

# Agenda of Regular Meeting

## The Board of Trustees El Campo Independent School District

---

A Regular Meeting of the Board of Trustees of El Campo Independent School District will be held October 27, 2020, beginning at 7:00 PM in the ECHS Auditorium, 600 West Norris, El Campo, Texas 77437.

The subjects to be discussed are as listed below.

### 1. Call to Order/Opening Prayer/Pledge of Allegiance

Notice: Pursuant to the Governor Abbott’s Temporary Suspension of Open Meetings Laws issued on March 16, 2020, to advance the public health goal of limiting face to face meetings (also called "social distancing"), this meeting may be documented via telephone conference or videoconference, which will be audible to the Board and public and allow for two-way communication. The Board President, presiding officer or trustees may not be physically present at one location but a quorum will be required for the meeting on the videoconference or phone.

The public may access this meeting: See Meeting ID below and or Phone Number. An electronic copy of the agenda packet may be viewed at the following link [www.ecisd.org](http://www.ecisd.org). A recording of the meeting will be available for viewing on the District’s website.

If you wish to address the Board of Trustees on an agenda or non-agenda topic for regular meetings or an agenda item the President or designee will call for public comments at the beginning of the meeting. All other public comment rules will be followed. After the close of public comment, the Board will proceed with the rest of the agenda that may be viewed or heard by the public online or on the phone.

[meet.google.com/ipp-oogh-kwu](https://meet.google.com/ipp-oogh-kwu)

Phone Numbers  
(US)+1 304-945-3640  
PIN: 254 917 225#

### 2. Public Comment

### 3. Recognition

### 4. **Consent Agenda**

#### A. Governance

- |  |    |
|--|----|
| 1. Consider Approval of Minutes  | 4  |
| a. September 22, 2020 - Regular  | 5  |
| b. October 6, 2020 - Special   | 8  |
| 2. Consider Approval of TASB Policy Update 115 affecting local policies D - GKA. | 11 |

B. Business and Support Services	
1. Review of Monthly Financial Report for Month of August 2020.	375
2. Review of Monthly Financial Reports for Month of September 2020.	383
3. Review of Checks Written for the Month of September 2020.	391
4. Budget Amendment(s)	408
5. SRO Vehicles	411
6. Approval of Correction to the Resolution to Adopt the Proposed 2020-21 Operating Budget	417
C. Personnel	
D. Curriculum and Instruction	
1. 7th grade Reading Instrument Waiver	423
E. Students	
<b>5. Presentation Items</b>	
A. Governance	
B. Business and Operations	
C. Curriculum and Instruction	
<b>6. Discussion and Action Items</b>	
A. Curriculum and Instruction	
B. Business and Operations	
1. Facilities Committee Member will Present Bid Results and make Recommendation to the Board for Selection of a Contractor for the Ricebird Weight Room Project.	424
2. Awarding of Bid for Weight Room	428
C. Governance	
1. Consideration and Possible Action granting authority to the Superintendent throughout the remainder of 2020-2021 School Year to Continue the Requirement for Students and District Personnel to wear face masks to prevent the spread of COVID 19.	430
D. Curriculum and Instruction	
1. Middle School TIP	431
<b>7. Review Items</b>	
A. Curriculum and Instruction	
B. Business and Operations	
C. Governance	
<b>8. Closed Session:</b>	
A. Texas Government Code § 551.074 (1) PERSONNEL MATTERS, to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee	
<b>9. Personnel</b>	
<b>10. Superintendent's Report</b>	
A. Governance	
B. Business and Support Services	
C. Personnel	
1. Middle School Principal Update on Process and Timeline	446
2. Report on DEC (LOCAL)	448
D. Curriculum and Instruction	

- 1. BIL/ESL Board Report
  - E. Students
  - F. Community and Governmental Relations
- 11. Adjournment

449

---

*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, Government Code, Chapter 551, Subchapters D and E. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.*

The notice for this meeting was posted in compliance with the Texas Open Meeting Act on Saturday, October 24, 2020 at 5:00 p.m.

---

For the Board of Trustees

# ***Action Required***

**Recommendation:** Minutes of Previous Meetings

**Impact/Rationale:**

**Program Description/Summary:** According to policy BE (LOCAL), BOARD MEETINGS, MINUTES, board action shall be carefully recorded by the secretary or clerk; when approved, and these minutes shall serve as the legal record of official Board actions. The written minutes of all meetings shall be approved by vote of the Board and signed by the President and the Secretary of the Board.

**ECISD Board Policy** BE (LOCAL), BOARD MEETINGS

**Effective Date** October 27, 2020

**Previous Board Action** The Board approves minutes at each regular monthly meeting.

**Future Action Expected** None.

**Background Information and Significant Issues**

**Attachments** September 22, 2020 - Regular  
October 6, 2020 – Special

**Submitted By** Vicky Limas, Administrative Assistant to the Superintendent

**Recommended for Approval** Motion, second and majority vote to approve the minutes.

**Bob Callaghan,  
Superintendent of Schools** I recommend you approve the minutes of previous meetings as part of the Consent Agenda.

# Minutes of Regular Meeting

## The Board of Trustees El Campo Independent School District

---

A Regular meeting of the Board of Trustees of El Campo Independent School District was held Tuesday, September 22, 2020, at 7:00 PM in the ECHS Auditorium, 600 West Norris, El Campo, Texas 77437.

Notice: Pursuant to the Governor Abbott's Temporary Suspension of Open Meetings Laws issued on March 16, 2020, to advance the public health goal of limiting face to face meetings (also called "social distancing"), this meeting may be documented via telephone conference or videoconference, which will be audible to the Board and public and allow for two-way communication. The Board President, presiding officer or trustees may not be physically present at one location but a quorum will be required for the meeting on the videoconference or phone.

The public may access this meeting: See Meeting ID below and or Phone Number. An electronic copy of the agenda packet may be viewed at the following link [www.ecisd.org](http://www.ecisd.org). A recording of the meeting will be available for viewing on the District's website.

If you wish to address the Board of Trustees on an agenda or non-agenda topic for regular meetings or an agenda item the President or designee will call for public comments at the beginning of the meeting. All other public comment rules will be followed. After the close of public comment, the Board will proceed with the rest of the agenda that may be viewed or heard by the public online or on the phone.

[meet.google.com/mjf-foxh-ypt](https://meet.google.com/mjf-foxh-ypt)

Phone Numbers

(US)+1 478-449-4096

PIN: 586 012 251#

**MEMBERS PRESENT:** Greg Anderson, Anthony Dorotik, Dennis Rawlings, James Russell, Susan Nohavitza, Rich DuBroc, Ed Erwin

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Bob Callaghan, David Bright, Dolores Trevino, Alicia Stary, Vicky Limas, Ashley Barnes, Elizabeth Tupa, Mauri Couey, Demetric Wells, Kyle Poenitzsch, Toretta Cunningham.

Board President, James Russell called the meeting to order at 7:00 p.m. James Russell gave the opening prayer followed by the Pledge of Allegiance. There was a quorum present.

**PUBLIC COMMENT:** Parent, Toretta Cunningham regarding longer class periods & ticket process.

## RECOGNITION

- A. Biotechnology Program Receives 15,000 grant sponsored by the Bayer Fund
- B. Team of Eight Training

**CONSENT AGENDA: A motion was made by Greg Anderson and a second by Anthony Dorotik. Motion passed 7-0.**

- A. Governance
  - 1. Consider Approval of Minutes
    - a. August 25, 2020 - Special
    - b. August 25, 2020 - Regular Meeting
    - c. September 9, 2020 - Special - Team of 8
- B. Business and Support Services
  - 1. Review of Monthly Financial Reports
  - 2. Review of Quarterly Investment Report for Quarter Ending August 31, 2020
  - 3. Review of Annual Investment Report for Year Ending August 31, 2020
  - 4. Review of Checks Written for the Month of August 2020
  - 5. Annual Review of School FIRST Criteria
  - 6. Review of SZH Architects Invoices
  - 7. Approval of Purchasing Cooperatives for 2020-21
  - 8. Consider Approval of Budget Amendment(s)
- C. Personnel
- D. Curriculum and Instruction
  - ECISD Pre-K-2 Asynchronous Plan
- E. Students
- F. Consider Approval of TASB Policy Update 115 affecting local policies CBB – CY

## PRESENTATION ITEMS

- A. Governance
- B. Business and Operations
- C. Curriculum and Instruction

## DISCUSSION AND ACTION ITEMS

- A. Curriculum and Instruction
  - 1. Consider a Modification to the 2020-2021 ECISD academic calendar due to COVID -19

**A motion was made by Rich DuBroc and a second by Susan Nohavitza to modify the 2020-2021 ECISD academic calendar due to COVID 19, with the school day of 19<sup>th</sup> of October to a teacher workday. Motion passed 7-0.**

- B. Business and Operations
- C. Governance
  - 1. Consider resignation of a board member effective September 22, 2020

2. Discussion of El Campo ISD Board Governance Responsibilities Delegated Through (LEGAL) and (LOCAL) Board Policies including Policies BED (LEGAL) and FNA (LEGAL)

**REVIEW ITEMS**

- A. Curriculum and Instruction
- B. Business and Operations
- C. Governance

**CLOSED SESSION:** Texas Government Code § 551.074 (1) PERSONNEL MATTERS, to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee.

**The President of the Board called for an Executive Session in accordance with Texas Government code § 551.074 (1) PERSONNEL MATTERS to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee. The Board entered Closed Session at 7:42 p.m. and reconvened in Open Session at 8:30 p.m.**

**PERSONNEL:** A motion was made by Dennis Rawlings and a second by Anthony Dorotik to accept the Superintendents personnel recommendation. Motion passed 7-0.

- **Nurse – Middle School – Desiree Cernoch**

**SUPERINTENDENT'S REPORT**

- A. Governance
- B. Business and Support Services
  1. Weight Room Improvement Project
- C. Personnel
  1. Middle School Principal Search Timeline
- D. Curriculum and Instruction
  1. Online versus in-person data
  2. Future consideration altering Return to Learn Plan
- E. Students
  1. Enrollment /Data
  2. Monthly SRO Report
- F. Community and Governmental Relations

There being no further business, meeting adjourned at 8:33 p.m.

---

James Russell, President

---

Greg Anderson, Secretary

# Minutes of Special Meeting

## The Board of Trustees El Campo Independent School District

---

A Special Meeting of the Board of Trustees of El Campo Independent School District was held Tuesday, October 6, 2020, at 7:00 PM in the ECHS Auditorium, 600 West Norris, El Campo, Texas 77437.

Notice: Pursuant to the Governor Abbott's Temporary Suspension of Open Meetings Laws issued on March 16, 2020, to advance the public health goal of limiting face to face meetings (also called "social distancing"), this meeting may be documented via telephone conference or videoconference, which will be audible to the Board and public and allow for two-way communication. The Board President, presiding officer or trustees may not be physically present at one location but a quorum will be required for the meeting on the videoconference or phone.

The public may access this meeting: See Meeting ID below and or Phone Number. An electronic copy of the agenda packet may be viewed at the following link [www.ecisd.org](http://www.ecisd.org). A recording of the meeting will be available for viewing on the District's website.

If you wish to address the Board of Trustees on an agenda or non-agenda topic for regular meetings or an agenda item the President or designee will call for public comments at the beginning of the meeting. All other public comment rules will be followed. After the close of public comment, the Board will proceed with the rest of the agenda that may be viewed or heard by the public online or on the phone.

