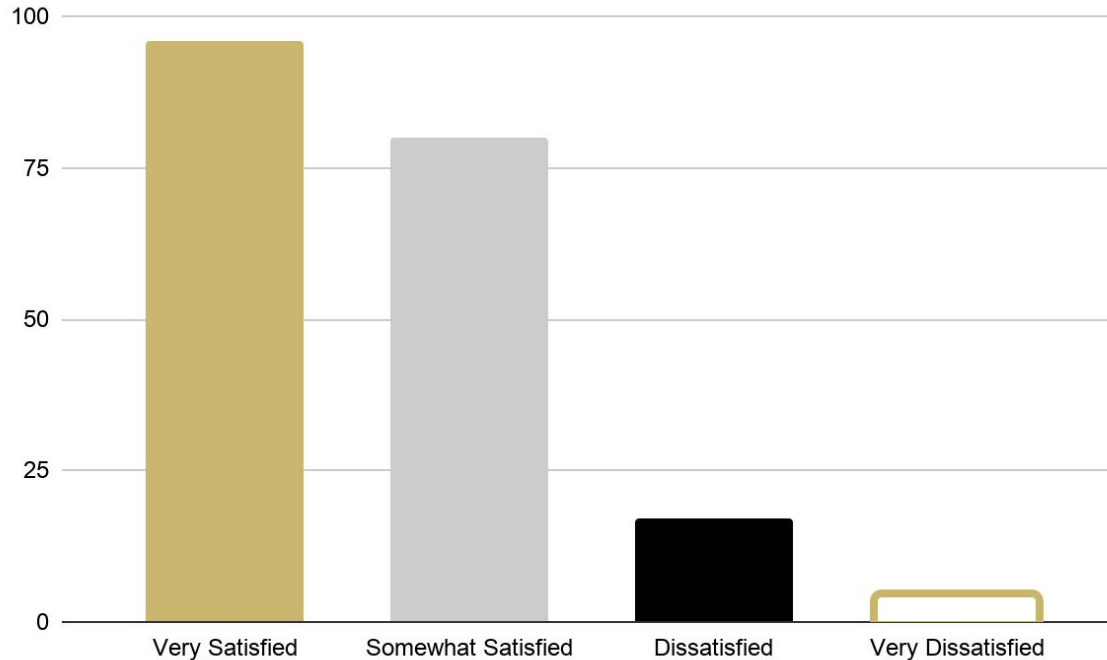
SURVEY QUESTION

How satisfied are you with the quality of fine arts (facilities, opportunities, etc.) in Clyde CISD schools?



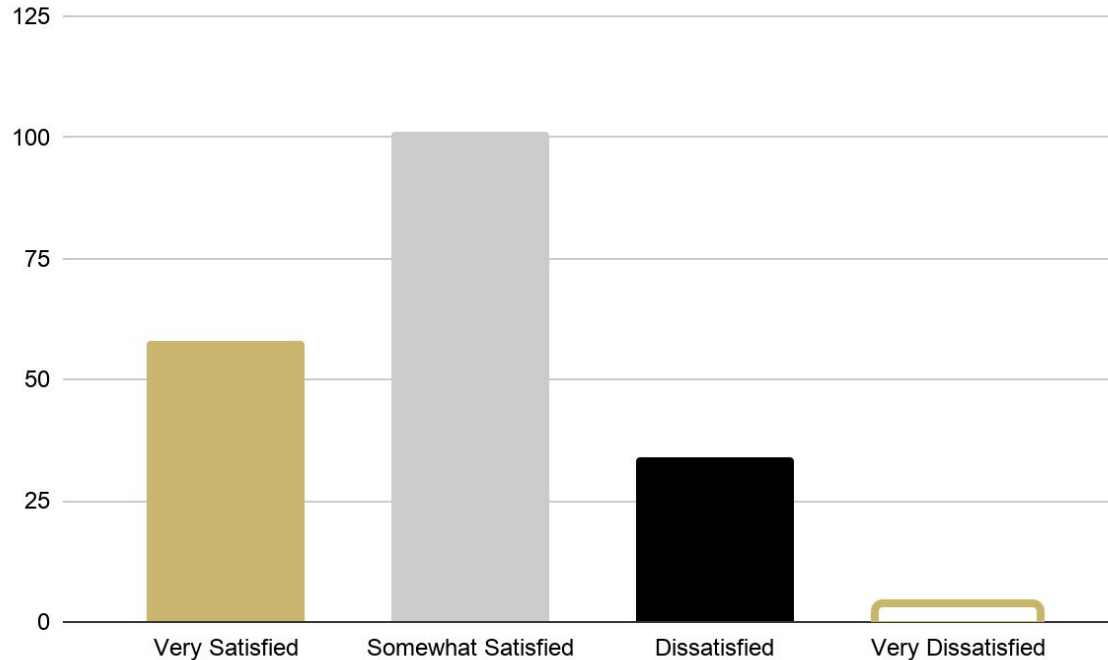
SURVEY QUESTION

How satisfied are you with the quality of athletics and support facilities in Clyde CISD schools?



SURVEY QUESTION

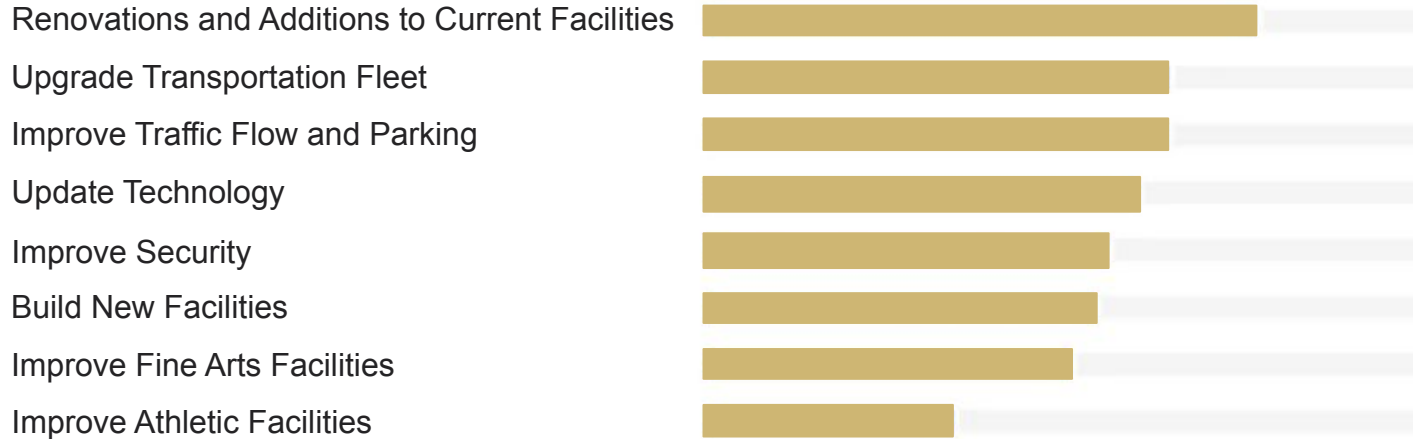
How would you evaluate the quality of Clyde CISD's buildings & support facilities?



SURVEY QUESTION

What do you feel is the greatest need at Clyde CISD?

Rank from highest to lowest priority.



SURVEY QUESTION

Is there any information you would like the Facility Planning Committee to consider?

building needs
athletic facilities
probably need
dire need
high cafeteria
junior high
Jr high
New
students
trade school
High school
facilities
school and intermediate
high facilities
needs
needs at every level
intermediate school
School is older
fine arts
need of improvements



SURVEY QUESTION



Is there any information you would like the Facility Planning Committee to consider?

CLYDE CISD FACILITIES:

ELEMENTARY

- Add PK playground sidewalk awning
- Improve playground (replace ground cover / add shade)
- Expand Head Start and PK programs

INTERMEDIATE

- Renovate or build new (x11)
- New students desks (x2)
- Improve student restrooms
- Renovate Fine Arts Room (carpet / add sink)

JR. HIGH

- Renovate or build new (x5)
- Renovate cafeteria (x3)
- Improve athletic facilities

HIGH SCHOOL

- Update HPAC sound and lighting (x2)
- Update facilities and furniture (x2)
- Improve Ag facilities
- CTE and Fine Arts facilities
- Add outdoor band storage

SURVEY QUESTION



Is there any information you would like the Facility Planning Committee to consider?

CLYDE CISD:

DISTRICT WIDE

- Upgrade and/or expansion of all buildings (x3)
- Replace/upgrade HVAC systems
- Better security at field days/awards days

OPERATIONS

- New buses (x3)
- Traffic solution at intermediate and high school (x3)
- Address student parking at high school

INSTRUCTION

- Increased Fine Arts funding and opportunities (x4)
- Improve / add CTE programs (x3)
- Add remedial/tutoring programs and Special Education staff (x2)

ATHLETICS

- Add soccer (x4)
- Indoor training facility (x4)
- Better junior high facilities (x2)
- New high school field house and weight room and remodel gym locker rooms



Demographic Study



COMMUNITY PROFILE

COMMUNITY OVERVIEW

Clyde, Texas — Small-Town Character, Regional Connections

Geography

On Interstate 20, ~9–14 miles east of Abilene. Part of the three-county Abilene MSA. District spans Callahan, Shackelford, Jones, and Taylor counties.

Economy

A classic bedroom community: ~66% of workers commute to Abilene, the region's commercial and employment hub. About 244 local businesses and 2,688 workers serve day-to-day needs close to home.

Population

~8,030 residents (2025 est.), growing slowly. 100% rural housing. 77.3% owner-occupied. Half of all homeowners carry no mortgage.

MAJOR EMPLOYERS

TDCJ Robertson & Middleton Units

~630 corrections jobs

Clyde CISD

~190 staff

Southwest Truck-Trailer

Largest by sales (\$49M)

Local retail & oil-field

244 businesses

Abilene MSA

Primary commute destination



COMMUNITY PROFILE

POPULATION DEMOGRAPHICS

Who Lives in the District

8,030

Residents (2025)

Growing slowly since 2010

38.4

Median Age

Near U.S. median of 39.1

3,250

Households

Avg. size: 2.47 persons

26.7%

With Children U18

Core school-age family base

Population Growth

Year	Population	Households
2010	7,714	2,990
2020	7,898	3,099
2025	~8,030	3,250
2030 proj.	~8,120	3,343

Community Composition

White (household pop.)	~78%
Hispanic / Latino	~23%
English-only at home (ages 5–17)	~98%
English Learners (students)	<1%
Owner-occupied housing	77.3%
Households w/ children under 18	26.7%

Note: figures shown are resident household population, excluding ~4,850 people in TDCJ group quarters (Robertson & Middleton units); the prison-inclusive 2025 topline is ~13,217.