[meet.google.com/dyq-bbwm-oay](https://meet.google.com/dyq-bbwm-oay)

Phone Numbers  
(US)+1 662-493-2522  
PIN: 482 645 131#

**MEMBERS PRESENT:** Greg Anderson, Anthony Dorotik, Dennis Rawlings, James Russell, Susan Nohavitza, Ed Erwin

**MEMBERS ABSENT:**

**OTHERS PRESENT:** Bob Callaghan, David Bright, Dolores Trevino, Alicia Stary, Vicky Limas, Mauri Couey Chris Skinner and David Vallejo

Board President, James Russell called the meeting to order at 7:00 p.m. James Russell gave the opening prayer followed by the Pledge of Allegiance. There was a quorum present.

**PUBLIC COMMENT:** There was no public comment.

## **DISCUSSION AND ACTION ITEMS**

**An amendment to the agenda was made by the Board President to move 3.B.1 as the first discussion and action item.**

### **A. Business and Operations**

1. Consideration and possible action to adopt the prevailing wage rates published by the United States Department of Labor in accordance with the Davis-Bacon Act (40U.S.C. Section 276a et seq.), and its subsequent amendments, in connection with the construction of the Ricebird Weight Room Project authorized by the Board and any other construction projects authorized during the District's current fiscal year.

**A motion was made by Susan Nohavitzka and a second motion was made by Ed Erwin to adopt the prevailing wage rates published by the United States Department of Labor in accordance with the Davis-Bacon Act and its subsequent amendments in connection with the construction of the Ricebird Weight Room Project authorized by the Board and any other construction projects authorized during the District's current fiscal year. Motion passed 7-0.**

### **B. Governance**

1. Discussion and possible action regarding appointment to fill board vacant position.

**Anthony Dorotik made the motion to accept David Vallejo to fill the vacant spot for Position 3, replacing Rich DuBroc. Dennis Rawlings made the second motion. Motion passed 6-0.**

**Oath of office was given to Mr. Vallejo by Vicky Limas, Administrative Assistant/Notary.**

**CLOSED SESSION:** There was no closed session.

Texas Government Code §551.074 (1) PERSONNEL MATTERS, to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee.

## **PERSONNEL**

**A motion was made by Greg Anderson and a second by Anthony Dorotik to accept the Superintendent's personnel recommendation. Motion passed 7-0.**

- Tammy DuBroc-ECHS – Teacher - Social Studies

There being no further business, the meeting adjourned at 7:18 p.m.

---

James Russell, President

---

Greg Anderson, Secretary

DRAFT

Instruction Sheet  
TASB Localized Policy Manual Update 115

**El Campo ISD**

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

Instruction Sheet  
TASB Localized Policy Manual Update 115

**El Campo ISD**

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

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

## **SECTION D: PERSONNEL**

DA	<b>EMPLOYMENT OBJECTIVES</b>
DAA	Equal Employment Opportunity
DAB	Genetic Nondiscrimination
DAC	Objective Criteria for Personnel Decisions
DB	<b>EMPLOYMENT REQUIREMENTS AND RESTRICTIONS</b>
DBA	Credentials and Records
DBAA	Pre-Employment Reviews
DBB	Medical Examinations and Communicable Diseases
DBD	Conflict of Interest
DBE	Nepotism
DC	<b>EMPLOYMENT PRACTICES</b>
DCA	Probationary Contracts
DCB	Term Contracts
DCC	Continuing Contracts
DCD	At-Will Employment
DCE	Other Types of Contracts
DE	<b>COMPENSATION AND BENEFITS</b>
DEA	Compensation Plan
DEAA	Incentives and Stipends
DEAB	Wage and Hour Laws
DEB	Fringe Benefits
DEC	Leaves and Absences
DECA	Family and Medical Leave
DECB	Military Leave
DED	Vacations and Holidays
DEE	Expense Reimbursement
DEG	Retirement
DF	<b>TERMINATION OF EMPLOYMENT</b>
DFA	Probationary Contracts
DFAA	Suspension/Termination During Contract
DFAB	Termination at End of Year
DFAC	Return to Probationary Status
DFB	Term Contracts
DFBA	Suspension/Termination During Contract
DFBB	Nonrenewal
DFC	Continuing Contracts
DFCA	Suspension/Termination
DFD	Hearings Before Hearing Examiner
DFE	Resignation
DFE	Resignation
DFF	Reduction in Force

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

## **SECTION D: PERSONNEL**

DFFA	Financial Exigency
DFFB	Program Change
DFFC	Continuing Contracts
DG	<b>EMPLOYEE RIGHTS AND PRIVILEGES</b>
DGA	Freedom of Association
DGB	Personnel-Management Relations
DGBA	Employee Complaints/Grievances
DGC	Immunity
DH	<b>EMPLOYEE STANDARDS OF CONDUCT</b>
DHA	Gifts and Solicitations
DHB	Reports to State Board for Educator Certification
DHC	Reports to Texas Education Agency
DHE	Searches and Alcohol/Drug Testing
DI	<b>EMPLOYEE WELFARE</b>
DIA	Freedom from Discrimination, Harassment, and Retaliation
DJ	<b>EMPLOYEE RECOGNITION AND AWARDS</b>
DK	<b>ASSIGNMENT AND SCHEDULES</b>
DL	<b>WORK LOAD</b>
DLA	Staff Meetings
DLB	Required Plans and Reports
DM	<b>PROFESSIONAL DEVELOPMENT</b>
DMA	Required Staff Development
DMB	Career Advancement
DMC	Continuing Professional Education
DMD	Professional Meetings and Visitations
DME	Research and Publication
DN	<b>PERFORMANCE APPRAISAL</b>
DNA	Evaluation of Teachers
DNB	Evaluation of Campus Administrators
DP	<b>PERSONNEL POSITIONS</b>
DPB	Substitute, Temporary, and Part-Time Positions

EMPLOYMENT OBJECTIVES  
EQUAL EMPLOYMENT OPPORTUNITY

DAA  
(LEGAL)

**Nondiscrimination —  
in General**

A district shall not fail or refuse to hire or discharge any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of any of the following protected characteristics:

1. Race, color, or national origin;
2. Sex;
3. Religion;
4. Age (applies to individuals who are 40 years of age or older);
5. Disability; or
6. Genetic information [see DAB].

*42 U.S.C. 1981; 42 U.S.C. 2000e et seq. (Title VII); 20 U.S.C. 1681 et seq. (Title IX); 42 U.S.C. 12111 et seq. (Americans with Disabilities Act); 29 U.S.C. 621 et seq. (Age Discrimination in Employment Act); 29 U.S.C. 793, 794 (Rehabilitation Act); 42 U.S.C. 2000ff et seq. (Genetic Information Nondiscrimination Act); U.S. Const. Amend. I; Human Resources Code 121.003(f); Labor Code Ch. 21 (Texas Commission on Human Rights Act); Labor Code Ch. 21, Subch. H (genetic information)*

Title VII proscribes employment practices that are overtly discriminatory (disparate treatment), as well as those that are fair in form but discriminatory in practice (disparate impact). Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989)

**Disparate  
Treatment**

Disparate treatment (intentional discrimination) occurs when members of a protected group have been denied the same employment, promotion, membership, or other employment opportunities as have been available to other employees or applicants. 29 C.F.R. 1607.11

**Disparate Impact**

Disparate impact occurs when an employer uses a particular employment practice that causes a disparate (disproportionate) impact on a protected group and the employer fails to demonstrate that the challenged practice is job-related and consistent with business necessity. 42 U.S.C. 2000e-2(k)(1)(A); Labor Code 21.115, .122

**Bankruptcy  
Discrimination**

A district may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person that is or has been a debtor under federal bankruptcy laws, solely because the bankrupt or debtor is or has been a debtor under federal bankruptcy laws; was insolvent before the commencement of a bankruptcy case or during the case but before the debtor was

EMPLOYMENT OBJECTIVES  
EQUAL EMPLOYMENT OPPORTUNITY

DAA  
(LEGAL)

granted or denied a discharge; or has not paid a debt that is dischargeable in the bankruptcy case or that was discharged under the bankruptcy laws. *11 U.S.C. 525(a)*

**Student Loan Repayment**

A district that issues a license may not take disciplinary action against a person based on the person's default on a student loan or breach of a student loan repayment contract or scholarship contract including by:

1. Denying the person's application for a license or license renewal;
2. Suspending the person's license; or
3. Taking other disciplinary action against the person.

*Occupations Code 56.001, .003*

**Job Qualification**

A district may take employment actions based on religion, sex, national origin, or age in those certain instances where religion, sex, national origin, or age is a bona fide occupational qualification. *42 U.S.C. 2000e-2(e); 29 U.S.C. 623(f); Labor Code 21.119*

**Employment Postings**

A district shall not print or publish any notice or advertisement relating to district employment that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, disability, or national origin, unless the characteristic is a bona fide occupational qualification. *42 U.S.C. 2000e-3(b); Labor Code 21.059*

**Harassment of Employees**

A district has an affirmative duty to maintain a working environment free of harassment on the basis of a protected characteristic. *42 U.S.C. 2000e et seq.; 29 C.F.R. 1606.8(a), 1604.11 [See DIA]*

**Retaliation**

A district may not discriminate against any employee or applicant for employment because the employee or applicant has opposed any unlawful, discriminatory employment practices or participated in the investigation of any complaint related to an unlawful, discriminatory employment practice. *29 U.S.C. 623(d) (ADEA); 42 U.S.C. 2000e-3(a) (Title VII); 34 C.F.R. 100.7(e) (Title VI); 34 C.F.R. 110.34 (Age Act); 42 U.S.C. 12203 (ADA); Jackson v. Birmingham Bd. of Educ., 544 U.S. 167 (2005) (Title IX); Labor Code 21.055 [See DIA]*

**Notices**

A district shall post in conspicuous places upon its premises a notice setting forth the information the Equal Employment Opportunity Commission deems appropriate to effectuate the purposes of the anti-discrimination laws. *29 U.S.C. 627; 42 U.S.C. 2000e-10*

EMPLOYMENT OBJECTIVES  
EQUAL EMPLOYMENT OPPORTUNITY

DAA  
(LEGAL)

Section 504 Notice

A district that employs 15 or more persons shall take appropriate steps to notify applicants and employees, including those with impaired vision or hearing, that it does not discriminate on the basis of disability.

The notice shall state:

1. That the district does not discriminate in employment in its programs and activities; and
2. The identity of the district's 504 coordinator.

Methods of notification may include:

1. Posting of notices;
2. Publication in newspapers and magazines;
3. Placing notices in district publications; and
4. Distributing memoranda or other written communications.

If a district publishes or uses recruitment materials containing general information that it makes available to applicants or employees, it shall include in those materials a statement of its nondiscrimination policy.

*34 C.F.R. 104.8*

**Age Discrimination**

The prohibition against discrimination on the basis of age applies only to discrimination against an individual 40 years of age or older. *Labor Code 21.101*

Bona Fide  
Employee Benefit  
Plan

A district may take an employment action on the basis of age pursuant to a bona fide seniority system or a bona fide employee benefit plan. However, a bona fide employee benefit plan shall not excuse the failure to hire any individual and no such benefit plan shall require or permit the involuntary retirement of any individual because of age. *29 U.S.C. 623(f); Labor Code 21.102*

**Sex Discrimination**

Gender Stereotypes

A district may not evaluate employees by assuming or insisting that they match the stereotype associated with their group. *Price Waterhouse v. Hopkins, 490 U.S. 228 (1989)*

Pregnancy

The prohibition against discrimination on the basis of sex includes discrimination on the basis of pregnancy, childbirth, or related medical conditions. A district shall treat women affected by pregnancy, childbirth, or related medical conditions the same as other employees for all employment-related purposes, including receipt of benefits under fringe benefit programs. *42 U.S.C. 2000e(k); 29 C.F.R. 1604.10; Labor Code 21.106*

EMPLOYMENT OBJECTIVES  
EQUAL EMPLOYMENT OPPORTUNITY

DAA  
(LEGAL)

Equal Pay	A district may not pay an employee at a rate less than the rate the district pays employees of the opposite sex for equal work on jobs the performance of which require equal skill, effort, or responsibility and which are performed under similar working conditions. This rule does not apply if the payment is pursuant to a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on any other factor other than sex. <i>29 U.S.C. 206(d) (Equal Pay Act); 34 C.F.R. 106.54 (Title IX)</i>
<b>Religious Discrimination</b>	The prohibition against discrimination on the basis of religion includes all aspects of religious observances and practice, as well as religious belief, unless a district demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship to the district's business. "Undue hardship" means more than a <i>de minimus</i> (minimal) cost. <i>42 U.S.C. 2000e(j); 29 C.F.R. 1605.2; Labor Code 21.108</i>  A district may not substantially burden an employee's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. <i>Civ. Prac. &amp; Rem. Code 110.003</i>  A person employed or maintained to obtain or aid in obtaining positions for public school employees may not directly or indirectly ask about, orally or in writing, the religion or religious affiliation of anyone applying for employment in a public school of this state. A violation of this provision is a Class B misdemeanor. A person who violates this provision is subject to civil penalties. <i>Education Code 22.901</i>
<b>Disability Discrimination</b>	A district may not discriminate against a qualified individual on the basis of disability in job application procedures, hiring, advancement, or discharge of employees, compensation, job training, and other terms, conditions, and privileges of employment. <i>42 U.S.C. 12112(a); 29 C.F.R. 1630.4(b); Labor Code 21.051</i>  In addition, each district that receives assistance under the Individuals with Disabilities Education Act (IDEA) must make positive efforts to employ, and advance in employment, qualified individuals with disabilities in programs assisted by the IDEA. <i>34 C.F.R. 300.177(b)</i>
Discrimination Based on Lack of Disability	The Americans with Disabilities Act (ADA) and the Texas Commission on Human Rights Act do not provide a basis for a claim that an individual was subject to discrimination because of the individual's lack of disability. <i>42 U.S.C. 12201(g); 29 C.F.R. 1630.4(b); Labor Code 21.005(c)</i>

EMPLOYMENT OBJECTIVES  
EQUAL EMPLOYMENT OPPORTUNITY

DAA  
(LEGAL)

Definition of  
Disability

“Disability” means:

1. An actual disability: a physical or mental impairment [see definition, below] that substantially limits one or more of an individual’s major life activities;
2. A record of having such an impairment; or
3. Being regarded as having such an impairment.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

*“Regarded as”  
Having an  
Impairment*

An individual meets the requirement of being “regarded as” having an impairment if the individual establishes that he or she has been subjected to an action prohibited by the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

Transitory and  
Minor

The “regarded as” prong of the definition does not apply to impairments that are transitory or minor. A transitory impairment is one with an actual or expected duration of six months or less. The “transitory” exception does not apply to the “actual disability” or “record of disability” prongs of the definition.

*Mitigating  
Measures*

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices, prosthetics, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

The ameliorative effects of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity. Ordinary eyeglasses and contact lenses are lenses that are intended to fully correct visual acuity or to eliminate refractive error.

42 U.S.C. 12102(1), (3), (4); 29 C.F.R. 1630.2(g), (j)(1); Labor Code 21.002, .0021

Other Definitions

*Physical or  
Mental  
Impairment*

“Physical or mental impairment” means:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or

EMPLOYMENT OBJECTIVES  
EQUAL EMPLOYMENT OPPORTUNITY

DAA  
(LEGAL)

2. Any mental or psychological disorder, such as an intellectual disability (formerly termed "mental retardation"), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

*29 C.F.R. 1630.2(h)*

*Major Life  
Activities*

"Major life activities" include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

"Major life activities" also include the operation of major bodily functions, including functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within the body system.

*42 U.S.C. 12102(2); 29 C.F.R. 1630.2(i); Labor Code 21.002*

*Qualified  
Individual*

"Qualified individual" means an individual who:

1. Satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires; and
2. With or without reasonable accommodation, can perform the essential functions of such position. Consideration shall be given to a district's judgment as to what functions of a job are essential. A written job description prepared before advertising or interviewing applicants for the job is evidence of the job's essential functions.

*42 U.S.C. 12111(8); 29 C.F.R. 1630.2(m)*

Reasonable  
Accommodations

A district is required, absent undue hardship, to make a reasonable accommodation to an otherwise qualified individual who meets the definition of disability under the "actual disability" or "record of disability" prongs. A district is not required to provide a reasonable accommodation to an individual who meets the definition of disability solely under the "regarded as" prong. *42 U.S.C. 12112(b)(5); 29 C.F.R. 1630.2(o)(4), .9; 29 U.S.C. 794; 34 C.F.R. 104.11; Labor Code 21.128 [See DBB regarding medical examinations and inquiries under the Americans with Disabilities Act]*

"Reasonable accommodation" includes:

EMPLOYMENT OBJECTIVES  
EQUAL EMPLOYMENT OPPORTUNITY

DAA  
(LEGAL)

1. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
2. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

*42 U.S.C. 12111(9); 29 C.F.R. 1630.2(o); 34 C.F.R. 104.12(b)*

“Undue hardship” means an action requiring significant difficulty or expense when considered in light of the nature and cost of the accommodation needed, overall financial resources of the affected facility and the district, and other factors set out in law. *42 U.S.C. 12111(10); 29 C.F.R. 1630.2(p); 34 C.F.R. 104.12(c)*

Discrimination  
Based on  
Relationship

A district shall not exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social, or other relationship or association. *42 U.S.C. 12112(b)(4); 29 C.F.R. 1630.8; 34 C.F.R. 104.11*

Illegal Drugs and  
Alcohol

The term “qualified individual with a disability” does not include any employee or applicant who is currently engaging in the illegal use of drugs, when a district acts on the basis of such use.

*Drug Testing*

A district is not prohibited from conducting drug testing of employees and applicants for the illegal use of drugs or making employment decisions based on the results of such tests.

*42 U.S.C. 12114(c), (d); Labor Code 21.002(6)(A) [See DHE]*

*Alcohol Use*

The term “qualified individual with a disability” does not include an individual who is an alcoholic and whose current use of alcohol prevents the employee from performing the duties of his or her job or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others. *42 U.S.C. 12114(a); 29 U.S.C. 705(20)(C); 29 C.F.R. 1630.3(a); 28 C.F.R. 35.104; Labor Code 21.002(6)(A)*

Qualification  
Standards

It is unlawful for a district to use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test, or other selection criteria, as used by the district, is shown to be job related for the position in question and is consistent with business necessity. *29 C.F.R. 1630.10(a)*

EMPLOYMENT OBJECTIVES  
EQUAL EMPLOYMENT OPPORTUNITY

DAA  
(LEGAL)

<i>Direct Threat to Health or Safety</i>	As a qualification standard, a district may require that an individual not pose a direct threat to the health or safety of other individuals in the workplace. "Direct threat" means a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation. <i>42 U.S.C. 12111(3); 29 C.F.R. 1630.2(r); Labor Code 21.002(6)(B)</i>
<i>Vision Standards and Tests</i>	A district shall not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the district, is shown to be job-related for the position in question and consistent with business necessity. <i>42 U.S.C. 12113(c); 29 C.F.R. 1630.10(b); Labor Code 21.115(b)</i>
<i>Communicable Diseases</i>	A district may refuse to assign or continue to assign an individual to a job involving food handling if the individual has an infectious or communicable disease that is transmitted to others through handling of food. <i>42 U.S.C. 12113(e); 29 U.S.C. 705(20)(D); 29 C.F.R. 1630.16(e); Labor Code 21.002(6)(B)</i>
Service Animals	<p>A district that is subject to the jurisdiction of Title I of the ADA (employment discrimination) or to section 504 of the Rehabilitation Act (employment discrimination) shall comply with the reasonable accommodation requirements of those laws with respect to service animals. [See Reasonable Accommodations, above]</p> <p>A district that is not subject to either Title I or section 504 shall comply with Title II of the ADA (discrimination by public entity). An employer that is subject to Title II shall comply with 28 C.F.R. part 35, including the requirements relating to service animals at 28 C.F.R. 35.136 [see FBA].</p> <p><i>28 C.F.R. 35.140</i></p>
<b>Military Service</b>	A district shall not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of membership in a uniformed service, performance in a uniformed service, application for uniformed service, or obligation to a uniformed service. A district shall not take adverse employment action or discriminate against any person who takes action to enforce protections afforded by the Uniformed Services Employment and Re-employment Rights Act (USERRA). <i>38 U.S.C. 4311</i> [See also DECB]
<b>Grievance Procedures</b> Section 504	A district that receives federal financial assistance and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for

EMPLOYMENT OBJECTIVES  
EQUAL EMPLOYMENT OPPORTUNITY

DAA  
(LEGAL)

	<p>the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act. 34 C.F.R. 104.7(b), .11</p>
Americans with Disabilities Act	<p>A district that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA. 28 C.F.R. 35.107, .140</p>
Title IX	<p>A district that receives federal financial assistance shall adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging any action prohibited by Title IX. 34 C.F.R. 106.8(c); <u>North Haven Board of Education v. Bell</u>, 456 U.S. 512 (1982) [For legally referenced material relating to Title IX grievance procedures, see FFH(LEGAL).]</p>
Compliance Coordinators Section 504	<p>A district that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with Section 504 of the Rehabilitation Act. The district's Section 504 notification [see Section 504 Notice, above] shall also identify the responsible employee so designated. 34 C.F.R. 104.7(a), .8(a)</p>
Americans with Disabilities Act	<p>A district that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the ADA, including any investigation of any complaint communicated to it alleging its noncompliance with the ADA or alleging any actions that would be prohibited by the ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee or employees so designated. 28 C.F.R. 35.107(a)</p>
Title IX	<p>A district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator." The district must notify applicants for admission and employment, students, parents or legal guardians, employees, and all professional organizations holding professional agreements with the district, of the name or title, office address, electronic mail address, and telephone number of the employee(s) so designated. 34 C.F.R. 106.8(a)</p>
Age Discrimination in Employment Act	<p>A district shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the Age Discrimination in Employment Act (ADEA), including investigation of any complaints that the district receives alleging any actions that are prohibited by the ADEA. A district shall notify its employees of the identity of the responsible employee by name or title, address, and telephone number. 34 C.F.R. 110.25(a), (b)</p>



EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
PRE-EMPLOYMENT REVIEWS

DBAA  
(LEGAL)

**Criminal History  
Reviews**

Definitions

“Criminal history clearinghouse” (clearinghouse) means the electronic clearinghouse and subscription service established by the Department of Public Safety (DPS) to provide criminal history record information to persons entitled to receive that information and to provide updates to such information. A person who is the subject of the criminal history record information requested must consent to the release of the information. *Gov’t Code 411.0845(a), (h)*

“Criminal history record information” (CHRI) means information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges and their dispositions. *Gov’t Code 411.082(2)*

“National criminal history record information” (NCHRI) means criminal history record information obtained from DPS under Government Code Chapter 411, Subchapter F, and the Federal Bureau of Investigation (FBI) under Government Code 411.087. *Education Code 22.081(2)*

“Request for CHRI” is the processing and entry of a person’s complete set of fingerprints in DPS’s tenprint database and the comparison of those prints to DPS’s latent print database and if authorized the entry into FBI’s tenprint and comparison to the FBI’s latent print database. *37 TAC 27.172*

Participation in the  
Criminal History  
Clearinghouse

The purpose of the clearinghouse is to:

1. Provide authorized entities with the Texas and FBI fingerprint-based criminal history results.
2. Provide authorized entities with subscription and notification service to disseminate updated criminal history information.