HOUSING MARKET

STRIVE

COMMUNITY PROFILE REPORT · CLYDE CSD

6 / 15

HOUSING MARKET

Affordable, Rural, and Predominantly Owner-Occupied

\$170,725

Median Home Value (2025)

Proj. \$245,888 by 2030

77.3%

Owner-Occupied

Stable for 15+ years

\$775

Avg Monthly Mortgage

vs. \$1,105 avg rent

127

Affordability Index

U.S. average = 100

Housing Tenure

Year	Units	Owner	Renter
2010	3,431	78.9%	21.1%
2020	3,477	78.4%	21.6%
2025	3,632	77.3%	22.7%
2030 proj.	3,718	78.0%	22.0%



ENROLLMENT HISTORY

ENROLLMENT & DISTRICT PROFILE

A Small, Stable District — Enrollment History

School Year	EE	Pre-K	KG	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12	DISTRICT TOTAL	(+/-) Enrollment Change
2020-21	5	25	106	92	93	104	93	113	113	116	111	127	109	79	88	1,374	
2021-22	5	30	90	127	96	93	100	97	115	122	122	121	119	91	81	1,409	35
2022-23	5	30	95	95	118	102	102	103	101	114	111	124	116	111	90	1,417	8
2023-24	0	46	96	92	96	110	100	102	109	97	118	118	116	103	105	1,408	-9
2024-25	5	25	78	98	89	102	109	106	100	110	104	122	102	119	101	1,370	-38
2025-26	9	59	82	85	106	92	117	111	110	102	112	116	117	106	106	1,430	27

- Yellow = Largest class
- Green = Second largest class

Cohort Table	EE	Pre-K	KG	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10	Grade 11	Grade 12
2021-22		1.20	0.85	1.20	1.04	1.00	0.96	1.04	1.02	1.08	1.05	1.09	0.94	0.83	1.03
2022-23		1.00	1.06	1.06	0.93	1.06	1.10	1.03	1.04	0.99	0.91	1.02	0.96	0.93	0.99
2023-24		1.53	1.01	0.97	1.01	0.93	0.98	1.00	1.06	0.96	1.04	1.06	0.94	0.89	0.95
2024-25		0.54	0.81	1.02	0.97	1.06	0.99	1.06	0.98	1.01	1.07	1.03	0.86	1.03	0.98
2025-26		2.36	1.05	1.09	1.08	1.03	1.15	1.02	1.04	1.02	1.02	1.12	0.96	1.04	0.89
3 Yr Avg.		1.48	0.96	1.03	1.02	1.01	1.04	1.03	1.03	1.00	1.04	1.07	0.92	0.98	0.94

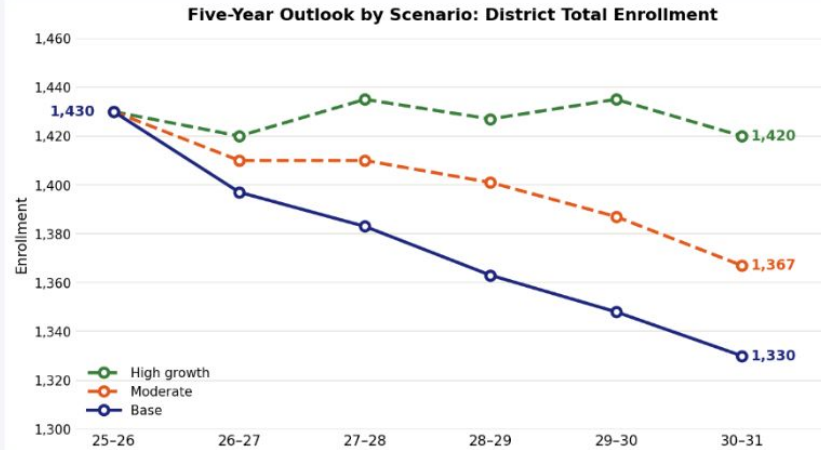
- Large class sizes moving up thru grade levels holding enrollment near 1,400
- Most grade levels seeing enrollment growth
- High School grade level declines consistent across most high schools across Texas



ENROLLMENT PROJECTION

FIVE-YEAR ENROLLMENT OUTLOOK

Mild Demographic Decline – Three Scenarios



WHAT THE SCENARIOS SHOW

All three scenarios end below today's 1,430 — the ~90-student spread by 2030–31 hinges almost entirely on data-center family migration.

Grade-Level (Base Case)

Elementary (EE-5)	661 → 550 ▼
Middle School (6-8)	324 → 318 ▼
High School (9-12)	445 → 462 ▲
District Total	1430 → 1330 ▼

Leading Indicators to Watch

- Kindergarten registration
- Spike in residents
- Transfers from neighboring districts





What did you learn tonight?

What questions do you have?

NEXT MEETING



When: Monday, September 14 @ 6:00 PM



Location: Clyde Elementary School Cafeteria



TENTATIVE AGENDA:

- SCHOOL FINANCE
- BOND CAPACITY
- DISTRICT WIDE FACILITY REVIEW
- WANTS & NEEDS EXERCISE



FACILITY PLANNING WEBSITE



[COMMITTEE](#) [RESOURCES](#) [MEETINGS](#) [CONTACT US](#)

[District Website](#)

CLYDE CISD FACILITY PLANNING COMMITTEE

PLANNING FOR THE FUTURE

[Committee Meetings](#)

www.clydecisdfpc2026.com



Intermediate School Tour



TEC §39.008: Certification of Compliance with Certain Laws Required

Section 1: School System Information

Name of School District or Charter School: Clyde CISD

County-District Number (CDN): 030902

Superintendent/CEO Name: Bryan W. Allen

Certification School Year: 2026-2027

Section 2: Description of Required Policies and Procedures

Provide a description or attach a copy of the policies and procedures required by TEC, §§11.005(c) and 28.0022(h) and describe how employees and contractors were notified of these policies and procedures.

Attached please find the following policies that have been adopted by the Board of Trustees:

1. **Board Policy BT (LEGAL):** Provides that except as explicitly required by state or federal law, the District shall not assign DEI duties to any person and must proactively prohibit independent contractors from engaging in such activities.
2. **Board Policy CJ (LEGAL) and (LOCAL):** These policies govern contracted services and provide that a District contract is subject to termination if a contractor or vendor intentionally or knowingly engages in DEI duties or assigns such duties to another individual. It further establishes the appeal process through which an affected contractor may appeal an adverse contract action.
3. **Board Policy DH (LOCAL):** Outlines employee standards of conduct, including the prohibition against engaging in or delegating to another DEI duties.
4. **Board Policy BJA (LEGAL):** Requiring the Superintendent to certify to the Commissioner of Education the District's compliance with TEC Sections 39.008, 11.005 and 28.0022.
5. **Board Policy CMD (LEGAL):** Regarding the acquisition of instructional materials.
6. **Board Policy DF (LEGAL):** Providing for the appropriate discipline, including termination, of a District employee or contractor who intentionally or knowingly engages in or assigns to another person prohibited diversity, equity, and inclusion duties.
7. **Board Policy DG (LEGAL):** Providing that a teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs.
8. **Board Policy BJCF (LOCAL):** Providing violation of the District's prohibition against engaging in or delegating to another DEI duties is a ground for Superintendent contract nonrenewal.

9. Board Policy EMB (LEGAL): Addressing the teaching of controversial topics, and prohibiting instruction, guidance, activities, or programming regarding sexual orientation and gender identity to students. All District employees, contractors, vendors and service providers have been provided written notice of the changes to these policies by letter dated August 10, 2026. A copy of the letter provided to all District contractors, vendors, service providers and employees is attached.

Section 3: Policy or Program Changes

Were any existing policies, programs, procedures, or trainings altered to ensure compliance with TEC, §§39.008, 11.005, and 28.0022? ☒ Yes ☐ No

If yes, describe or attach a copy of the changes below.

All of the attached policies were altered to conform to the requirements of S.B. 12 by prohibiting District employees, contractors, vendors, and service providers from performing, carrying out, or assigning certain responsibilities or job duties that involve the consideration of race, sex, color, or ethnicity in District operations and decision-making; by prohibiting teachers from inculcating certain prohibited themes in course materials; by prohibiting the requirement that teachers address controversial topics; by providing penalties for violation of these policy mandates; and by providing access to due process for employees or contracts that are terminated for violation of these policies.

Section 4: Cost Savings

Were there any cost savings resulting from actions taken to comply with TEC, §39.008? ☐ Yes ☒ No

Total cost savings: \$ **0.00**

If yes, describe or attach a copy of the cost savings.

N/A

Section 5: Board Approval

Date of Board/Governing Body Meeting: **September 21, 2026**

Meeting notice was posted on LEA website at least seven days in advance: ☒ Yes ☐ No

Public testimony opportunity provided during meeting: ☒ Yes ☐ No

Certification approved by majority vote: ☒ Yes ☐ No

Section 6: Certification Statement

By signing below, the undersigned certifies that the information contained in this document is true and correct and that the district or charter school is in compliance with the requirements of Texas Education Code §§39.008, 11.005(c), and 28.0022(h).

Superintendent/CEO Signature: _____

Date: _____

SWORN TO AND SUBSCRIBED before me on this _____ day of _____, 20____.

Notary Public, State of Texas



CLYDE CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

526 Shalimar Drive • Clyde, Texas 79510 • 325-893-4222 • FAX: 325-893-4024 • www.clydeisd.org

Bryan W. Allen, Superintendent

**Empowering Leaders.
Committed to Success.**

NOTICE TO EMPLOYEES, CONTRACTORS, VENDORS, and SERVICE PROVIDERS

DATE: August 10, 2026
TO: All Clyde CISD Employees
FROM: Office of the Superintendent
SUBJECT: **Prohibitions against Discrimination and Diversity, Equity, and Inclusion (DEI) Activities**

This memorandum serves as notice to all employees, contractors, vendors and service providers of the District of important changes in state law and District policy prohibiting the consideration of race, sex, color or ethnicity in connection with District operations and decision-making. **All District employees, vendors, service providers and contractors are required to review this memorandum in its entirety**, disseminate its contents to all personnel assigned to District accounts, and maintain operations in strict conformity with District policy. Execution of services under any current or future District agreement serves as an acknowledgment of, and consent to, these contractual conditions.

I. Discrimination Prohibited

The District prohibits discrimination on the basis of race, color, national origin, religion, sex or disability. Additionally, Texas Education Code Section 11.005 and District policy prohibit District employees, contractors, vendors, and service providers from performing, carrying out, or assigning certain responsibilities or job duties at, for, or on behalf of the District. This notice clarifies District policy prohibiting the consideration of race, sex, color, or ethnicity in District operations and decision-making.

Consistent with Texas Education Code § 11.005, the District prohibits certain activities related to Diversity, Equity and Inclusion (DEI) initiatives. The District's policies may be accessed online at: <https://pol.tasb.org/PolicyOnline?key=250>. Employees, contractors, vendors and service providers are charged with complying with all District policies while providing services to the District.

II. Diversity, Equity and Inclusion Duties Defined

Diversity, equity, and inclusion ("DEI") duties prohibited by District policy are any action, role, or practice that involves the following:



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1. **Influencing Employment Practices:** Any effort designed to influence hiring, recruitment, promotion, or general employment practices with respect to race, sex, color or ethnicity, unless strictly necessary to maintain compliance with established state or federal antidiscrimination statutes.
2. **Promoting Differential Treatment:** Proactively promoting differential treatment of individuals, or providing special or exclusive benefits to individuals, solely on the basis of race, color, or ethnicity.
3. **Developing Protected-Class Programming:** Developing, implementing, structuring, or delivering policies, operating procedures, professional trainings, educational activities, or instructional programs that reference race, color, ethnicity, gender identity, or sexual orientation. Exceptions exist for student recruitment collaborations involving historically black colleges and universities, or as otherwise mandated by state or federal law.
4. **Compelling DEI Statements:** Compelling, requiring, inducing, or soliciting any prospective or current employee, contractor, service provider or vendor to submit a diversity, equity, and inclusion statement, or granting preferential consideration or advantage to any individual based on the provision or substance of such a statement.

III. District Policies

The following District policies are of particular importance in regulating the District's prohibition against DEI duties:

1. **Board Policy BT (LEGAL):** Provides that except as explicitly required by state or federal law, the District shall not assign DEI duties to any person and must proactively prohibit independent contractors from engaging in such activities.
2. **Board Policy CJ (LEGAL) and CJ (LOCAL):** These policies govern contracted services and provide that a District contract is subject to termination if a contractor or vendor intentionally or knowingly engages in DEI duties or assigns such duties to another individual. It further establishes the appeal process through which an affected contractor may appeal an adverse contract action.
3. **Board Policy DH (LOCAL):** Outlines employee standards of conduct, including the prohibition against engaging in or delegating to another DEI duties.
4. **Board Policy BJA (LEGAL):** Requiring the Superintendent to certify to the Commissioner of Education the District's compliance with TEC Sections 39.008, 11.005 and 28.0022.
5. **Board Policy CMD (LEGAL):** Regarding the acquisition of instructional materials.



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6. **Board Policy DF (LEGAL):** Providing for the appropriate discipline, including termination, of a District employee or contractor who intentionally or knowingly engages in or assigns to another person prohibited diversity, equity, and inclusion duties.
7. **Board Policy DG (LEGAL):** Providing that a teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs.
8. **Board Policy BJCF (LOCAL):** Providing violation of the District's prohibition against engaging in or delegating to another DEI duties is a ground for Superintendent contract nonrenewal.
9. **Board Policy EMB (LEGAL):** Addressing the teaching of controversial topics, and prohibiting instruction, guidance, activities, or programming regarding sexual orientation and gender identity to students.

IV. Consequences for Violation of Policies

Employees and District contractors are on notice that violation of these District policies may result in disciplinary action, up to and including termination of employees, or termination of third-party contracts with vendors and service providers:

- **Mandatory Termination of Contracts:** **Policy CJ (LOCAL)** provides that any intentional or knowing violation of these prohibitions constitutes a material breach of contract. If the District determines through administrative review or inquiry that a contractor has intentionally or knowingly engaged in DEI duties, assigned DEI duties to another individual, or conducted prohibited instruction or guidance, the violation shall result in the termination of the contract. Penalties for violating the District's policies apply to all contractors, vendors and service providers, regardless of whether the prohibited act was committed by an executive officer, a staff employee, or a third-party agent acting on behalf of the contracting entity.
- **Employee Discipline:** Employees who violate the District's policies and standards of professional conduct may be subject to discipline, up to and including possible termination of employment.

V. Certain Practices Exempted

Policy BT (LEGAL) explicitly clarifies that these prohibitions do not apply to, restrict, or modify several core educational and commercial functions. Contractors and employees may safely engage in the following activities without violating the District's anti-discrimination policies:

1. **Historically Underutilized Businesses (HUBs):** The policy does not limit or prohibit the District from actively contracting with historically underutilized businesses in accordance with applicable Texas procurement statutes.



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2. **Commemorative and Holiday Instruction:** Contractors may acknowledge, reference, or teach the historic significance of state and federal holidays, or celebrate federally designated commemorative months, provided the curriculum aligns with the Texas Essential Knowledge and Skills (TEKS) frameworks.
3. **Constitutional Protections:** Nothing in these guidelines shall be construed to infringe upon or affect a student's core constitutional rights under the First Amendment to the United States Constitution or Article I, Section 8, of the Texas Constitution.
4. **Academic Achievement and Data Reporting:** Data collection, standard monitoring, or state reporting are not impacted by the District's policies. Practices, procedures, or programs designed to eliminate unlawful discriminatory patterns, address academic achievement gaps, or enhance postgraduate student success are not impacted by these policies. These programs are structured and implemented entirely without regard to race, sex, color, or ethnicity.

Thank you for your attention to these important policy changes. Anyone wishing to receive a printed copy of any or all of the policies referenced in this memorandum may access the policies from the District's online policy manual <https://pol.tasb.org/PolicyOnline?key=250> or by contacting Kasey Adkins at (325) 893-4222 or kadkins@clydeisd.org.

Respectfully,

Bryan W. Allen
Superintendent
Clyde CISD

PROHIBITION ON DIVERSITY, EQUITY, AND INCLUSION ACTIVITIES

BT
(LEGAL)

Definitions

“Diversity, equity, and inclusion duties” means:

1. Influencing hiring or employment practices with respect to race, sex, color, or ethnicity except as necessary to comply with state or federal antidiscrimination laws;
2. Promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
3. Developing or implementing policies, procedures, trainings, activities, or programs that reference race, color, ethnicity, gender identity, or sexual orientation, except for the purpose of student recruitment efforts by colleges and universities designated as historically black colleges and universities in collaboration with school districts, or as necessary to comply with state or federal law;
4. Compelling, requiring, inducing, or soliciting any person to provide a diversity, equity, and inclusion statement or giving preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

Education Code 11.005(a)

Prohibited Activities

Except as required by state or federal law, a district may not assign diversity, equity, and inclusion duties to any person and must prohibit a district employee, contractor, or volunteer from engaging in diversity, equity, and inclusion duties at, for, or on behalf of the district.

Discipline Policy

The district shall adopt a policy and procedure for the appropriate discipline, including termination, of a district employee or contractor who intentionally or knowingly engages in or assigns to another person diversity, equity, and inclusion duties. The policy and procedure adopted by the district must ensure that an employee or contractor receives adequate due process and an opportunity to appeal disciplinary actions, including termination, in the same manner provided for other disciplinary actions.

Notice

The district shall provide a physical and electronic copy of the policy and procedure to each district employee or contractor.

Education Code 11.005(b)-(d)

Activities Not Prohibited

Nothing in this policy may be construed to:

1. Limit or prohibit a district from contracting with historically underutilized businesses or businesses owned by members of a minority group or by women in accordance with applicable state law;

PROHIBITION ON DIVERSITY, EQUITY, AND INCLUSION ACTIVITIES

BT
(LEGAL)

2. Limit or prohibit a district from acknowledging or teaching the significance of state and federal holidays or commemorative months and how those holidays or months fit into the themes of history and the stories of this state and the United States of America in accordance with the TEKS adopted under Education Code, Subchapter A, Chapter 28;
3. Affect a student's rights under the First Amendment to the U.S. Constitution or Section 8, Article I, Texas Constitution;
4. Limit or prohibit a school district from analyzing school-based causes and taking steps to eliminate unlawful discriminatory practices as necessary to address achievement gaps and differentials described by Education Code 39.053; or
5. Apply to:
 - a. Classroom instruction that is consistent with the TEKS adopted by the State Board of Education;
 - b. The collection, monitoring, or reporting of data;
 - c. A policy, practice, procedure, program, or activity intended to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity; or
 - d. A student club that is in compliance with the requirements of Education Code 33.0815.

Education Code 11.005(e)

**Certification
Required**

Not later than September 30 of each year, the superintendent of a school district shall certify to the Texas Education Agency (TEA) that the district is in compliance with Education Code 11.005 (prohibition on diversity, equity, and inclusion duties) and the instructional requirements and prohibitions under Education Code 28.0022 [see EMB]. The certification shall be submitted electronically. TEA shall post each certification received under Education Code 39.008(a) on TEA's website.

Requirements

The certification must include:

1. A description of the policies and procedures required by Education Code 11.005(c) and 28.0022(h) and the manner in which district employees and contractors were notified of those policies and procedures;
2. Any existing policies, programs, procedures, or trainings that were altered to ensure compliance with Education Code 39.008, 11.005, or 28.0022; and

PROHIBITION ON DIVERSITY, EQUITY, AND INCLUSION ACTIVITIES

BT
(LEGAL)

3. Any cost savings resulting from actions taken by the school district to comply with this section.

Board Approval

The certification required by Education Code 39.008(a) must be approved by a majority vote of the board at a public meeting that includes an opportunity for public testimony and for which notice was posted on the district's website at least seven days before the date on which the meeting is held.

Education Code 39.008

CONTRACTED SERVICES

CJ
(LEGAL)

**Employment
Assistance
Prohibited**

A district that receives Title I funds shall have regulations or policies that prohibit any individual who is a school employee, contractor, or agent, or a district, from assisting a school contractor or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or district knows, or has probable cause to believe, that such contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

This requirement shall not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and has been properly reported to any other authorities as required by federal, state, or local law, including Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the implementing regulations under Part 106 of Title 34, Code of Federal Regulations, or any succeeding regulations; and:

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law;
2. The contractor or agent has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or
3. The case or investigation remains open and there have been no charges filed against, or indictment of, the contractor or agent within four years of the date on which the information was reported to a law enforcement agency.

20 U.S.C. 7926 [See also DC]

Severance Pay

A district that enters into a contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement, that contains a provision for severance pay with an independent contractor must include:

1. A requirement that severance pay that is paid from public money may not exceed the amount of compensation, at the rate at the termination of the contract, the independent contractor would have been paid for 20 weeks, excluding paid time off or accrued vacation leave; and
2. A prohibition of the provision of severance pay when the independent contractor is terminated for misconduct.

CONTRACTED SERVICES

CJ
(LEGAL)

A district shall post each severance agreement in a prominent place on its internet website.

“Misconduct” means an act or omission by a contractor in the performance of the contractor’s duties that the board determines to be misconduct, including any finding of criminal conduct.

“Severance pay” means dismissal or separation income paid on termination of the contract of an independent contractor that is in addition to the contractor’s usual compensation as prescribed by the contract.

[For provisions related to severance agreements for district employees, see DEA.]

Local Gov’t Code 180.011

**Prohibition on
Diversity, Equity,
and Inclusion**

A district shall adopt a policy and procedure for the appropriate discipline, including termination, of a district contractor who intentionally or knowingly engages in or assigns to another person diversity, equity, and inclusion duties. The district shall provide a physical and electronic copy of the policy and procedure to each district contractor.

The policy and procedure adopted by a district must ensure that a contractor receives adequate due process and an opportunity to appeal disciplinary actions, including termination, in the same manner provided for other disciplinary actions. [See BT]

Education Code 11.005(c)-(d) [See also DF]

**Prohibited
Classroom
Instruction**

A district shall adopt a policy and procedure for the appropriate discipline, including termination, of a district or school contractor who intentionally or knowingly engages in or assigns to another person an act prohibited by Education Code 28.0022 (Certain Instructional Requirements and Prohibitions). The district shall provide a physical and electronic copy of the policy and procedure to each district or school contractor. *Education Code 28.0022(h)* [See also DF, EMD]

**Sexual Orientation
and Gender Identity**

A district or district employee may not allow a third party to provide instruction, guidance, activities, or programming regarding sexual orientation and gender identity to students enrolled in prekindergarten through 12th grade.

This provision may not be construed to:

1. Limit a student’s ability to engage in speech or expressive conduct protected by the First Amendment, U.S. Constitution or by Section 8, Article I, Texas Constitution, that does not result in material disruption to school activities;

CONTRACTED SERVICES

CJ
(LEGAL)

2. Limit the ability of a person who is authorized by the district to provide physical or mental health-related services to provide the services to a student, subject to any required parental consent; or
3. Prohibit an organization whose membership is restricted to one sex and whose mission does not advance a political or social agenda from meeting on a district campus.

Education Code 28.0043 [See also EMB]

CONTRACTED SERVICES

CJ
(LOCAL)

**Employment
Assistance
Prohibited**

No District employee shall assist a contractor or agent of the District or of any other school district in obtaining a new job if the employee knows, or has probable cause to believe, that the contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative file does not violate this prohibition.

No District contractor or agent shall assist an employee, contractor, or agent of the District or of any other school district in obtaining a new job if the contractor or agent knows, or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative or personnel file does not violate this prohibition.

[See also DC for prohibitions relating to employees.]