Districts shall only submit a request for CHRI on a person who has authorized the access of their information.

Districts may subscribe to a person in the clearinghouse, if the entity has the authority to view the record. Entities shall unsubscribe from a person when it no longer has authority to view a record.

Districts shall validate their subscriptions in accordance with DPS policies. “Validation” is a process whereby the subscriber reviews a subscription to determine whether they are still authorized to receive CHRI on that individual and updates the subscription accordingly. Validations are required on a yearly basis.

Districts shall maintain compliance with the FBI Criminal Justice Information Services Security Policy. Districts shall allow DPS and

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
PRE-EMPLOYMENT REVIEWS

DBAA  
(LEGAL)

the FBI to conduct audits of their clearinghouse accounts to prevent any unauthorized access, use, or dissemination of the information.

*37 TAC 27.171, .172(8), .174*

**Certified Persons**

The State Board for Educator Certification (SBEC) shall review the NCHRI of a person who is an applicant for or holder of a certificate and who is employed by or is an applicant for employment by a district. *Education Code 22.0831(c)*

**Noncertified  
Employees**

This section applies to a person who is not an applicant for or holder of a certificate from SBEC and who, on or after January 1, 2008, is offered employment by:

*Applicability*

1. A district; or
2. A shared services arrangement, if the employee's or applicant's duties are or will be performed on school property or at another location where students are regularly present.

[For noncertified employees of a district or shared services arrangement hired before January 1, 2008, see All Other Employees, below.]

*Information to  
DPS and TEA*

Before or immediately after employing or securing the services of a person subject to this section, a district shall send or ensure that the person sends to DPS information that DPS requires for obtaining NCHRI, which may include fingerprints and photographs.

A district shall provide the Texas Education Agency (TEA) with the name of a person to whom this section applies. TEA shall examine the CHRI of the person and notify the district if the person may not be hired or must be discharged under Education Code 22.085.

*Employment  
Pending Review*

After the required information is submitted, the person may begin employment, but that employment is conditional upon the review of that person's CHRI by TEA and must be terminated if TEA makes a determination that the employee or applicant is ineligible for employment.

*Criminal History*

A district shall obtain all CHRI that relates to a person subject to this section through the clearinghouse and shall subscribe to the CHRI of that person. A district may require the person to pay any fees related to obtaining the CHRI.

*Education Code 22.0833; 19 TAC 153.1109(d)*

*Districts of  
Innovation*

A prohibition, restriction, or requirement imposed by Education Code Chapter 22, Subchapter C (Criminal History Records) on an

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
PRE-EMPLOYMENT REVIEWS

DBAA  
(LEGAL)

open-enrollment charter school applies to the same extent to a district of innovation or other charter entity.

The failure of a district of innovation to provide information required under Education Code 22.0832 may result in termination of the district's designation as a district of innovation. [See AF]

*Education Code 22.0815*

**Substitute Teachers** This section applies to a person who is a substitute teacher for a district or shared services arrangement.

*Applicability* For purposes of the CHRI review requirements, a "substitute teacher" is a teacher who is on call or on a list of approved substitutes to replace a regular teacher and has no regular or guaranteed hours. A substitute teacher may be certified or noncertified.

*Information to DPS and TEA* A district shall send or ensure that a person to whom this section applies sends to DPS information required for obtaining NCHRI, which may include fingerprints and photographs.

A district shall provide TEA with the name of a person to whom this section applies. TEA shall examine the CHRI and certification records of the person and notify the district if the person:

1. May not be hired or must be discharged as provided by Education Code 22.085; or
2. May not be employed as a substitute teacher because the person's educator certification has been revoked or is suspended.

*Employment Pending Review* After the required information is submitted, the person may begin employment, but that employment is conditional upon the review of that person's CHRI by TEA and must be terminated if TEA makes a determination that the employee or applicant is ineligible for employment.

*Criminal History* A district shall obtain all CHRI that relates to a person to whom this section applies through the clearinghouse. A district may require the person to pay any fees related to obtaining the CHRI.

*Education Code 22.0836; 19 TAC 153.1101(5), .1111(d)*

**Student Teachers** This section applies to a person participating in an internship consisting of student teaching to receive a teaching certificate.

*Applicability*  
*Criminal History* A student teacher may not perform any student teaching until:

1. The student teacher has provided to a district a driver's license or another form of identification containing the person's

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
PRE-EMPLOYMENT REVIEWS

DBAA  
(LEGAL)

photograph issued by an entity of the United States government; and

2. The district has obtained from DPS all CHRI that relates to a student teacher. A district may also obtain CHRI relating to a student teacher from any other law enforcement agency, criminal justice agency, or private consumer reporting agency. A district may require a student teacher to pay any costs related to obtaining the CHRI.

*Education Code 22.0835*

Coordination of Efforts

TEA, SBEC, a district, and a shared services arrangement may coordinate as necessary to ensure that criminal history reviews authorized or required under Education Code Chapter 22, Subchapter C are not unnecessarily duplicated. *Education Code 22.0833(h)*

All Other Employees

A district shall obtain CHRI that relates to a person who is not subject to an NCHRI review under Education Code Chapter 21, Subchapter C and who is an employee of:

1. The district; or
2. A shared services arrangement, if the employee's duties are performed on school property or at another location where students are regularly present.

A district may obtain the CHRI from:

1. DPS;
2. A law enforcement or criminal justice agency; or
3. A private consumer reporting agency [see Consumer Credit Reports, below].

*Education Code 22.083(a), (a-1); Gov't Code 411.097*

---

**Note:** For criminal history record provisions regarding volunteers, see GKG. For provisions on employees of entities that contract with a district, see CJA.

---

Confidentiality of Record

CHRI that a district obtains from DPS, including any identification information that could reveal the identity of a person about whom CHRI is requested and information that directly or indirectly indicates or implies involvement of a person in the criminal justice system:

1. Is for the exclusive use of the district; and

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
PRE-EMPLOYMENT REVIEWS

DBAA  
(LEGAL)

2. May be disclosed or used by the district only if, and only to the extent, disclosure is authorized or directed by a statute, rule, or order of a court of competent jurisdiction.

For purposes of these confidentiality provisions, "criminal history record" information does not refer to any specific document provided by DPS, but to the information contained, wholly or partly, in a document's original form or any subsequent form or use.

A district or an individual may not confirm the existence or nonexistence of CHRI to any person who is not eligible to receive the information.

*Gov't Code 411.084*

CHRI obtained by a district, in the original form or any subsequent form, may not be released to any person except the individual who is the subject of the information, TEA, or SBEC, or by court order. The CHRI is not subject to disclosure under Government Code Chapter 552 (Public Information Act).

An employee of a district may request from the district a copy of any CHRI related to that employee that the district has obtained from DPS. The district may charge a fee to provide the information, not to exceed the actual cost of copying the CHRI.

*Gov't Code 411.097(d), (f)*

**Destruction of CHRI** A district shall destroy CHRI obtained from DPS on the earlier of:

1. The date the information is used for the authorized purpose; or
2. The first anniversary of the date the information was originally obtained.

*Gov't Code 411.097(d)(3)*

**Confidentiality of Information Obtained from Applicant or Employee**

A district may not release information collected about a person in order to obtain CHRI, including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records, except:

1. To comply with Government Code Chapter 22, Subchapter C (criminal records);
2. By court order; or
3. With the consent of the person who is the subject of the information.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
PRE-EMPLOYMENT REVIEWS

DBAA  
(LEGAL)

In addition, the information is not subject to disclosure under Government Code Chapter 522 (Public Information Act).

The district shall destroy the information not later than the first anniversary of the date the information is received.

*Education Code 22.08391*

Unauthorized  
Disclosure of CHRI

A person commits a Class B misdemeanor if the person knowingly or intentionally:

1. Obtains CHRI in an unauthorized manner, uses the information for an unauthorized purpose, or discloses the information to a person who is not entitled to the information; or
2. Violates a DPS rule adopted under Government Code Chapter 411, Subchapter F.

A person commits a second degree felony if the person:

1. Obtains, uses, or discloses CHRI for remuneration or for the promise of remuneration; or
2. Employs another person to obtain, use, or disclose CHRI for remuneration or for the promise of remuneration.

*Gov't Code 411.085*

Refusal to Hire  
Convicted  
Applicants

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

1. Convicted of or placed on deferred adjudication community supervision for an offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or
2. Convicted of:
  - a. A felony under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed; or
  - b. An offense under the laws of another state or federal law that is equivalent to an offense under item 1 or 2a, above.

*Exception*

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

1. The date of the offense is more than 30 years before the date the person's employment will begin; and

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
PRE-EMPLOYMENT REVIEWS

DBAA  
(LEGAL)

2. The applicant for employment satisfied all terms of the court order entered on conviction.

Certification to  
Commissioner

Each school year, the superintendent shall certify to the commissioner that the district has complied with the above provisions.

Sanctions

SBEC may impose a sanction on an educator who does not refuse to hire an applicant for employment if the educator knew that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor in accordance with Education Code 21.009(e), or knew or should have known, through a CHRI review, that the applicant has been convicted of or placed on deferred adjudication community supervision for an offense described above.

SBEC may impose a sanction on a superintendent who falsely or inaccurately certified to the commissioner that the district had complied with Education Code 22.085. [See Certification to Commissioner, above]

Termination for  
Failure to Disclose

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

*Education Code 22.085; 19 TAC 249.15(b)(12), (14) [See DF]*

Pre-employment  
Affidavit

An applicant for a certified or licensed position [see Professional Personnel at DBA(LEGAL)] with a school district, including a district of innovation, must submit, using a form adopted by TEA, a pre-employment affidavit disclosing whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.

An applicant who answers affirmatively concerning an inappropriate relationship with a minor must disclose in the affidavit all relevant facts pertaining to the charge, adjudication, or conviction, including, for a charge, whether the charge was determined to be true or false.

An applicant is not precluded from being employed based on a disclosed charge if the district determines based on the information disclosed in the affidavit that the charge was false.

A determination that an employee failed to disclose required information is grounds for termination of employment.

SBEC may revoke the certificate of an administrator if the board determines it is reasonable to believe that the administrator employed an applicant for a position described by Education Code 21.003(a) or (b) despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor.

*Education Code 21.009*

**Do Not Hire Registry**

TEA shall develop and maintain an internet portal through which required reports may be confidentially and securely filed and TEA makes available:

1. The registry of persons who are not eligible to be employed in public schools; and
2. Information indicating that a person is under investigation.

*Education Code 22.095*

TEA shall maintain and make available through its internet portal a registry of persons who are not eligible to be employed by a district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement.

A district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall discharge or refuse to hire a person listed on the registry.

The registry must list:

1. An employee of an open enrollment charter school determined by TEA under Education Code 22.0832 as a person who would not be eligible for educator certification based on their NCHRI;
2. A noncertified person determined by TEA to be not eligible for employment based on the person's CHRI, as provided by Education Code 22.0833 [see DBAA];
3. A person who is not eligible for employment based on CHRI received by TEA under Education Code 21.058(b) indicating that a certified employee is required to register as a sex offender;
4. A person whose certification or permit is revoked by SBEC on a finding that the person engaged in misconduct described by Education Code 21.006(b)(2)(A) or (A-1) [see DHB]; and

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
PRE-EMPLOYMENT REVIEWS

DBAA  
(LEGAL)

5. A noncertified person who is determined by the commissioner under Education Code 22.094 to have engaged in misconduct described by Education Code 22.093(c)(1)(A) or (B) [see DHC].