**Prohibited
Classroom
Instruction or
Activities**

A District contractor is prohibited from intentionally or knowingly engaging in or assigning to another individual instruction, guidance, activities, or programming prohibited by law [see EMB(LEGAL)]. Violation of this policy shall result in termination of the contract. A District contractor shall be permitted to appeal this action in accordance with GF(LOCAL).

**Prohibition on
Diversity, Equity,
and Inclusion**

A contract is subject to termination if the District contractor intentionally or knowingly:

- Engages in diversity, equity, and inclusion (DEI) duties.
- Assigns to another individual DEI duties.

A District contractor shall be permitted to appeal this action in accordance with GF(LOCAL).

[See BT(LEGAL)]

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DHA(LEGAL)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

**Violations of
Standards of
Conduct**

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines, including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation, may result in disciplinary action, including termination of employment. [See DCD, DCE, and DF series]

Weapons Prohibited

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

Exceptions

No violation of this policy occurs when:

1. Use or possession of a firearm by a specific employee is authorized by Board action [see the CKE series];
2. A District employee who holds a handgun license in accordance with state law stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or
3. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

**Electronic
Communication**

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;
3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent.

In accordance with ethical standards applicable to all District employees [see DHA(LEGAL)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication. [See CPC]

Personal Use	All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.
Reporting Improper Communication	In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.
Disclosing Personal Information	An employee shall not be required to disclose his or her personal email address or personal phone number to a student.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

Prohibited Classroom Instruction or Activities	An employee is prohibited from intentionally or knowingly engaging in or assigning to another individual instruction, guidance, activities, or programming prohibited by law [see EMB].
Prohibited Diversity, Equity, and Inclusion Duties	An employee shall be subject to disciplinary action, including termination of employment, if the employee, intentionally or knowingly: • Engages in diversity, equity, and inclusion (DEI) duties. • Assigns to another individual DEI duties. [See BT(LEGAL)]
Social Transitioning	An employee shall be prohibited from assisting a District student with social transitioning, as the term is defined in law. This prohibition includes providing any information to a District student about social transitioning or guidelines intended to assist a District student with social transitioning.
Safety Requirements	Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.
Harassment or Abuse	An employee shall not engage in prohibited harassment, including sexual harassment, of: 1. Other employees. [See DIA] 2. Students. [See FFH; see FFG regarding child abuse and neglect.] While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents. An employee shall report child abuse or neglect as required by law. [See FFG]
Relationships with Students	An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. As required by law, the District shall notify the parent of a student with whom a District employee or person acting as a service provider for the District is alleged to have engaged in certain misconduct. [See FFF for parent notification requirements and DHB and DHC for reporting requirements.]

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

**Tobacco and
Nicotine Products
and E-Cigarettes**

An employee is prohibited from possessing or using any type of tobacco product, e-cigarette, or any other electronic vaporizing device while on school property, in a District vehicle, or while attending an off-campus school-related activity. An employee is also prohibited from possessing or using any type of nicotine product, including nicotine pouches, regardless of whether the product contains tobacco, while on District property, in a District vehicle, or while attending an off-campus school-related activity.

An employee's supervisor is authorized to approve an exception to this policy for a smoking cessation product.

**Alcohol and Drugs /
Notice of Drug-Free
Workplace**

As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on District property or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.

Sanctions

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

1. Referral to drug and alcohol counseling or rehabilitation programs;
2. Referral to employee assistance programs;
3. Termination from employment with the District; and
4. Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

**Arrests, Indictments,
Convictions, and
Other Adjudications**

An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:
 - Dishonesty; fraud; deceit; theft; misrepresentation;
 - Deliberate violence;
 - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
 - Felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
 - Felony driving while intoxicated (DWI); or
 - Acts constituting abuse or neglect under the Texas Family Code.

EMPLOYEE STANDARDS OF CONDUCT

DH
(LOCAL)

Dress and Grooming An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

SUPERINTENDENT
QUALIFICATIONS AND DUTIES

BJA
(LEGAL)

Qualifications

A person may not be employed as a superintendent unless the person holds an appropriate certificate or permit.

The commissioner may waive the requirement for certification of a superintendent if requested by a district as provided by Education Code 7.056 [see BF]. The commissioner may limit the waiver of certification in any manner the commissioner determines is appropriate.

A person who is not certified as a superintendent may not be employed by a district as the superintendent before the person has received a waiver of certification from the commissioner. A person may be designated to act as a temporary or interim superintendent for a district, but the district may not employ the person under a contract as superintendent unless the person has been certified or a waiver has been granted.

Education Code 21.003

Duties

A superintendent is the educational leader and chief executive officer of a district. *Education Code 11.201(a)*

The duties of a superintendent include:

1. Assuming administrative responsibility and leadership for the planning, organization, operation, supervision, and evaluation of the education programs, services, and facilities of a district and for the annual performance appraisal of the district's staff.
2. Except as provided by Education Code 11.202 (duties of principal) [see DK and DPA], assuming administrative authority and responsibility for the assignment, supervision, and evaluation of all personnel of a district other than the superintendent.
3. Overseeing compliance with the standards for school facilities. [See CS]
4. Initiating the termination or suspension of an employee or the nonrenewal of an employee's term contract. [See DF series]
5. Managing the day-to-day operations of a district as its administrative manager, including implementing and monitoring plans, procedures, programs, and systems to achieve clearly defined and desired results in major areas of district operations.
6. Preparing and submitting to a board a proposed budget and administering the budget.

SUPERINTENDENT
QUALIFICATIONS AND DUTIES

BJA
(LEGAL)

7. Preparing recommendations for policies to be adopted by a board and overseeing the implementation of adopted policies.
8. Developing or causing to be developed appropriate administrative regulations to implement policies established by a board.
9. Providing leadership for the attainment and, if necessary, improvement of student performance in a district based on the state's student achievement and quality of learning indicators and other indicators as may be adopted by the commissioner or the board. [See AIA]
10. Organizing a district's central administration.
11. Consulting with the district-level committee. [See BQA]
12. Ensuring:
 - a. Adoption of a Student Code of Conduct [see FO] and enforcement of that Code of Conduct; and
 - b. Adoption and enforcement of other student disciplinary rules and procedures as necessary.
13. Submitting reports as required by state or federal law, rule, or regulation, and ensuring that a copy of any report required by federal law, rule, or regulation is also delivered to the Texas Education Agency (TEA).
14. Providing joint leadership with a board to ensure that the responsibilities of the board and superintendent team are carried out; and
15. Performing any other duties assigned by action of a board.

Education Code 11.201(d)

In addition, a superintendent shall, on a day-to-day basis, ensure the implementation of the policies created by the board. *Education Code 11.1512(a)*

**Collaboration with
the Board**

A board and a superintendent shall work together to:

1. Advocate for the high achievement of all district students;
2. Create and support connections with community organizations to provide community-wide support for the high achievement of all district students;
3. Provide educational leadership for a district, including leadership in developing the district vision statement and long-range educational plan [see AE];

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4. Establish district-wide policies and annual goals that are tied directly to the district's vision statement and long-range educational plan;
5. Support the professional development of principals, teachers, and other staff; and
6. Periodically evaluate board and superintendent leadership, governance, and teamwork.

Education Code 11.1512(b)

**Prohibited
Interference**

A superintendent may not interfere with an appearance or testimony of specified district personnel required by the board. *Education Code 11.1511(d)* [See BAA]

**Certification of
Compliance With
Certain Laws**

Do Not Hire
Registry

Each year, the superintendent shall certify to the commissioner that the district has complied with the requirements of Education Code 22A.151 (registry of persons not eligible for employment in or provision of services to educational entities). *Education Code 22A.151(g)*

Diversity, Equity,
and Inclusion and
Instructional
Prohibitions

Not later than September 30 each year, the superintendent shall certify to TEA that the district is in compliance with Education Code 39.008, 11.005, and 28.0022. *Education Code 39.008(a)* [See BT(LEGAL) for provisions related to certification requirements.]

**Testimony Before
SBOE**

If the commissioner finds against a school district under Education Code 7.057 in at least five grievances to which that section applies involving the district during the school year, the superintendent must appear before the SBOE to testify regarding the commissioner's findings and the frequency of grievances against the district. *Education Code 26A.004*

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Note: For provisions regarding selection and adoption of instructional materials, see EFA.

**Instructional
Materials and
Technology
Furnished Without
Cost to Students**

Instructional materials selected for use in the public schools shall be furnished without cost to the students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment. *Education Code 31.001*

Each instructional material, including electronic instructional material only to the extent of any applicable licensing agreement, purchased as provided by Education Code Chapter 31 for a district is the property of the district. *Education Code 31.102(a)-(b)*

**Instructional
Materials and
Technology
Allotment**

A district is entitled to an allotment each biennium from the state instructional materials and technology fund for each student enrolled in the district on a date during the last year of the preceding biennium specified by the commissioner of education. The commissioner shall determine the amount of the allotment per student each biennium on the basis of the amount of money available in the state instructional materials and technology fund to fund the allotment. The allotment shall be transferred from the state instructional materials and technology fund to the credit of the district's instructional materials and technology account as provided by Education Code 31.0212. *Education Code 31.0211(a)*

The commissioner shall, as early as practicable during each biennium, notify each district of the estimated amount to which the district will be entitled during the next fiscal biennium. *Education Code 31.0215(a)*

The commissioner shall determine the amount of the Instructional Materials and Technology Allotment for a district based on PEIMS student enrollment data from the fall snapshot collection of the school year preceding the first year of each biennium.

The amount of the allotment determined by the commissioner is final and may not be appealed.

19 TAC 67.1001(a), (d)

**Allotment
Adjustment

Change in
Enrollment**

Not later than May 31 of each school year, a district may request that the commissioner adjust the number of students for which the district is entitled to receive an allotment on the grounds that the number of students attending school in the district will increase or decrease during the school year for which the allotment is provided. The commissioner may also adjust the number of students

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for which a district is entitled to receive an allotment, without a request by the district, if the commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the district. The commissioner's determination is final. *Education Code 31.0211(e)*

*High Enrollment
Growth*

Each year the commissioner shall adjust the instructional materials and technology allotment of districts experiencing high enrollment growth. *Education Code 31.0214(a)*

Permitted
Expenditures

The allotment funds may be used to purchase or pay for:

1. Instructional materials, regardless of whether the instructional materials are on the list of approved instructional materials maintained by the State Board of Education (SBOE) under Education Code 31.022;
2. Consumable instructional materials;
3. Instructional materials for use in bilingual education classes, as provided by Education Code 31.029;
4. Instructional materials for use in college preparatory courses under Education Code 28.014, as provided by Education Code 31.031;
5. Supplemental instructional materials;
6. OER instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;
7. Instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;
8. Technological equipment necessary to support the use of any instructional materials purchased with an allotment under this provision;
9. Inventory software or systems for storing, managing, and accessing instructional materials and analyzing the usage and effectiveness of instructional materials;
10. Services, equipment, and technology infrastructure necessary to ensure internet connectivity and adequate bandwidth;
11. Training educational personnel directly involved in student learning in the appropriate use of instructional materials and for providing for access to technological equipment for instructional use;

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12. Training personnel in the electronic administration of assessment instruments;
13. The salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning;
14. Costs associated with distance learning, including services, equipment, and technology such as Wi-Fi, internet access hotspots, wireless network service, broadband service, and other services and technological equipment necessary to facilitate internet access;
15. Costs associated with providing parental access to the district's library materials catalog and the ability to submit a list of library materials that the parent's child is not allowed to access as required by Education Code 33.023. [See EFB]
16. Formats of instructional materials that are fully accessible to students with disabilities;
17. Activities related to the local review and adoption of instructional materials;
18. Software for analyzing the use and effectiveness of instructional materials;
19. Software for analyzing the appropriateness of instructional materials necessary for the teaching of, instruction in, or demonstration of knowledge of the essential knowledge and skills adopted under Education Code 28.002; and
20. Costs associated with complying with Education Code 33.023, relating to parental access to library catalog and access by the parent's child to certain library materials.