*Education Code 22.092*

**Commercial Driver License Drug and Alcohol Clearinghouse**

The U.S. Department of Transportation (DOT) operates and maintains a national clearinghouse for records relating to alcohol and controlled substances testing of commercial motor vehicle operators in order to improve compliance with DOT's alcohol and controlled substances testing program applicable to commercial motor vehicle operators [see DHE] and to enhance the safety of roadways by reducing accidents and injuries involving the misuse of alcohol or use of controlled substances by operators of commercial motor vehicles. *49 U.S.C. 31306a*

**Pre-employment Query Required**

A district must not employ a driver subject to controlled substances and alcohol testing under 49 C.F.R. Part 382 to perform a safety-sensitive function without first conducting a pre-employment query of the federal Drug and Alcohol Clearinghouse to obtain information about the driver's previous test results.

**Annual Query Required**

A district must conduct a query of the federal Drug and Alcohol Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing under 49 C.F.R. Part 382 to determine whether information exists about those employees.

**Prohibition**

A district may not allow a driver to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a prohibited test result.

**Recordkeeping Required**

A district must retain for three years a record of each query and all information received in response to each query made under this section.

*49 C.F.R. 382.701*

**Consumer Credit Reports**

**Definitions**

"Adverse action" includes a denial of employment or any other decision for employment purposes that adversely affects any current or prospective employee.

"Consumer report" includes any information from a consumer reporting agency that is used or expected to be used as a factor in establishing the person's eligibility for employment.

"Consumer reporting agency" is an agency that, for monetary fees, dues, or on a cooperative nonprofit basis, regularly assembles or

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
PRE-EMPLOYMENT REVIEWS

DBAA  
(LEGAL)

evaluates consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

“Employment purposes” when used in connection with a consumer report means a report used for the purpose of evaluating a person for employment, promotion, reassignment, or retention as an employee.

*15 U.S.C. 1681a*

Obtaining Reports

A district may not procure a consumer report for employment purposes unless:

1. The district has provided the applicant or employee a written disclosure that a consumer report may be obtained for employment purposes; and
2. The applicant or employee has authorized in writing the procurement of the consumer report.

Adverse Action

Before taking any adverse action based on the consumer report, a district shall provide the applicant or employee a copy of the consumer report and a written description of the person’s rights under the Fair Credit Reporting Act, as prescribed by the Federal Trade Commission.

*15 U.S.C. 1681b(b)(2)*

Address  
Discrepancies

“Notice of address discrepancy” means a notice sent to a user by a consumer reporting agency that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency’s file for the consumer.

A district must develop and implement reasonable policies and procedures designed to enable the district, when it receives a notice of address discrepancy, to form a reasonable belief that a consumer report relates to the consumer about whom it has requested the report.

If a district regularly and in the ordinary course of business furnishes information to the consumer reporting agency from which it received the notice of address discrepancy, the district must also develop and implement reasonable policies and procedures for furnishing an address for the consumer, which the district has reasonably confirmed is accurate, to the consumer reporting agency.

*16 C.F.R. 641.1*

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
PRE-EMPLOYMENT REVIEWS

DBAA  
(LEGAL)

**Disposal of Records** A district must properly dispose of a consumer report by taking reasonable measures to protect against unauthorized access to or use of the information.

“Dispose” includes discarding or abandoning the consumer report, or selling, donating, or transferring any medium, including computer equipment, upon which the consumer report is stored.

Examples of reasonable measures include:

1. Burning, pulverizing, or shredding papers containing a consumer report so the information cannot practicably be read or reconstructed;
2. Destroying or erasing electronic media containing a consumer report so that the information cannot practicably be read or reconstructed; or
3. After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of the consumer report.

*16 C.F.R. 682.3*



EMPLOYMENT PRACTICES

DC  
(LEGAL)

- Employment Policies** A board shall adopt a policy providing for the employment and duties of district personnel. The policy shall provide that:
1. A board employs and evaluates the superintendent;
  2. A superintendent has sole authority to make recommendations to a board regarding the selection of all personnel, except that the board may delegate final authority for those decisions to the superintendent [see Superintendent Recommendation, below];
  3. Each principal must approve each teacher or staff appointment to the principal's campus as provided by Education Code 11.202 [see DK and DP];
  4. Notice will be provided of vacant positions [see Posting of Vacancies, below]; and
  5. Each employee has the right to present grievances to the board. [See Grievances, below]

*Education Code 11.1513*

**Tax Identifier** A board shall adopt a policy prohibiting the use of social security numbers as employee identifiers other than for tax purposes [see Social Security Numbers, below]. *Education Code 11.1514* [See DBA]

**Contract Positions** A board shall establish a policy designating specific positions of employment, or categories of positions based on considerations such as length of service, to which continuing contracts or term contracts apply. *Education Code 21.002(c)* [See DCB and DCC]

**Delegation of Authority** A district's employment policy may specify the terms of district employment or delegate to the superintendent the authority to determine the terms of employment with the district. *Education Code 11.1513(c)* [For nepotism implications, see BBFB and DBE]

**Internal Auditor** If a district employs an internal auditor, the board shall select the internal auditor and the internal auditor shall report directly to the board. *Education Code 11.170* [See CFC]

**Superintendent Recommendation** A board may accept or reject a superintendent's recommendation regarding the selection of district personnel and shall include the board's acceptance or rejection in the minutes of the board's open meeting, in the certified agenda or tape recording of a closed meeting, or in the recording required under Government Code 551.125 or 551.127, as applicable. If a board rejects a superintendent's recommendation, the superintendent shall make alternative recommendations until the board accepts a recommendation. *Education Code 11.1513(b)*

- Posting of Vacancies** A district's employment policy must provide that not later than the tenth school day before the date on which a district fills a vacant position for which a certificate or license is required as provided by Education Code 21.003 [see DBA], other than a position that affects the safety and security of students as determined by the board, the district must provide to each current district employee:
1. Notice of the position by posting the position on:
    - a. A bulletin board at:
      - (1) A place convenient to the public in the district's central administrative office, and
      - (2) The central administrative office of each campus during any time the office is open; or
    - b. The district's internet website, if the district has a website; and
  2. A reasonable opportunity to apply for the position.

*Education Code 11.1513(d)*

**Exception** If, during the school year, a district must fill a vacant position held by a teacher, as defined by Education Code 21.201 [see DCB], in less than ten school days, the district must provide notice of the position in the manner described above as soon as possible after the vacancy occurs. However, a district is not required to provide the notice for ten school days before filling the position or to provide a reasonable opportunity to apply for the position. *Education Code 11.1513(e)*

- Grievances** A district's employment policy must provide each employee with the right to present grievances to the board. The policy may not restrict the ability of an employee to communicate directly with a member of the board regarding a matter relating to the operation of a district, except that the policy may prohibit ex parte communication relating to:
1. A hearing under Education Code Chapter 21, Subchapter E (Term Contracts) or F (Hearing Examiners); and
  2. Another appeal or hearing in which ex parte communication would be inappropriate pending a final decision by the board.

*Education Code 11.1513(i)-(j)* [See DGBA]

**Transfers** A district's employment policy may include a provision for providing each current district employee with an opportunity to participate in a process for transferring to another school in or position with the district. *Education Code 11.1513(c)(3)* [See DK]

<b>Contract Employees</b>	A district shall employ each classroom teacher, principal, librarian, nurse, or school counselor under a probationary contract, a continuing contract, or a term contract. A district is not required to employ a person other than these listed employees under a probationary, continuing, or term contract. <i>Education Code 21.002</i>
<b>Classroom Teacher</b>	"Classroom teacher" means an educator who is employed by a district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting. The term does not include a teacher's aide or a full-time administrator. <i>Education Code 5.001(2)</i>
<b>Minimum Length of Contract</b>	A contract between a district and an educator must be for a minimum of ten months of service. An educator employed under a ten-month contract must provide a minimum of 187 days of service. <i>Education Code 21.401(a), (b)</i>
<b>Proportionate Reduction</b>	If a district anticipates providing less than 180 days of instruction for students during a school year, as indicated by the district's academic calendar, the district may reduce the number of days of service proportionately. A reduction by the district does not reduce an educator's salary. <i>Education Code 21.401(c-1)</i>
<b>Commissioner Waiver</b>	The commissioner of education may reduce the number of days of service if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools. A reduction by the commissioner does not reduce an educator's salary. <i>Education Code 21.401(c), 25.081(b)</i>
<b>Educational Aides</b>	A board shall establish a plan to encourage the hiring of educational aides who show a willingness to become certified teachers. <i>Education Code 54.363(f)</i>
<b>Employment of Retirees</b>	<p>A district shall file a monthly certified statement of employment of a retiree in the form and manner required by TRS. A district shall inform TRS of changes in status of the district that affect the district's reporting responsibilities.</p> <p>The certified statement must include information regarding:</p> <ol style="list-style-type: none"><li>1. Employees of third party entities if the employees are service or disability retirees who were first employed by the third party entity on or after May 24, 2003, and are performing duties or providing services on behalf of or for the benefit of the district that employees of the district would otherwise perform or provide; and</li><li>2. Retirees who retired within twelve full, consecutive calendar months of the month of the monthly certified statement and are performing duties or providing services for or on behalf of</li></ol>

the district that employees of the district would otherwise perform or provide, and are:

- a. Waiving, deferring, or forgoing compensation for the services or duties;
- b. Performing the duties or providing the services as an independent contractor; or
- c. Serving as a volunteer without compensation and performing the same duties or providing the same services for a reporting entity that the retiree performed or provided immediately before retiring and the retiree has an agreement to perform those duties or provide those services after the first 12 full, consecutive calendar months after the retiree's effective date of retirement.

A district that fails to attain a completed status for the monthly certified statement as required by 34 Administrative Code 31.2 shall pay to TRS, in addition to the required employer surcharges and any applicable penalty interest on the unpaid amounts, the late fee established in 34 Administrative Code 31.2(d) for each business day that the monthly certified statement fails to attain a completed status.

An administrator of a district who is responsible for filing the statement, and who knowingly fails to file the statement, commits an offense.

*Gov't Code 824.6022, 825.403(k); 34 TAC 31.2*

**Former Board  
Member Employment**

A board member is prohibited from accepting employment with the district until the first anniversary of the date the board member's membership on a board ends. *Education Code 11.063* [See BBC]

**New Hires**  
I-9 Forms

A district shall ensure that an employee properly completes section 1—"Employee Information and Verification"—on Form I-9 at the time of hire.

A district must verify employment eligibility, pursuant to the Immigration Reform and Control Act, and complete Form I-9 by the following dates:

- 1. Within three business days of initial hiring. If a district hires an individual for employment for a duration of less than three business days, the district must verify employment at the time of hire. A district shall not be deemed to have hired an individual if the individual is continuing in his or her employment and has a reasonable expectation of employment at all times. When a district rehires an individual, the district may, in lieu of

EMPLOYMENT PRACTICES

DC  
(LEGAL)

completing a new I-9, inspect a previously completed I-9 executed within three years of the date of rehire, to determine whether the individual is still eligible to work.

2. For an individual whose employment authorization expires, not later than the date of expiration.

*8 C.F.R. 274a.2(b)(1)(ii), (iii), (vii), (viii)*

**New Hire Reporting**

A district shall furnish to the Directory of New Hires (Texas Attorney General's Office) a report that contains the name, address, and social security number of each newly hired employee. The report shall also contain a district's name, address, and employer identification number.

A district may also provide, at its option, the employee's date of hire, date of birth, expected salary or wages, and the district's payroll address for mailing of notice to withhold child support.

A district shall report new hire information on a Form W-4 or an equivalent form, by first class mail, telephonically, electronically, or by magnetic media, as determined by the district and in a format acceptable to the attorney general.

*Deadline*

New hire reports are due:

1. Not later than 20 calendar days after the date a district hires the employee; or
2. In the case of a district transmitting reports magnetically or electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart.