Education Code 31.0211(c), 33.023(d); 19 TAC 67.1001(e)

Prohibited
Expenditures

The allotment funds may not be used to purchase instructional material that:

1. Contains obscene or harmful content or would otherwise cause the district to which the funds were allotted to be unable to submit the certification required under Education Code 31.1011(a)(1)(B) [see Certification of Instructional Materials, below]; or
2. Is on the list of rejected instructional materials maintained by the SBOE.

Education Code 31.0211(f)

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Allotment funds may not be used to pay for:

1. Services for installation;
2. The physical conduit that transmits data, such as cabling and wiring, or electricity;
3. Office and school supplies;
4. Items that are not directly related to student instruction, such as furniture, athletic equipment, extension cords, temporary contractors, or video surveillance equipment;
5. Travel expenses;
6. Equipment used for moving or storing instructional materials;
7. Instructional material that contains obscene or harmful content or would otherwise cause the district to be unable to submit the certification required under Education Code 31.11011(a)(1)(B); or
8. Instructional material that incorporates three-cueing in the phonics curriculum required under Education Code, Chapter 28.

19 TAC 67.1001(f)

A district may not adopt or otherwise use instructional material included on the list of rejected instructional materials maintained by the SBOE. *Education Code 31.024*

Technological
Equipment

In purchasing technological equipment, a district shall:

1. Secure technological solutions that meet the varying and unique needs of students and teachers in the district; and
2. Consider both the long-term cost of ownership of the technological equipment and flexibility for innovation.

Education Code 31.0211(d)

**Instructional
Materials and
Technology Account**

The commissioner shall maintain an instructional materials and technology account for each district. In the first year of each biennium, the commissioner shall deposit the district's allotment in the account. The commissioner shall pay the cost of instructional materials requisitioned by a district under Education Code 31.103 using funds from the district's instructional materials and technology account.

Money deposited in a district's instructional materials and technology account during each state fiscal biennium remains in the account and available for use by the district for the entire biennium.

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At the end of each biennium, a district with unused money in the district's account may carry forward any remaining balance to the next biennium.

A district shall provide to TEA the title and publication information for any instructional materials requisitioned or purchased by the district with the district's instructional materials and technology allotment.

Education Code 31.0212(a)-(d)

Availability of
Allotment Funds

The allotment for each biennium will be made available for district use through EMAT as early as possible in the fiscal year preceding the beginning of the biennium for which the funds have been appropriated.

A district may access its allotment funds for an upcoming school year after submitting to the commissioner:

1. Certification that the school district or open-enrollment charter school has instructional materials that cover all the required TEKS, except those for physical education, as required by Education Code 31.1011;
2. Certification that the school district or open-enrollment charter school has used its allotment for only allowable expenditures; and
3. Information regarding the instructional materials used by the district during the previous school year, including the cost of each material as required by Education Code 31.1012.

Upon completion of the requirements, a district may access its allotment funds by correctly providing all the information required in the state ordering system.

Information required in the state ordering system may include verification of TEKS coverage for certain disbursement requests.

19 TAC 67.1001(g)-(j)

Additional State Aid

For State-Approved
Instructional
Materials

For each student enrolled in the district, a school district is entitled to additional state aid for each school year in an amount equal to \$40, or a greater amount provided by appropriation, to procure instructional material that has been reviewed by the Texas Education Agency (TEA); placed on the SBOE list of approved instructional materials; designated by the SBOE as being included or capable of being included in an instructional materials parent portal; and acquired from a publisher, manufacturer, or other entity that has not been found to violate Education Code 31.151. *Education Code 48.307(a)*

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A district is entitled to the amount of state aid provided by 19 Administrative Code 67.1003(a) each school year, regardless of whether the district uses the amount during the school year for which the amount was provided. *19 TAC 67.1003(i)*

For Open Education
Resource
Instructional
Materials

Subject to Education Code 31.0751 (Open Education Resource [OER] transition plan), a district is entitled to additional state aid for each school year in an amount not to exceed \$20 for each student for the costs incurred or for which the district is obligated to pay during the school year in which the aid is provided for the printing and shipping of OER instructional material made available under Education Code Chapter 31, Subchapter B-1. *Education Code 48.308(a)*

*Amount of
Additional State
Aid*

The commissioner of education shall determine the amount of the additional state aid for OER instructional materials for a district based on PEIMS student enrollment data from the fall snapshot collection of the current school year.

Before PEIMS student enrollment data from the fall snapshot collection of the current school year is available, a district will have an expected allotment amount that is based on 90 percent of the PEIMS student enrollment data from the fall snapshot collection of the previous school year.

Funds may only be used for the costs incurred or for which a district is obligated to pay during the school year in which the aid is provided.

Requisitions

Requisitions for funding must be submitted in TEA's online requisition and disbursement system (EMAT) before August 31 of the fiscal year in which the aid is provided.

The entitlements for each year will be made available for district use through EMAT as early as possible in the fiscal year for which the funds have been appropriated.

*Permissible Use
of Additional
State Aid*

The additional state aid for OER instructional materials may be used to purchase:

1. OER instructional material placed on the list of approved materials outlined in Education Code 31.022, including any non-text components of the approved product, such as manipulative kits; and
2. OER instructional material components placed on the list of approved materials outlined in Education Code 31.022, only after an initial purchase of all components of the product.

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The additional state aid for OER instructional materials may not be used to purchase or reimburse for:

1. Instructional material or material components not on the list of approved instructional materials;
2. Instructional material placed on the rejected list of instructional materials;
3. Instructional material that promotes three-cueing as defined in Education Code 28.0062(a-1); or
4. Printing of SBOE-approved OER material, which may be otherwise procured through a requisition in EMAT.

The commissioner may grant a waiver to exempt a district from an initial purchase of each component of an approved product if the district can demonstrate that it already possesses an identical or near-identical component for each student and/or teacher as indicated by the product design.

19 TAC 67.1004

Purchasing Method

A district is not required to use a method provided by Education Code 44.031(a) to purchase instructional materials that have been reviewed by TEA and included on the list of approved instructional materials maintained by the SBOE. *Education Code 31.102(d)*

Requisitions, Use, and Distribution

Delegation of Authority

The board may delegate to an employee the authority to requisition, distribute, and manage the inventory of instructional materials, consistent with Education Code Chapter 31 and rules adopted under that chapter. *Education Code 31.104(a)*

Local Funds

A district may use local funds to purchase any instructional materials in addition to those selected under Education Code Chapter 31. *Education Code 31.106*

Online Requisition Program

A district shall make a requisition for instructional materials using EMAT. A district may requisition instructional materials for grades above the grade level in which a student is enrolled. *Education Code 31.103(b)-(c)*

Distribution

The board shall distribute printed instructional materials to students in the manner that the board determines is most effective and economical. *Education Code 31.102(c)*

OER Instructional Materials

A district may adopt OER instructional material at any time. A district may only adopt or otherwise use an OER instructional material that is not included on the list of rejected instructional materials maintained by the SBOE.

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OER Transition
Plan

Except as otherwise provided by the Education Code, the commissioner may not require a district to adopt or use an OER instructional material. A district may not be charged for a cost associated with the selection of an OER instructional material, except for the cost of printing copies of the material. *Education Code 31.073*

To qualify for additional state aid under Education Code 48.308, the board must adopt an OER instructional material transition plan to assist classroom teachers in the district who will be using an OER instructional material in a specific subject or grade level for which the teacher has not previously used an OER instructional material.

The plan must ensure that OER instructional materials are used in a manner that maintains the instructional flexibility of a classroom teacher to address the needs of each student.

A district that participates in the program developed and maintained by TEA under Education Code 31.0752 is not required to adopt a transition plan under this provision. [See OER Instructional Material Support Program, below]

Education Code 31.0751

The OER instructional material transition plan shall be submitted in a format determined by the commissioner.

A district is required to have a locally maintained OER transition plan that complies with 19 Administrative Code 67.1315 to access funding allotted under Education Code 48.308.

A district is required to submit an OER instructional material transition plan only when:

1. First adopting an SBOE-approved OER product for a grade level or subject/course; or
2. Expanding implementation of an SBOE-approved OER product to additional campuses and/or grade levels.

The OER instructional material transition plan adopted by the board of trustees shall include the plan of the district to ensure the following:

1. Clear communication and stakeholder change management plans and timelines;
2. Timely access to print materials and related manipulatives through OER procurement and distribution;

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3. Sufficient planning and instructional time evidenced by instructional calendars and master schedules aligned to the requirements of the materials;
4. Clear expectations for the implementation of:
 - a. Instructional materials;
 - b. Internalization and student work analysis protocols; and
 - c. Curriculum-embedded assessments;
5. Processes for stakeholder communication and public posting, as outlined in Education Code 26.006, if materials have been modified by the district;
6. The maintenance of instructional flexibility through clear guidance for acceptable teacher modifications to instructional pacing, sequencing, and lesson content to address the needs of each student; and
7. Sufficient professional learning and development for school leaders, instructional coaches, and teachers, including:
 - a. Pre-service product onboarding and orientation; and
 - b. Ongoing, job-embedded, curriculum-based professional learning, including cycles of observation and feedback.

The commissioner may request and review OER instructional material transition plans before funding is released and reject a plan subsequent to review.

19 TAC 67.1315

OER Instructional
Material Support
Program

TEA shall develop and maintain a program to assist school districts in adopting and using OER instructional material, including by assisting districts to:

1. Maintain the instructional flexibility of classroom teachers to address the needs of each student; and
2. Schedule instructional periods in a manner that allows classroom teachers sufficient time to effectively prepare and present instructional material within the teacher's normal work day.

TEA shall engage in efforts to meet the demand from districts that request assistance for the 2024-25 or 2025-26 school year. Until September 1, 2027, a school district may apply assistance received to offset the payment of costs related to implementing OER

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instructional material, regardless of whether the district incurred the cost before receiving the assistance.

Education Code 31.0752

Requisition

A district that selects OER instructional material shall requisition a sufficient number of printed copies for use by students unable to access the instructional material electronically unless the district provides to each student:

1. Electronic access to the instructional material at no cost to the student; or
2. Printed copies of the portion of the instructional material that will be used in the course.

Education Code 31.103(d)

Parent Portal

An entity that hosts an instructional materials parent portal must comply with requests regarding parental access to the portal made by a district in compliance with Education Code 31.154 or Education Code 26.006 [see EFA]. *Education Code 31.154(e)*

[For more information regarding the requirements for certain entities that supply instructional materials to host a parent portal, see Education Code 31.154.]

**Bilingual
Instructional
Materials**

A district shall purchase with its allotment or otherwise acquire instructional materials for use in bilingual education classes. *Education Code 31.029*

**Certification of
Instructional
Materials**

Prior to the beginning of each school year, a district shall submit to the SBOE and commissioner certification that the district:

1. For each subject in the required curriculum under Education Code 28.002, other than physical education, and each grade level:
 - a. Provides each student with instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE for that subject and grade level; and
 - b. In the provision of instructional materials, the district protects students from obscene or harmful content as necessary for compliance with the Children's Internet Protection Act (Pub. L. No. 106-554) [see CQ], Education Code 28.0022 [see EMB], Penal Code 43.22, and any other law or regulation that protects students from obscene or harmful content [see EFA]; and

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2. The district used money allocated to the district or school under the instructional materials and technology allotment only for purposes allowed under Education Code 31.0211.

To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills, a district may consider:

1. Instructional materials adopted by the SBOE;
2. Instructional materials developed, purchased, or otherwise acquired by the district; and
3. OER instructional materials and other electronic instructional materials included in the repository under Education Code 31.0722.

Education Code 31.1011

Annual Report

Each district shall annually report to TEA information regarding the instructional materials used by the district during the previous school year, including the cost of each material. *Education Code 31.1012*

Ownership

Except as otherwise provided, a student must return all instructional materials to the teacher at the end of the school year or when the student withdraws from school. At the end of the school year for which OER instructional material that a district does not intend to use for another student is distributed, the printed copy of the OER instructional material becomes the property of the student to whom it is distributed.

This provision does not apply to an electronic copy of OER instructional material.

Education Code 31.104(c), (g)-(h)

**Responsibility for
Instructional
Materials and
Equipment**

Each student or the student's parent or guardian is responsible for all instructional material and technological equipment not returned in an acceptable condition by the student. A student who fails to return in an acceptable condition all instructional materials and technological equipment forfeits the right to free instructional materials and technological equipment until all instructional materials and technological equipment previously issued but not returned in an acceptable condition are paid for by the student, parent, or guardian.

As provided by board policy, a district may waive or reduce the payment required if the student is from a low-income family. [See FP] The district shall allow the student to use instructional materials and technological equipment at school during each school day.

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If instructional materials or technological equipment is not returned in an acceptable condition or paid for, a district may withhold the student's records. A district may not prevent the student from graduating, participating in a graduation ceremony, or receiving a diploma. [See FL and GBA regarding student and parental right to access records; and FD, FFAB, and FL regarding a district's duties to provide records to another district]

The board may not require an employee of the district who acts in good faith to pay for instructional materials or technological equipment that is stolen, misplaced, or not returned by a student. [See DG]

These provisions do not apply to an electronic copy of OER instructional material.

Education Code 31.104(d), (e), (h) [See also EFA]

Acceptable
Condition

Printed instructional materials are considered to be in acceptable condition if:

1. The cover, binding, pages, spine, and all integral components of the instructional materials are wholly intact and the instructional materials are fully usable by students; and
2. No component of the instructional materials is soiled, torn, or damaged (whether intentionally or by lack of appropriate care) to the extent that any portion of the content is too disfigured or obscured to be fully accessible to other students.

Electronic instructional materials are considered to be in acceptable condition if:

1. All components or applications that are a part of the electronic instructional materials are returned;
2. The electronic materials perform as they did when they were new;
3. The electronic instructional materials do not contain computer code (e.g., bug, virus, worm, or similar malicious software) that has been designed to self-replicate, damage, change, or otherwise hinder the performance of any computer's memory, file system, or software; and
4. The electronic instructional materials have not been installed with plug-ins, snap-ins, or add-ins without the prior approval of the district.

Technological equipment is considered to be in acceptable condition if:

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1. The equipment is returned with the software and hardware in their original condition unless the district authorized changes; and
2. The physical condition of the equipment is fully usable as it was originally intended to be used.

19 TAC 66.1310

Lost or Damaged
Instructional
Materials

A district may order replacements for instructional materials that have been lost or damaged directly from the publisher of the instructional materials or any source for a printed copy of OER instructional material. *Education Code 31.104(b)*

Sale or Disposal

The board shall determine how the district will dispose of discontinued printed instructional materials, electronic instructional materials, and technological equipment.

Sale

The board may sell printed instructional materials on the date the instructional material is discontinued for use in the public schools by the SBOE or the commissioner. The board may also sell electronic instructional materials and technological equipment owned by the district.

Use of Proceeds

Any funds received by a district from a sale must be used to purchase instructional materials and technological equipment allowed under Education Code 31.0211.

Disposal

The board may dispose of printed instructional material before the date the instructional material is discontinued for use in the public schools by the SBOE if the board determines that the instructional material is not needed by the district and the board does not reasonably expect that the instructional material will be needed. A district must notify the commissioner of any instructional material the district disposes of under this provision.

Education Code 31.105

TERMINATION OF EMPLOYMENT

DF
(LEGAL)

Note: For a detailed treatment of termination and nonrenewal of educator contracts, see policies DF AA and DF AB (Probationary Contracts), and DF BA and DF BB (Term Contracts).

**Withholding
Information**

An attempt by any district employee to encourage or coerce a child to withhold information from the child's parent is grounds for discharge or suspension under Education Code 21.104 (probationary contracts) and 21.211 (term contracts) or by the State Board for Educator Certification (SBEC), if applicable. *Education Code 26.008(b)*

**Registry of Persons
Not Eligible for
Employment**

A district shall discharge, or refuse to hire, or terminate, a person listed on TEA's registry of persons who are not eligible to be employed. [See DBAA] *Education Code 22A.151(b)*

**Discharge of
Convicted
Employees**

A district shall discharge or refuse to hire an employee or applicant for employment if the district obtains information through a criminal history record information (CHRI) review that the employee or applicant has been:

1. Convicted of or placed on deferred adjudication community supervision for:
 - a. An offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62;
 - b. An offense under Penal Code 21.12, Improper Relationship Between an Educator and a Student, or Penal Code 43.24, Sale, Distribution, or Display of Harmful Material to a Minor;
 - c. A felony offense under Penal Code Chapter 43, Public Indecency;
 - d. A felony offense involving school property; or
 - e. An offense under the laws of another state or federal law that is equivalent to items a, b, c, or d; or
2. Convicted of:
 - a. A felony under Title 5, Penal Code; or
 - b. An offense under the laws of another state or federal law that is equivalent to an offense under item 2a, above.

Exception

However, a district is not required to discharge an employee if the person committed an offense under Title 5, Penal Code, and:

TERMINATION OF EMPLOYMENT

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1. The date of the offense is more than 30 years before the date the person's employment will begin; and
2. The employee satisfied all terms of the court order entered on conviction.

Education Code 22A.157(a)-(b), 22A.201(a) [See DBAA]

Certification to
Commissioner

Each school year, a superintendent shall certify to the commissioner that the district has complied with the above provisions. *Education Code 22A.157(f)*

Sanctions

SBEC may impose a sanction on an educator who does not discharge an employee if the educator knows or should have known, through a criminal history record information review, that the employee has criminal history described in Discharge of Convicted Employees, above. *Education Code 22A.157(e)*

Termination for
Failure to Disclose

A district may discharge an employee if the district obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not disclose to SBEC or the district. An employee so discharged is considered to have been discharged for misconduct for purposes of Labor Code 207.044 (unemployment compensation). *Education Code 22A.157(d)*

**Certain Offenses
Against Students**

Mandatory
Termination

If a district receives notice that SBEC has revoked the certificate of a person based on the offenses listed at Discharge of Convicted Employees, the district shall:

1. Immediately remove the person whose certificate has been revoked from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student; and
2. For a person employed under a Chapter 21 probationary or term contract, with the approval of the board or its designee:
 - a. Suspend the person without pay;
 - b. Provide the person with written notice that the person's contract is void [see Notice to Employee, below]; and
 - c. Terminate the employment of the person as soon as practicable.

Education Code 22A.201(a), (c)

Discretionary
Termination

If a district becomes aware that a person employed by the district under a probationary or term contract under Chapter 21 has been convicted of or received deferred adjudication for a felony offense, and the person is not subject to the mandatory termination provi-

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sion above, the district may, with the approval of the board or its designee:

1. Suspend the person without pay;
2. Provide the person with written notice that the person's contract is void [see Notice to Employee, below]; and
3. Terminate the employment of the person as soon as practicable.

Education Code 22A.201(d)

Notice to Employee

A person's probationary or term contract under Chapter 21 is void if, with the approval of the board or its designee, the district provides written notice to the person, under the mandatory or discretionary termination provisions above, that the person's contract is void. *Education Code 22A.201(e)*

No Appeal

Action taken by a district under the mandatory or discretionary terminations provisions above is not subject to appeal under Education Code Chapter 21 and the notice and hearing requirements of Chapter 21 do not apply to the action. *Education Code 22A.201(g)*

**Invalid or Expired
Certification**

An employee's probationary or term contract is void if the employee:

1. Does not hold a valid certificate or permit issued by SBEC;
2. Fails to fulfill the requirements necessary to renew or extend the employee's temporary, probationary, or emergency certificate or any other certificate or permit issued under Education Code Chapter 21, Subchapter B; or
3. Fails to comply with any requirement under Education Code Chapter 22, Subchapter C [criminal history review, see DBAA], if the failure results in suspension or revocation of the employee's certificate.

Education Code 21.0031(a)

A certificate or permit is not considered to have expired if:

1. The employee has completed the requirements for renewal of the certificate or permit;
2. The employee submitted the request for renewal before the expiration date; and

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3. The date the certificate or permit would have expired is before the date SBEC takes action to approve the renewal of the certificate or permit.

Education Code 21.0031(f)

District's Options

If a district has knowledge that an employee's contract is void under Education Code 21.0031(a), the district may:

1. Terminate the employee;
2. Suspend the employee with or without pay; or
3. Retain the employee for the remainder of the school year on an at-will employment basis in a position that does not require a contract under Education Code 21.002, at the employee's existing rate of pay or at a reduced rate.

The employee is not entitled to the minimum salary prescribed by Education Code 21.402.

Education Code 21.0031(b)

Exception

A district may not terminate or suspend an employee under 21.0031(b) because of the employee's lack of a valid certificate or permit, or failure to renew or extend a certificate or permit, if:

1. The employee requests an extension from SBEC to renew, extend, or otherwise validate the employee's certificate or permit; and
2. Not later than the 10th day after the date the contract is void, the employee takes necessary measures to renew, extend, or otherwise validate the employee's certificate or permit, as determined by SBEC.

Education Code 21.0031(b-1)

No Appeal or
Chapter 21 Hearing

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

Applicability

These void contract provisions do not affect the rights and remedies of a party in an at-will employment relationship and do not apply to a certified teacher assigned to teach a subject for which the teacher is not certified. *Education Code 21.0031; Nunez v. Simms, 341 F.3d 385 (5th Cir. 2003)*

Report to SBEC

A superintendent shall report the educator's termination to SBEC if the conditions set forth at Education Code 22A.051 exist. [See DHB]

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**Report to
Superintendent**

A principal shall report the educator's termination to the superintendent if the conditions set forth at Education Code 22A.051 exist. [See DPA]

**Falsification of
Military Record**

A district may discharge an employee, regardless of whether the employee is employed under an employment contract, if the district determines, based on a reasonable factual basis, that the employee, in obtaining the employee's employment or any benefit relating to the employee's employment, falsified or otherwise misrepresented any information regarding the employee's military record in a manner that would constitute an offense under Penal Code 32.54.

An employment contract entered into by a district with an employee discharged by the employer under Labor Code Chapter 105 is void and unenforceable as against public policy. [See DF series]

Labor Code Ch. 105

**Prohibition on
Diversity, Equity,
and Inclusion**

A district shall adopt a policy and procedure for the appropriate discipline, including termination, of a district employee or contractor who intentionally or knowingly engages in or assigns to another person diversity, equity, and inclusion duties. The district shall provide a physical and electronic copy of the policy and procedure to each district employee or contractor.