New hire reports shall be considered timely if postmarked by the due date or, if filed electronically, upon receipt by the agency.

*Penalties*

A district that knowingly violates the new hire provisions may be liable for a civil penalty, as set forth at Family Code 234.105.

*42 U.S.C. 653a(b), (c); Family Code 234.101-.105; 1 TAC 55, Subch. 1*

**Social Security Numbers**

A board shall adopt a policy prohibiting the use of the social security number of an employee of the district as an employee identifier other than for tax purposes. *Education Code 11.1514 [See DBA]*

**Federal Law**

A district shall not deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her social security number.

*Exceptions*

The federal law does not apply to:

EMPLOYMENT PRACTICES

DC  
(LEGAL)

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the social security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;
2. Any disclosure to a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or
3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within a district's jurisdiction.

Statement of Uses

A district that requests disclosure of a social security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

*Privacy Act of 1974, Pub. L. No. 93-579, Sec. 7, 88 Stat. 1896, 1897 (1974)*

**Employment  
Assistance  
Prohibited**

Federal Law

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

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

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee engaged in sexual misconduct regarding a minor or student in violation of the law;

EMPLOYMENT PRACTICES

DC  
(LEGAL)

2. The school employee has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or
3. The case or investigation remains open and there have been no charges filed against, or indictment of, the school employee within four years of the date on which the information was reported to a law enforcement agency.

*20 U.S.C 7926 [See also CJ]*

State Law

SBEC may suspend or revoke a certificate, impose other sanctions against the person, or refuse to issue a certificate to the person if:

1. The person assists another person in obtaining employment at a school district, private school, or open-enrollment charter school, other than by the routine transmission of administrative and personnel files; and
2. The person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law.

The commissioner may require a school district to revoke or decline to issue a school district teaching permit under Education Code 21.055 issued to or requested by a person subject to SBEC action above.

*Education Code 21.0581; 19 TAC 249.15(b)(13)*



---

**Note:** For a detailed treatment of termination and nonrenewal of educator contracts, see policies DFAA and DFAB (Probationary Contracts), and DFBA and DFBB (Term Contracts).

---

**Withholding Information**

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

**Registry of Persons Not Eligible for Employment**

A district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall discharge or refuse to hire a person listed on TEA's registry of persons who are not eligible to be employed. [See DBAA] *Education Code 22.092*

**Discharge of Convicted Employees**

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

1. Convicted of or placed on deferred adjudication community supervision for an offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or
2. Convicted of:
  - a. A felony under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed; or
  - b. An offense under the laws of another state or federal law that is equivalent to an offense under item 1 or 2a, above.

**Exception**

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

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

**Certification to Commissioner**

Each school year, a superintendent shall certify to the commissioner that the district has complied with the above provisions.

**Sanctions**

The State Board for Educator Certification (SBEC) may impose a sanction on an educator who does not discharge an employee when the employee was employed in a public school and on the

TERMINATION OF EMPLOYMENT

DF  
(LEGAL)

registry of persons who are not eligible to be employed under Education Code 22.092 [see DBAA], if the educator knew that the employee had been adjudicated for or convicted of having an inappropriate relationship with a minor in accordance with Education Code 21.009(e), or when the person knew or should have known, through a CHRI review, that the employee has been convicted of or placed on deferred adjudication community supervision for an offense described above.

SBEC may impose a sanction on a superintendent who falsely or inaccurately certified to the commissioner that the district had complied with Education Code 22.085. [See Certification to Commissioner, above]

Termination for  
Failure to Disclose

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

*Education Code 22.085; 19 TAC 249.15(b)(12), (14)* [See DBAA for Refusal to Hire Convicted Applicants]

**Certain Offenses  
Against Students**

Mandatory  
Termination

If a district receives notice that SBEC has revoked the certificate of a person based on conviction of or placement on deferred adjudication community supervision for an offense for which the person is required to register as a sex offender under Code of Criminal Procedure, Chapter 62, or a conviction of a felony under Penal Code Title 5 if the victim of the offense was under 18 years of age at the time the offense was committed, the district shall:

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

*Education Code 21.058(a), (c)*

TERMINATION OF EMPLOYMENT

DF  
(LEGAL)

**Discretionary  
Termination**

If a district becomes aware that a person employed by the district under a probationary or term contract has been convicted of or received deferred adjudication for a felony offense, and the person is not subject to the mandatory termination provision above, the district may, with the approval of the board or its designee:

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

*Education Code 21.058(c-1)*

**Notice to Employee**

A person's probationary or term contract is void if, with the approval of the board or its designee, the district provides written notice to the person, under the mandatory or discretionary termination provisions above, that the person's contract is void. *Education Code 21.058(c-2)*

**No Appeal**

Action taken by a district under the mandatory or discretionary terminations provisions above is not subject to appeal under Education Code Chapter 21 and the notice and hearing requirements of Chapter 21 do not apply to the action. *Education Code 21.058(e)*

**Invalid or Expired  
Certification**

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

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

*Education Code 21.0031(a)*

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

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

TERMINATION OF EMPLOYMENT

DF  
(LEGAL)

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

*Education Code 21.0031(f)*

District's Options

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

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

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

*Education Code 21.0031(b)*

Exception

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

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

*Education Code 21.0031(b-1)*

No Appeal or  
Chapter 21 Hearing

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

Applicability

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

Report to SBEC

A superintendent shall report the educator's termination to SBEC if the conditions set forth at Education Code 21.006 exist. [See DHB]

TERMINATION OF EMPLOYMENT

DF  
(LEGAL)

**Report to  
Superintendent**

A principal shall report the educator's termination to the superintendent if the conditions set forth at Education Code 21.006 exist.  
[See DP]

**Falsification of  
Military Record**

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

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

*Labor Code Ch. 105*



---

**Note:** The provisions of this policy apply to a district of innovation under Education Code, Chapter 12A. [See AF]

---

**Definitions**

“Abuse” has the meaning assigned by Family Code 261.001(1).

“Employee” means a person who is employed by a school district, district of innovation, charter school, service center, or shared services arrangement and does not hold a certification issued by the State Board for Educator Certification (SBEC) under Education Code, Chapter 21, Subchapter B.

*19 TAC 153.1201(b), (d)*

**Misconduct of  
Noncertified  
Employees**

Education Code 22.093 applies to a district employee who does not hold certification issued by SBEC or a school district teaching permit.

**Notice to TEA of  
Termination or  
Resignation**

A person who serves as the superintendent shall notify the commissioner of education in writing by filing a report within seven business days of the date the person either receives a report from a principal or knew that an employee was terminated or resigned from employment and there is evidence that the employee committed any of the following acts:

1. Abused or otherwise committed an unlawful act with a student or minor; or
2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

**Principal Notification**

A person who serves as principal must notify the superintendent no later than seven business days after an employee resigns or is terminated following an alleged incident of misconduct described above.

**Investigation**

A superintendent shall complete an investigation of an employee if there is reasonable cause to believe the employee may have engaged in misconduct described above, despite the employee's resignation from district employment before completion of the investigation.

**Form of Report**

The report must include:

1. The name or names of any student or minor who is the victim of abuse or unlawful conduct by an employee;
2. The factual circumstances requiring the report and the subject of the report by providing the following available information:

EMPLOYEE STANDARDS OF CONDUCT  
REPORTS TO TEXAS EDUCATION AGENCY

DHC  
(LEGAL)

- a. Name and any aliases and certificate number, if any, or social security number;
- b. Last known mailing address and home and daytime phone numbers;
- c. All available contact information for any alleged victim or victims;
- d. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;
- e. Current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and
- f. Involvement by a law enforcement or other agency, including the name of the agency.

The name of the student or minor is not public information under the Public Information Act (PIA).

**Notice to the Board and Employee**

A superintendent shall notify the board and the employee of the filing of the report.

**Immunity**

A superintendent or principal who in good faith and while acting in an official capacity files a report or makes a notification is immune from civil or criminal liability that might otherwise be incurred or imposed.

**Sanctions for Failure to Report**

The commissioner shall refer an educator who fails to file a report to SBEC, which will determine whether to impose sanctions against the educator.

**Criminal Offense**

A superintendent commits an offense if the superintendent fails to timely file the report with intent to conceal an employee's criminal record or alleged incident of misconduct.

A principal commits an offense if the principal fails to timely provide notice with intent to conceal an employee's alleged incident of misconduct.

An offense under Education Code 22.093(k) is a state jail felony.

**Review of District Records**

The commissioner may review district records to ensure compliance with the requirement to report misconduct.

*Education Code 22.093; 19 TAC 153.1203*

**Solicitation of Sexual  
Conduct**

“Solicitation of sexual conduct” means deliberate or repeated acts that can be reasonably interpreted as the solicitation by an employee of a relationship with a student that is sexual in nature. Solicitation of sexual conduct is often characterized by a strong emotional or sexual attachment and/or by patterns of exclusivity but does not include appropriate relationships that arise out of legitimate contexts such as familial connections or longtime acquaintance. The following acts, considered in context, may constitute prima facie evidence of the solicitation by an employee of sexual conduct with a student:

1. Behavior, gestures, expressions, or communications with a student that are unrelated to the employee’s job duties and evidence a sexual intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the intent of such communications or behavior, include, without limitation:
  - a. The nature of the communications;
  - b. The timing of the communications;
  - c. The extent of the communications;
  - d. Whether the communications were made openly or secretly;
  - e. The extent that the employee attempts to conceal the communications;
  - f. If the employee claims to be counseling a student, the commissioner of education may consider whether the employee’s job duties included counseling, whether the employee reported the subject of the counseling to the student’s guardians or to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether the employee reported the abuse or neglect to the appropriate authorities; and
  - g. Any other evidence tending to show the context of the communications between employee and student;
2. Making inappropriate comments about a student’s body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images;
3. Making sexually demeaning comments to a student;
4. Making comments about a student’s potential sexual performance;

5. Requesting details of a student's sexual history;
6. Requesting a date, sexual contact, or any activity intended for the sexual gratification of the employee;
7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party;
8. Inappropriate hugging, kissing, or excessive touching;
9. Providing the student with drugs or alcohol;
10. Violating written directives from school administrators regarding the employee's behavior toward a student;
11. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage; and
12. Any other acts tending to show that the employee solicited sexual conduct with a student.

*19 TAC 153.1201(a)*

EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LEGAL)

**Searches—General  
Rule**

Citizens, including district employees, have a right to be free from unreasonable searches and seizures. *U.S. Const. Amendment IV; Tex. Const. Art. I, Sec. 9*

A district may search an employee or an employee's property if:

1. There are reasonable grounds to believe that the search will turn up evidence that the employee is guilty of work-related misconduct; and
2. The search is reasonably related in scope to the circumstances that justified the interference in the first place.

*O'Connor v. Ortega*, 480 U.S. 709 (1987); *New Jersey v. T.L.O.*, 469 U.S. 325 (1985)

In addition, a district may search an employee's workplace for non-investigatory, work-related purposes, if there are reasonable grounds to believe that the search will turn up evidence that the employee is guilty of work-related misconduct. *O'Connor v. Ortega*, 480 U.S. 709 (1987)

**Drug/Alcohol  
Testing**

Blood, urine, and breath tests of public employees to determine drug use are searches under the Fourth Amendment of the U.S. Constitution. *Skinner v. Railway Labor Executives Ass'n*, 489 U.S. 602 (1989)

**Random Drug  
Testing**

A district may conduct drug tests, without a warrant and without individualized suspicion, when the test serves special governmental needs that outweigh the individual's privacy expectation. *Skinner v. Railway Labor Executives Ass'n*, 489 U.S. 602 (1989); *Nat'l Treasury Employees Union v. Von Raab*, 489 U.S. 656 (1989)

**Safety-Sensitive  
Positions**

Random alcohol and drug testing of employees in "safety-sensitive" positions may be permissible when the intrusiveness of the search is minimal and a board is able to demonstrate that the drug-testing program furthers its interest in ensuring the physical safety of students. "Safety-sensitive" positions include those that involve the handling of potentially dangerous equipment or hazardous substances in an environment including a large number of children. *Aubrey v. Sch. Bd. of LaFayette Parish*, 148 F.3d 559 (5th Cir. 1998)

---

**Note:** The following testing requirements apply to employees who operate commercial motor vehicles and are subject to commercial driver's license requirements in accordance with federal regulations.