The policy and procedure adopted by a district must ensure that an employee or contractor receives adequate due process and an opportunity to appeal disciplinary actions, including termination, in the same manner provided for other disciplinary actions. [See BT]

Education Code 11.005(c)-(d)

**Prohibited
Classroom
Instruction**

A district shall adopt a policy and procedure for the appropriate discipline, including termination, of a district or school employee or contractor who intentionally or knowingly engages in or assigns to another person an act prohibited by Education Code 28.0022 (Certain Instructional Requirements and Prohibitions). The district shall provide a physical and electronic copy of the policy and procedure to each district or school employee or contractor. [See EMB] *Education Code 28.0022(h)*

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**Employee Free
Speech**

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

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

Garcetti v. Ceballos, 547 U.S. 410 (2006); *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969) [See also GKD]

**Whistleblower
Protection**

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

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

1. Regulate under or enforce the law alleged to be violated in the report; or
2. Investigate or prosecute a violation of criminal law.

Gov’t Code 554.002

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

Definitions

“Employee” means an employee or appointed officer who is paid to perform services for a district. It does not include independent contractors. *Gov’t Code 554.001(4)*

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

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

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

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

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

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

1. The employee believed the governmental entity was authorized to:
 - a. Regulate under or enforce the law alleged to be violated in the report, or
 - b. Investigate or prosecute a violation of criminal law; and
2. The employee's belief was reasonable in light of the employee's training and experience.

Tex. Dep't of Transp. v. Needham, 82 S.W.3d 314 (Tex. 2002)

**Whistleblower
Complaints**

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

Initiate Grievance

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

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

Legal Action

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

1. Exhaust a district's grievance procedures, in which case the employee must sue not later than the 30th day after the date those procedures are exhausted to obtain relief under Government Code Chapter 554; or
2. Terminate district grievance procedures and sue within the timelines established by Government Code 554.005 and 554.006.

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

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Burden of Proof	If the employee brings a lawsuit, the employee has the burden of proof unless the suspension, termination, or adverse personnel action occurred within 90 days after the employee reported a violation of law, in which case the suspension, termination, or adverse personnel action is presumed, subject to rebuttal, to be because the employee made the report.
Affirmative Defense	It is an affirmative defense to a whistleblower suit that the district would have taken the action against the employee that forms the basis of the suit based solely on information, observation, or evidence that is not related to the fact that the employee made a report protected under the whistleblower law. <i>Gov't Code 554.004</i>
Notice of Rights	A board shall inform its employees of their rights regarding whistleblower protection by posting a sign in a prominent location in the workplace. The design and content of the sign shall be as prescribed by the attorney general. <i>Gov't Code 554.009</i>
Right to Report a Crime	A district employee may report a crime witnessed at the school to any peace officer with authority to investigate the crime. A district may not adopt a policy requiring a school employee to refrain from reporting a crime witnessed at the school or to report a crime witnessed at the school only to certain persons or peace officers. <i>Education Code 37.148</i>
Protection for Reporting Child Abuse	A district may not suspend or terminate the employment of, discriminate against, or take other adverse employment action against a professional employee who in good faith: 1. Reports child abuse or neglect to: a. The person's supervisor, b. An administrator of the facility where the person is employed, c. A state regulatory agency, or d. A law enforcement agency; or 2. Initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect. "Adverse employment action" means an action that affects an employee's compensation, promotion, transfer, work assignment, or performance evaluation, or any other employment action that would dissuade a reasonable employee from making or supporting a report of abuse or neglect under Family Code 261.101.

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	A person may sue for injunctive relief, damages, or both if the person is suspended or terminated from the person's employment; is discriminated against; or suffers any other adverse employment action. A district employee who has a cause of action under the provisions at Whistleblower Protection, above, may not bring an action under Protection for Reporting Child Abuse. <i>Family Code 261.110(a)-(c), (l)</i>
Protection from Disciplinary Proceedings	For purposes of the following provisions, "disciplinary proceeding" means discharge or suspension of a professional employee, or termination or nonrenewal of a professional employee's term contract. [See DGC regarding immunity] <i>Education Code 22.0512(b)</i>
Reporting Child Abuse or Maltreatment	A district employee may not be subject to any disciplinary proceeding resulting from an action taken in compliance with Education Code 38.0041 [prevention of child abuse and other maltreatment, see FFG]. <i>Education Code 38.0041(g)</i>
Use of Physical Force	A professional employee may not be subject to disciplinary proceedings for the employee's use of physical force against a student to the extent justified under Penal Code 9.62. This provision does not prohibit a district from enforcing a policy relating to corporal punishment or bringing a disciplinary proceeding against a professional employee of the district who violates the district policy relating to corporal punishment. <i>Education Code 22.0512(a); Tex. Atty. Gen. Op. GA-0202 (2004)</i> Penal Code 9.62 provides that the use of force, other than deadly force, against a person is justified: 1. If the actor is entrusted with the care, supervision, or administration of the person for a special purpose; and 2. When and to the degree the actor reasonably believes the force is necessary to further the special purpose or to maintain discipline in a group. <i>Penal Code 9.62</i>
Failure to Follow Scope, Sequence, and Instructional Materials	A district may not penalize a teacher who does not follow the pacing of recommended or designated instructional materials or the pacing of the recommended or designated scope and sequence for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level based on the teacher's determination that the teacher's students need more or less time in a specific area to demonstrate proficiency in the essential knowledge and skills for that subject and grade level [see EHAA].

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A district may take appropriate action with respect to a teacher for conduct described above based on documented evidence of a deficiency in classroom instruction obtained through observation or substantiated and documented third-party information.

Education Code 28.0027(b), (c)

A classroom teacher employed by a district may not be subject to disciplinary proceedings for an allegation that the teacher violated Education Code 28.0022, the Establishment Clause of the First Amendment of the United States Constitution, or a related state or federal law if:

1. The teacher used only instructional material included on the list of approved instructional material maintained by the State Board of Education under Education Code 31.022 and adopted by the district; and
2. The allegation does not dispute that the teacher delivered instruction from the instructional material with fidelity.

This immunity is in addition to, and may not be construed to interfere with, any other immunity provided by law.

Education Code 22.05125

**Instructional
Materials and
Technological
Equipment**

A board may not require an employee who acts in good faith to pay for instructional materials or technological equipment that is damaged, stolen, misplaced, or not returned. An employee may not waive this provision by contract or any other means.

Exception

A district may enter into a written agreement with an employee whereby the employee assumes financial responsibility for electronic instructional material or technological equipment usage off school property or outside of a school-sponsored event in consideration for the ability of the employee to use the electronic instructional material or technological equipment for personal business.

The written agreement shall be separate from the employee's contract of employment, if applicable, and shall clearly inform the employee of the amount of the financial responsibility and advise the employee to consider obtaining appropriate insurance. An employee may not be required to enter into such an agreement as a condition of employment.

Education Code 31.104(e); 19 TAC 66.107(c)

Controversial Topics

For any course or subject, including an innovative course, for a grade level from kindergarten through grade 12, a teacher may not be compelled to discuss a widely debated and currently controver-

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sial issue of public policy or social affairs. *Education Code 28.0022(a)*

Note: For instructional requirements and prohibitions, including requirements for student discussion, see EMB.

Jury Duty

A district may not discharge, threaten to discharge, intimidate, or coerce any permanent employee because the employee serves as a juror or grand juror, or for the employee's attendance or scheduled attendance in connection with the service, in any court in the United States. An employee who is discharged, threatened with discharge, intimidated, or coerced is entitled to return to the same employment that the employee held when summoned for jury or grand jury service if the employee, as soon as practical after release from jury or grand jury service, gives the employer actual notice that the employee intends to return. *Civ. Prac. & Rem. Code 122.001*

A district may not discharge, discipline, reduce the salary of, or otherwise penalize or discriminate against a school district employee because of the employee's compliance with a summons to appear as a juror. For each regularly scheduled workday on which a non-salaried employee serves in any phase of jury service, a school district shall pay the employee the employee's normal daily compensation [see DEC]. *Education Code 22.006(a), (b)*

Voting

A person commits an offense if, with respect to another person over whom the person has authority in the scope of employment, the person knowingly refuses to permit the other person to be absent from work on election day or while early voting is in process for the purpose of attending the polls to vote, or subjects or threatens to subject the other person to a penalty for attending the polls on election day or while early voting is in progress to vote. Penalty means a loss of wages or another benefit of employment.

It is an exception to the application of this provision that the person's conduct occurs in connection with an election in which the polls are open on election day or while early voting is in progress for voting for two consecutive hours outside of the voter's working hours.

Election Code 276.004

Breaks for Nursing Mothers

A district shall provide a reasonable break time for an employee to express breast milk for the employee's nursing child for one year after the child's birth each time the employee has need to express the milk.

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A district shall provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

A district shall not be required to compensate an employee receiving reasonable break time for any time spent during the workday for such purpose unless otherwise required by federal or state law or municipal ordinance.

Break time provided shall be considered hours worked if the employee is not completely relieved from duty during the entirety of the break.

A district that employs less than 50 employees is not subject to these requirements, if the requirements would impose an undue hardship by causing the district significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the district.

This requirement does not preempt a state law or municipal ordinance that provides greater protections to employees.

29 U.S.C. 218d

**Right to Express
Breast Milk**

A district employee is entitled to express breast milk at the employee's workplace. *Gov't Code 619.002*

The district shall develop a written policy on the expression of breast milk by employees under Government Code Chapter 619. The policy must state that the district shall support the practice of expressing breast milk and make reasonable accommodations for the needs of employees who express breast milk.

A district shall provide a reasonable amount of break time for an employee to express breast milk each time the employee has need to express the milk. The district shall provide a place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk.

A district may not suspend or terminate the employment of, or otherwise discriminate against, an employee because the employee has asserted the employee's rights under Government Code Chapter 619. Government Code Chapter 619 does not create a private or state cause of action against a district.

Gov't Code Ch. 619

**Charitable
Contributions**

A board or a district employee may not directly or indirectly require or coerce any district employee to:

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1. Make a contribution to a charitable organization or in response to a fund-raiser; or
2. Attend a meeting called for the purpose of soliciting charitable contributions.

A board or district employee may not directly or indirectly require or coerce any district employee to refrain from the same acts.

Education Code 22.011

Protection of Nurses

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

1. Would constitute grounds for reporting the nurse to the Board of Nurse Examiners under Occupations Code Chapter 301, Subchapter I;
2. Constitutes a minor incident, as defined at Occupations Code 301.419; or
3. Would violate Occupations Code Chapter 301 or a rule of the Board of Nurse Examiners, if the nurse notifies the district at the time of the refusal that this is the reason for refusing to engage in the act or omission.

Occupations Code 301.352(a)

Designated Time for Prayer

The board of trustees may adopt a policy requiring every campus of the district or school to provide students and employees with an opportunity to participate in a period of prayer and reading of the Bible or other religious text on each school day in accordance with this section. [See FNA]

Regardless of whether the board adopts a policy under Education Code 25.0823(a), this section does not prohibit a student or employee of the district or school from participating in prayer or reading the Bible or other religious text during a period of the school day that is not designated as a period of prayer and reading of the Bible or other religious text.

Education Code 25.0823(a),(g)

Right to Engage in Religious Speech or Prayer

The right of an employee of a school district or open-enrollment charter school to engage in religious speech or prayer while on duty may not be infringed on by the district or school or another state governmental entity, unless the infringement is necessary to further a compelling state interest; and narrowly tailored using the least restrictive means to achieve that compelling state interest.

Education Code 22.012

SUPERINTENDENT
NONRENEWAL

BJCF
(LOCAL)

Reasons

The Board's decision not to renew the Superintendent's contract shall not be based on the Superintendent's exercise of Constitutional rights or based unlawfully on race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. Reasons for the nonrenewal of the Superintendent's contract shall be:

1. Deficiencies pointed out in evaluations, supplemental memoranda, or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of duties.
4. Insubordination or failure to comply with Board directives.
5. Failure to comply with Board policies or administrative regulations.
6. Failure of the District to make measurable progress toward the goals stated in the District improvement plan. [See BQ]
7. Conducting personal business during school hours when it results in neglect of duties.
8. Drunkenness or excessive use of alcoholic beverages; or possession, use, or being under the influence of alcohol or alcoholic beverages while on District property, while working in the scope of the employee's duties, or while attending any school- or District-sponsored activity.
9. The illegal possession, use, manufacture, or distribution of a controlled substance, a drug, a dangerous drug, hallucinogens, or other substances regulated by state statutes.
10. Failure to meet the District's standards of professional conduct.
11. Failure to report to the Board any arrest, indictment, conviction, no contest or guilty plea, or other adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL). [See DH]
12. Conviction of or deferred adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL); or conviction of a lesser included offense pursuant to a plea when the original charged offense is a felony. [See DH]
13. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.

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14. Disability, not otherwise protected by law, that prevents the Superintendent from performing the essential functions of the job, with or without reasonable accommodation.
15. Any activity, school-connected or otherwise, that, because of publicity given it or knowledge of it among students, faculty, or the community, impairs or diminishes the Superintendent's effectiveness in the District.
16. Any breach by the Superintendent of an employment contract or any reason specified in the Superintendent's employment contract.
17. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, staff, or the Board.
18. Behavior that presents a danger of physical harm to a student or other individuals.
19. Assault on a person on District property or at a school-related function, or on an employee, student, or student's parent regardless of time or place.
20. Use of profanity in the course of performing any duties of employment, whether on or off District premises, in the presence of students, staff, or members of the public, if reasonably characterized as unprofessional.
21. Falsification of records or other documents related to the District's activities.
22. Falsification or omission of required information on an employment application.
23. Misrepresentation of facts to the Board or other District officials in the conduct of District business.
24. Failure to fulfill or maintain requirements for Superintendent certification, unless granted a waiver by the commissioner of education.
25. Any attempt to encourage or coerce a child to withhold information from the child's parent or from other District personnel.
26. Any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.
27. Engaging in or assigning to another individual, whether intentionally or knowingly, an instruction, guidance, activities, or programming prohibited by law. [See EMB]

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28. Engaging in or assigning to another individual, whether intentionally or knowingly, diversity, equity, and inclusion duties prohibited by law.
29. Any reason constituting good cause for terminating the contract during its term.

**Notice of Proposed
Nonrenewal**

If the Board determines that the Superintendent's contract should be considered for nonrenewal, the Board shall deliver to the Superintendent written notice of the proposed nonrenewal in accordance with law.

Request for Hearing

If the Superintendent desires a hearing after receiving notice of the proposed nonrenewal, the Superintendent shall notify the Board in writing not later than the 15th day after receiving the notice. When the Board receives a timely request for a hearing on proposed nonrenewal, the hearing shall be held not later than the 15th day after receipt of the request, unless the parties mutually agree to a delay. The Superintendent shall be given notice of the hearing date as soon as it is set.

Hearing Procedure

Unless the Superintendent requests that the hearing be open, the hearing shall be conducted in closed meeting with only the members of the Board, the Superintendent, their chosen representatives, and such witnesses as may be called in attendance. Witnesses may be excluded from the hearing until called to present evidence. The Superintendent and the Board may each be represented by a person designated in writing to act for them. Notice, at least five days in advance of the hearing, shall be given by each party intending to be represented, including the name of the representative. Failure to give such notice may result in postponement of the hearing.

The conduct of the hearing shall be under the presiding officer's control and shall generally follow the steps listed below:

1. After consultation with the parties, the presiding officer shall impose reasonable time limits for presentation of evidence and closing arguments.
2. The hearing shall begin with the Board's presentation, supported by such proof as it desires to offer.
3. The Superintendent may cross-examine any witnesses for the Board.
4. The Superintendent may then present such testimonial or documentary proofs, as desired, to offer in rebuttal or in general support of the contention that the contract be renewed.

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5. The Board may cross-examine any witnesses for the Superintendent and offer rebuttal to the testimony of the Superintendent's witnesses.
6. Closing arguments may be made by each party.

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

Board Decision

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

No Hearing

If the Superintendent fails to request a hearing, the Board shall take the appropriate action and notify the Superintendent in writing of that action not later than the 30th day after the date the notice of proposed nonrenewal was sent.

MISCELLANEOUS INSTRUCTIONAL POLICIES
TEACHING ABOUT CONTROVERSIAL ISSUES

EMB
(LEGAL)

**Exemption from
Instruction**

A parent or person standing in parental relation is entitled to remove the parent's child from a class or other school activity that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the class or other school activity.

A parent or person standing in parental relation is not entitled to remove the parent's child from a class or other school activity to avoid a test or to prevent the child from taking a subject for an entire semester. This provision does not exempt a child from satisfying grade level or graduation requirements in a manner acceptable to the district and the Texas Education Agency (TEA).

Education Code 26.002, .010

See also *Mahmoud v. Taylor*, 145 S.Ct. 2332 (2025) (holding that the introduction of certain public school instruction, without parental notice and an opportunity to opt out, would likely burden parents' right to free exercise of religion).

**Instructional
Requirements and
Prohibitions**

Controversial
Topics

The following provisions under Education Code 28.0022(a) apply to any course or subject, including an innovative course, for a grade level from kindergarten through grade 12.

A teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs.

A teacher who chooses to discuss a topic described above shall explore that topic objectively and in a manner free from political bias.

Education Code 28.0022(a)(1)-(a)(2)

Sexual Orientation
and Gender Identity

A district or district employee may not provide or allow a third party to provide instruction, guidance, activities, or programming regarding sexual orientation and gender identity to students enrolled in prekindergarten through 12th grade.

This provision may not be construed to:

1. Limit a student's ability to engage in speech or expressive conduct protected by the First Amendment, U.S. Constitution or by Section 8, Article I, Texas Constitution, that does not result in material disruption to school activities;
2. Limit the ability of a person who is authorized by the district to provide physical or mental health-related services to provide the services to a student, subject to any required parental consent; or

MISCELLANEOUS INSTRUCTIONAL POLICIES
TEACHING ABOUT CONTROVERSIAL ISSUES

EMB
(LEGAL)

3. Prohibit an organization whose membership is restricted to one sex and whose mission does not advance a political or social agenda from meeting on a district campus.

Education Code 28.0043

Political Activism
and Advocacy
Participation

A district or teacher may not require, make part of a course, or award a grade or course credit, including extra credit, for a student's:

1. Work for, affiliation with, or service learning in association with any organization engaged in:
 - a. Lobbying for legislation at the federal, state, or local level, if the student's duties involve directly or indirectly attempting to influence social or public policy or the outcome of legislation; or
 - b. Social policy advocacy or public policy advocacy;
2. Political activism, lobbying, or efforts to persuade members of the legislative or executive branch at the federal, state, or local level to take specific actions by direct communication; or
3. Participation in any internship, practicum, or similar activity involving social policy advocacy or public policy advocacy.

Education Code 28.0022(a)(3)

The above provisions do not apply to a student's participation in:

1. Community charitable projects, such as building community gardens, volunteering at local food banks, or other service projects;
2. An internship or practicum:
 - a. For which the student receives course credit under a career and technology education program or under the P-TECH program established under Education Code 29.553; and
 - b. That does not involve the student directly engaging in lobbying, social policy advocacy, or public policy advocacy; or
3. A program that prepares the student for participation and leadership in this country's democratic process at the federal, state, or local level through the simulation of a governmental process, including the development of public policy.

Education Code 28.0022(b)

MISCELLANEOUS INSTRUCTIONAL POLICIES
TEACHING ABOUT CONTROVERSIAL ISSUES

EMB
(LEGAL)

Concepts Prohibited A teacher, administrator, or other employee of a district may not require or make part of a course inculcation in the concept that:

1. One race or sex is inherently superior to another race or sex;
2. An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
3. An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
4. An individual's moral character, standing, or worth is necessarily determined by the individual's race or sex;
5. An individual, by virtue of the individual's race or sex, bears responsibility, blame, or guilt for actions committed by other members of the same race or sex;
6. Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race;
7. The advent of slavery in the territory that is now the United States constituted the true founding of the United States; or
8. With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

A teacher, administrator, or other employee of a district may not teach, instruct, or train any administrator, teacher, or staff member of a state agency, school district, or open-enrollment charter school to adopt a concept listed above.

A teacher, administrator, or other employee of a district may not require an understanding of The 1619 Project.

Education Code 28.0022(a)(4)

*Student
Discussion*

A district may not implement, interpret, or enforce any rule in a manner that would result in the punishment of a student for reasonably discussing the concepts described above in school or during a school-sponsored activity or have a chilling effect on reasonable student discussions involving those concepts in school or during a school-sponsored activity. *Education Code 28.0022(d)*

MISCELLANEOUS INSTRUCTIONAL POLICIES
TEACHING ABOUT CONTROVERSIAL ISSUES

EMB
(LEGAL)

Employee or
Contractor
Discipline Policy

A district shall adopt a policy and procedure for the appropriate discipline, including termination, or a district employee or contractor who intentionally or knowingly engages in or assigns to another person an act prohibited by Education Code 28.0022. The district shall provide a physical and electronic copy of the policy and procedure to each district employee or contractor. *Education Code 28.0022(h)*

Limitations on
Statute

Education Code 28.0022 may not be construed as limiting the teaching of or instruction in the essential knowledge and skills adopted under Education Code Chapter 28, Subchapter A.

Education Code 28.0022 does not create a private cause of action against a teacher, administrator, or other employee of a district.

Education Code 28.0022 may not be construed as prohibiting a teacher employed by a district from directing a classroom activity that involves students communicating with an elected official so long as the district, school, or teacher does not influence the content of a student's communication.

Education Code 28.0022(e)-(g)



CLYDE CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

526 Shalimar Drive • Clyde, Texas 79510 • 325-893-4222 • FAX: 325-893-4024 • www.clydeisd.org

Bryan W. Allen, Superintendent

**Empowering Leaders.
Committed to Success.**

Resolution of the Board Regarding Hazardous Traffic Conditions

WHEREAS, Education Code 42.155(d) allows the Board of Trustees of Clyde Consolidated Independent School District to obtain supplemental state funding for transporting regular, otherwise ineligible students who live within two miles of their school but who would be subject to hazardous traffic conditions if they walked to school;

WHEREAS, the Texas Education Agency handbook on School Transportation Allotments requires the Board to adopt language providing the definition of hazardous traffic conditions applicable to the District and identifying the specific hazardous areas for which such funding is requested; and

WHEREAS, the Board acknowledges Education Code 42.155(d) provisions, stating that a hazardous condition exists where no walkway is provided and children must walk along or cross a freeway or expressway, an underpass, an overpass or a bridge, an uncontrolled major traffic artery, an industrial or commercial area, or another comparable condition;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Clyde Consolidated Independent School District has determined that hazardous conditions exists because there is no walkway where students must walk along or cross or where or where other identified hazardous areas or conditions exist:

1. Interstate Highway 20 and its corresponding service/frontage roads
2. South IH-20 frontage Road at the Hays Road intersection
3. The railroad tracks running through the City of Clyde
4. The neighborhood/homes east of Stephens Street
5. FM 604 within the 2-mile boundary of any campus
6. An area within the Clyde CISD bounded by CR 112 on the north, Stewart Rd on the east, CR2700 on the south, and CR 243 on the west.

Adopted this 21st day of September, 2026, by the Board of Trustees.

Presiding officer's signature

Board Secretary's signature