---

EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LEGAL)

<b>Testing of Drivers</b>	A district shall conduct testing, in accordance with federal regulations, of commercial motor vehicle operators for use of alcohol or a controlled substance that violates law or federal regulation. <i>49 U.S.C. 31306; 49 C.F.R. Part 382</i>
<b>Commercial Motor Vehicle Defined</b>	A commercial motor vehicle is defined as a motor vehicle used to transport passengers or property that: <ol style="list-style-type: none"><li>1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;</li><li>2. Has a gross vehicle weight rating of 26,001 or more pounds; or</li><li>3. Is designed to transport 16 or more passengers, including the driver.</li></ol> <i>49 C.F.R. 382.107</i>
<b>Testing Procedures</b>	A district shall ensure that all alcohol or controlled substances testing conducted under 49 C.F.R. Part 382 complies with the procedures set forth in 49 C.F.R. Part 40. <i>49 C.F.R. 382.105</i>  U.S. Department of Transportation (DOT) tests must be completely separate from non-DOT tests in all respects. DOT tests must take priority and must be conducted and completed before a non-DOT test is begun. <i>49 C.F.R. 40.13</i>
<b>Tests Required</b>	Required DOT testing includes: <ol style="list-style-type: none"><li>1. Pre-employment controlled substance tests required under 49 C.F.R. 382.301 [see DBAA];</li><li>2. Post-accident alcohol or controlled substance tests required under 49 C.F.R. 382.303;</li><li>3. Random alcohol or controlled substances tests required under 49 C.F.R. 382.305;</li><li>4. Reasonable suspicion alcohol or controlled substance tests required under 49 C.F.R. 382.307;</li><li>5. Return-to-duty alcohol or controlled substances tests required under 49 C.F.R. 382.309; or</li><li>6. Follow-up alcohol or controlled substance tests required under 49 C.F.R. 382.311.</li></ol>
<b>No Refusal</b>	No driver shall refuse to submit to a required DOT test. A district shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.  <i>49 C.F.R. 382.211</i>

EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LEGAL)

Education and  
Treatment

A district is not required to provide an evaluation by a substance abuse professional or any subsequent recommended education or treatment for an employee who has violated a drug and alcohol regulation of the DOT.

However, if a district offers an employee an opportunity to return to a safety-sensitive duty following a violation, the district must, before the employee again performs that duty, ensure that the employee receives an evaluation by a substance abuse professional and that the employee successfully complies with the professional's evaluation recommendations.

*49 C.F.R. 40.289*

Return-to-Duty  
Testing

If a district permits an employee who has violated a DOT drug and alcohol regulation to return to safety-sensitive functions, the district must ensure that the employee takes a return-to-duty test. This test cannot occur until after the substance abuse professional has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.

A district is not required to return an employee to safety-sensitive duties because the employee has met the conditions described in the preceding paragraph. Return-to-duty is a personnel decision that the district has the discretion to make subject to legal requirements.

*49 C.F.R. 40.305(a)-(b)*

Educational  
Materials

A district shall provide educational materials that explain the federal requirements and the district's policies and procedures with respect to meeting the requirements. The district shall ensure that a copy of these materials is distributed to each driver before the start of alcohol and controlled substances testing under 49 C.F.R. Part 382 and to each driver subsequently hired or transferred into a position that requires driving a commercial motor vehicle. Written notice to representatives of employee organizations of the availability of this information shall also be provided. The materials shall include detailed discussion of at least the items listed at 49 C.F.R. 382.601. *49 C.F.R. 382.601*

Reports

A district required by federal safety regulations to conduct alcohol and drug testing of an employee who holds a commercial driver's license shall report the following information to the Department of Public Safety:

EMPLOYEE STANDARDS OF CONDUCT  
SEARCHES AND ALCOHOL/DRUG TESTING

DHE  
(LEGAL)

1. A valid positive result on an alcohol or drug test and whether the specimen producing the result was a dilute specimen. "Valid positive result" means an alcohol concentration of 0.04 or greater on an alcohol confirmation test, or a result at or above the cutoff concentration levels listed in 49 C.F.R. 40.87 on a confirmation drug test. "Dilute specimen" means a specimen with creatinine and specific gravity values that are lower than expected for human urine.
2. A refusal to provide a specimen for an alcohol or drug test.
3. An adulterated specimen or substituted specimen, as defined at 49 C.F.R. 40.3, on an alcohol or drug test.

For purposes of this requirement, the term "employee" includes applicants for employment subject to pre-employment testing.

*Transp. Code 644.251-.252; 49 C.F.R. 40.3*

EMPLOYEE WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA  
(LEGAL)

---

**Note:** This policy addresses the prohibition against harassment of employees. For legally referenced material relating to employee discrimination and retaliation, see DAA(LEGAL).

For provisions related to harassment of students, including the district's response to sexual harassment as defined by Title IX, see FFH.

---

**Criminal Offense—  
Official Oppression**

A public servant acting under color of the public servant's office or employment commits an offense if the public servant intentionally subjects another to sexual harassment.

A public servant acts under color of the public servant's office or employment if the person acts or purports to act in an official capacity or takes advantage of such actual or purported capacity.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly.

*Penal Code 39.03(a)(3), (b), (c)*

**Harassment of  
Employees  
Prohibited**

Harassment on the basis of a protected characteristic is a violation of the federal anti-discrimination laws. A district has an affirmative duty, under Title VII, to maintain a working environment free of harassment on the basis of sex, race, color, religion, and national origin. *42 U.S.C. 2000e, et seq.; 29 C.F.R. 1606.8(a), 1604.11*

Harassment violates Title VII if it is sufficiently severe and pervasive to alter the conditions of employment. *Pennsylvania State Police v. Suders, 542 U.S. 129 (2004)*

Title VII does not prohibit all verbal and physical harassment in the workplace. For example, harassment between men and women is not automatically unlawful sexual harassment merely because the words used have sexual content or connotations. *Oncale v. Sun-downer Offshore Services, Inc., 523 U.S. 75 (1998)*

Firing an employee on the basis of homosexuality or transgender status violates Title VII's prohibition against sex discrimination in employment. *Bostock v. Clayton County, Georgia, 17-1618, 2020 WL 3146686, (U.S. June 15, 2020)*

**Hostile Environment**

Verbal or physical conduct based on a person's sex, race, color, religion, or national origin constitutes unlawful harassment when the conduct:

EMPLOYEE WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA  
(LEGAL)

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

Pennsylvania State Police v. Suders, 542 U.S. 129 (2004); Nat'l Railroad Passenger Corp. v. Morgan, 536 U.S. 101 (2002); Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986); 29 C.F.R. 1604.11, 1606.8

Quid Pro Quo

Conduct of a sexual nature also constitutes harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.

29 C.F.R. 1604.11(a)

Same-Sex Sexual Harassment

Same-sex sexual harassment constitutes sexual harassment. Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)

Harassment Policy

A district should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate penalties, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned. 29 C.F.R. 1604.11(f)

Corrective Action

A district is responsible for acts of unlawful harassment by fellow employees and by nonemployees if the district, its agents, or its supervisory employees knew or should have known of the conduct, unless the district takes immediate and appropriate corrective action. 29 C.F.R. 1604.11(d), (e), 1606.8(d), (e)

When no tangible employment action is taken, a district may raise the following affirmative defense:

1. That the district exercised reasonable care to prevent and promptly correct any harassing behavior; and
2. That the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998); Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

**Harassment of  
Unpaid Interns**

A district commits an unlawful employment practice if sexual harassment of an unpaid intern occurs and the district or its agents or supervisors know or should have known that the conduct constituting sexual harassment was occurring, and fail to take immediate and appropriate corrective action. *Labor Code 21.1065*



---

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

---

**Definitions**

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

**Statement of  
Nondiscrimination**

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

**Discrimination**

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

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

**Prohibited Conduct**

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

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

**Prohibited  
Harassment**

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

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

**Examples**

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

**EMPLOYEE WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION**

DIA  
(LOCAL)

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

**Sex-Based  
Harassment**

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

**Sexual Harassment**

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

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

**Examples**

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

**Reporting  
Procedures**

Any employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor or campus principal.

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

**Definition of District  
Officials**

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

*Title IX  
Coordinator*

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

EMPLOYEE WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA  
(LOCAL)

*ADA / Section  
504 Coordinator*

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

*Superintendent*

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

**Alternative  
Reporting  
Procedures**

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

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

**Timely Reporting**

To ensure the District's prompt investigation, reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act.

**Notice of Report**

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

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

**Investigation of  
Reports Other Than  
Title IX**

The following procedures apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. [See FFH(LEGAL)] For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX, see the procedures below at Response to Sexual Harassment—Title IX.

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

**Initial Assessment**

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

**Interim Action**

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

**EMPLOYEE WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION**

**DIA  
(LOCAL)**

- District Investigation** The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney. When appropriate, the principal or supervisor shall be involved in or informed of the investigation.
- The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.
- Concluding the Investigation** Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.
- The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.
- District Action** If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.
- The District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.
- Confidentiality** To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
- Appeal** A complainant who is dissatisfied with the outcome of the investigation may appeal through DGBA(LOCAL), beginning at the appropriate level.
- The complainant may have a right to file a complaint with appropriate state or federal agencies.
- Response to Sexual Harassment—Title IX** For purposes of the District's response to reports of harassment prohibited by Title IX, definitions can be found in FFH(LEGAL).
- General Response** When the District receives notice or an allegation of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX coordinator shall promptly contact the complainant to:

EMPLOYEE WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA  
(LOCAL)

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

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

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

Title IX Formal  
Complaint Process

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

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

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
4. A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;

EMPLOYEE WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA  
(LOCAL)

6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
7. A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a dismissal of a Title IX formal complaint or any allegations therein;
9. A description of the supportive measures available to the complainant and respondent;
10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;
11. Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and
12. Other local procedures as determined by the Superintendent.

**Standard of Evidence**

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

**Retaliation**

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

**Examples**

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

**Records Retention**

The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records control schedules, but for no less than the minimum amount of time required by law. [See CPC]

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

El Campo ISD  
241903

EMPLOYEE WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA  
(LOCAL)

**Access to Policy and  
Procedures**

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



PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LEGAL)

**Staff Development**

Educator

The staff development provided by a district to an educator other than a principal must be conducted in accordance with standards developed by the district and designed to improve education in the district.

Principal

The staff development provided by a district to a principal shall be governed by Education Code 21.3541 and rules adopted under that section. [See DNB]

*Education Code 21.451(a), (a-1)*

Training Specifics—  
Educators

Staff development shall be predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee.

A district may use district-wide staff development that has been developed and approved through the district-level decision process. [See BQA and BQB, as appropriate]

*Education Code 21.451(b), (c)*

Optional Training

Staff development may include training in:

1. Technology;
2. Positive behavior intervention and support strategies, including classroom management, district discipline policies, and the Student Code of Conduct; and
3. Digital learning.

Digital learning training must:

1. Discuss basic technology proficiency expectations and methods to increase an educator's digital literacy; and
2. Assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

Staff development may include instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.

*Education Code 21.451(d)(1), (d-3), (g)*

Required Training

Staff development must include training on:

1. Suicide prevention;
2. Recognizing signs of mental health conditions and substance abuse;

3. Strategies for establishing and maintaining positive relationships among students, including conflict resolution;
4. How grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma; and
5. Preventing, identifying, responding to, and reporting incidents of bullying.

Required training above must be provided on an annual basis, as part of a new employee orientation, to all new school district educators; and to existing school district educators on a schedule adopted by Texas Education Agency (TEA) rule. The training must use a best practice-based program recommended by TEA in coordination with the Health and Human Services Commission under Education Code 38.351 [see FFEB], and may include two or more topics listed together.

*Education Code 21.451(d)(3), (d-1)*

*Instruction of  
Students with  
Disabilities*

Staff development must include training that is evidence-based, as defined by Section 8101, Every Student Succeeds Act (20 USC 7801), and that:

1. Relates to the instruction of students with disabilities, including students with disabilities who also have other intellectual or mental health conditions; and
2. Is designed for educators who work primarily outside the area of special education.

A district is required to provide the training to an educator who works primarily outside the area of special education only if the educator does not possess the knowledge and skills necessary to implement the individualized education program developed for a student receiving instruction from the educator. A district may determine the time and place at which the training is delivered.

In developing or maintaining the training, a district must consult with persons with expertise in research-based practices for students with disabilities, including colleges, universities, private and nonprofit organizations, regional education service centers, qualified district personnel, and any other persons identified as qualified by the district, regardless of whether the training is provided at the campus or district level.

*Education Code 21.451(d)(2), (e)-(f)*

*Suicide  
Prevention*

The required suicide prevention training may be satisfied through independent review of suicide prevention training material that complies with the guidelines developed by TEA and is offered online. *Education Code 21.451(d-2); 19 TAC 153.1013(d)*

Suicide prevention programs on TEA's list of recommended best practice-based programs [see FFEB] must include components that provide for training school counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interact with students, to:

1. Recognize students at risk of attempting suicide, including students who are or may be the victims of or who engage in bullying;
2. Recognize students displaying early warning signs and a possible need for early mental health or substance abuse intervention, which warning signs may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;
3. Intervene effectively with students described above by providing notice and referral to a parent or guardian so appropriate action, such as seeking mental health or substance abuse services, may be taken by a parent or guardian; and
4. Assist students in returning to school following treatment of a mental health concern or suicide attempt.

A district shall provide training described in the components above for teachers, school counselors, principals, and all other appropriate personnel. A district is required to provide the training at an elementary school campus only to the extent that sufficient funding and programs are available. A school district may implement a program on TEA's list of recommended best practice-based programs [see FFEB] to satisfy this training requirement.

If a district provides the training, a district employee must participate in the training at least one time; and the district shall maintain records that include the name of each district employee who participated in the training.

*Education Code 38.351(e), (g), (h); 19 TAC 153.1013*

*Staff Development  
Account*

A district that receives resources from the commissioner of education's staff development account must pay to the commissioner for deposit in the account an amount equal to one-half of the cost of the resources provided to the district. *Education Code 21.453(c)*

PROFESSIONAL DEVELOPMENT  
REQUIRED STAFF DEVELOPMENT

DMA  
(LEGAL)

**Child Abuse,  
Trafficking, and  
Maltreatment**

A district's methods for increasing awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children [see District Improvement Plan at BQ and Sexual Abuse, Trafficking, and Maltreatment Policies and Programs at FFG] must include training concerning prevention techniques for and recognition of sexual abuse, sex trafficking, and all other maltreatment of children, including the sexual abuse, sex trafficking, and other maltreatment of children with significant cognitive disabilities.

The training must be provided as part of new employee orientation to all new employees and to existing district employees not previously trained. The training may be included in staff development under Education Code 21.451.

The training must include:

1. Factors indicating a child is at risk for sexual abuse, trafficking, or other maltreatment;
2. Warning signs indicating a child may be a victim of sexual abuse, trafficking, or other maltreatment;
3. Internal procedures for seeking assistance for a child who is at risk for sexual abuse, trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;
4. Techniques for reducing a child's risk of sexual abuse, trafficking, or other maltreatment; and
5. Information on community organizations that have relevant research-based programs and that are able to provide training or other education for district staff, students, and parents.

A district must maintain records that include the name of each staff member who participated in the training.

To the extent that resources are not yet available from TEA or the commissioner of education, districts shall implement the policies and trainings with existing or publicly available resources. The district may also work in conjunction with a community organization to provide the training at no cost to the district.

*Education Code 38.0041(c)-(f); 19 TAC 61.1051(d)*

**Trauma-Informed  
Care**

A district's efforts to increase awareness and implementation of trauma-informed care must include training to new and existing employees. [See BQ, FFBA] *Education Code 38.036(c)*

**Student Discipline**

Each principal or other appropriate administrator who oversees student discipline shall, at least once every three school years, attend professional development training regarding Education Code Chapter 37, Subchapter G. The professional development shall include training relating to the distinction between a discipline management technique used at the principal's discretion under Education Code 37.002(a) and the discretionary authority of a teacher to remove a disruptive student under Education Code 37.002(b) [see FOA].

The professional development training may be provided in coordination with an education service center through the use of distance learning methods, such as telecommunications networks, and using available TEA resources.

*Education Code 37.0181*

**Test Administration Procedures**

A district shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner. *19 TAC 101.3031(c)*

**Cybersecurity Training**

Employees identified by the district with access to a district computer system or database must complete a cybersecurity training program selected by the board. [See CQB] *Gov't Code 2054.5191(a-1)*

**Special Programs Training**

A teacher shall attend a Texas adolescent literacy academy under 19 Administrative Code 102.1101 if:

**Texas Adolescent Literacy Academies**

1. The teacher teaches at a campus that receives a rating that reflects unacceptable performance and that fails to meet the state system safeguard performance target in reading for one or more student groups; and
2. The teacher teaches in general education, special education, or English as a second language for students in grade 6, 7, or 8, and:
  - a. The teacher is a certified, full-time English language arts and reading teacher who instructs English language arts and/or reading for at least 50 percent of the teacher's instructional duties; or
  - b. The teacher is a certified, full-time content area teacher who instructs mathematics, science, and/or social studies for at least 50 percent of the teacher's instructional duties.

A teacher described above is required to complete the training not later than December 31 of the calendar year in which the rating that reflects unacceptable performance is assigned.

A teacher who is required to attend an academy is eligible for a teacher stipend upon completion of face-to-face training if funds have been appropriated and are available for that purpose. A teacher who completes online training is not eligible for a stipend.

The stipend shall not be considered in determining whether a district is paying the teacher the state minimum monthly salary [see DEA and DEAA].

Each school district with teachers required to attend and complete Texas adolescent reading academies must maintain records to verify teacher attendance and completion in accordance with the district's record retention policy.

*Education Code 21.4551(c), (e); 19 TAC 102.1101*

Teacher Literacy  
Achievement  
Academies

A district shall ensure that:

1. Not later than the 2021–22 school year, each classroom teacher in kindergarten or first, second, or third grade and each principal at a campus with kindergarten or first, second, or third grade has attended a teacher literacy achievement academy developed under Education Code 21.4552; and
2. Each classroom teacher and each principal initially employed in a grade level or at a campus described above for the 2021–22 school year or a subsequent school year has attended a teacher literacy achievement academy developed under Education Code 21.4552 before the teacher's or principal's first year of placement in that grade level or campus.

*Education Code 28.0062(a)(2)*

[See EHAB for kindergarten–grade 3 reading standards]

Gifted and Talented  
Education

A district shall ensure that:

1. Before assignment to the program for gifted students, teachers who provide instruction and services that are part of the program have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessment of student needs, and curriculum and instruction for gifted students.
2. Teachers without the required training who provide instruction and services that are part of the gifted/talented program complete the 30-hour training requirement within one semester.

3. Teachers who provide instruction and services that are part of a program for gifted students receive a minimum of six hours annually of professional development in gifted education.
4. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

*19 TAC 89.2*

**Elective Bible  
Course**

A teacher of an elective Bible course offered under Education Code 28.011 [see EMI] must hold a minimum of a High School Composite Certification in language arts, social studies, or history with, where practical, a minor in religious or biblical studies. The teacher must successfully complete the staff development training developed by the commissioner with respect to Bible elective courses. *Education Code 28.011(f)*

**Automated External  
Defibrillators**

A district shall annually make available to employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator (AED).

The instruction provided in the use of AEDs must meet guidelines for approved AED training under Health and Safety Code 779.002. Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, and any other employee specified by the commissioner, and each student who serves as an athletic trainer, must:

1. Participate in the instruction; and
2. Receive and maintain certification in the use of an AED from the American Heart Association, the American Red Cross, or a similar nationally recognized association.

*Education Code 22.902*

**Extracurricular  
Activity Safety  
Training**

The following persons must satisfactorily complete an extracurricular activity safety training program:

1. A coach or sponsor for an extracurricular athletic activity;
2. A trainer, unless the trainer has completed the educational requirements for licensure as a licensed athletic trainer set forth at 22 Administrative Code 871.7 and the continuing education requirements at 22 Administrative Code 871.12;

3. A physician who is employed by a district or who volunteers to assist with an extracurricular athletic activity, unless the physician attends a continuing medical education course that specifically addresses emergency medicine; and
4. A director responsible for a school marching band.

The training must be conducted by the University Interscholastic League (UIL) or by another organization as determined by the UIL.

*Education Code 33.202(b), (e), (f); 19 TAC 76.1003*

**Records**

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the public proof of compliance for each person employed by or volunteering for the district who is required to receive safety training.

A campus that is determined by a superintendent to be out of compliance with the safety training requirements shall be subject to the range of penalties determined by the UIL.

*Education Code 33.206; 19 TAC 76.1003(e)*

**Steroids**

A district shall require that each employee who serves as an athletic coach at or above the seventh grade level for an extracurricular athletic activity sponsored or sanctioned by the UIL complete:

1. The educational program developed by the UIL regarding the health effects of steroids; or
2. A comparable program developed by the district or a private entity with relevant expertise.

*Education Code 33.091(c-1)*

**Concussions**

At least once every two years, the following employees shall take a training course from an authorized provider in the subject matter of concussions:

1. A coach of an interscholastic athletic activity shall take a course approved by the UIL.
2. An athletic trainer who serves as a member of a district's concussion oversight team shall take a course approved by the Texas Department of Licensing and Regulation (TDLR) or a course approved for continuing education credit by the licensing authority for athletic trainers.
3. A school nurse or licensed health-care professional, other than an athletic trainer, who serves as a member of a district's concussion oversight team shall take a course approved by

the UIL, TDLR, or the appropriate licensing authority for the profession.

The employee must submit proof of timely completion of an approved course to the superintendent or designee. A school nurse or licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity. [See FM]

*Education Code 38.158*

**Seizure Recognition  
and Related First Aid**

A school nurse employed by a district must complete a TEA-approved online course of instruction for school nurses regarding managing students with seizure disorders that includes information about seizure recognition and related first aid.

A district employee, other than a school nurse, whose duties at the school include regular contact with students must complete a TEA-approved online course of instruction for school personnel regarding awareness of students with seizure disorders that includes information about seizure recognition and related first aid.

*Education Code 38.033(a), (b)*

[See FFAF for information about a seizure management and treatment plan.]



PERSONNEL POSITIONS

DP  
(LEGAL)

**Principal**  
Qualifications

A board, by local policy, shall adopt qualifications for principals. *Education Code 11.202(c)*

Certification

State Board for Educator Certification (SBEC) rules establish the requirements for receiving a principal certificate and for first-time principals in Texas. *19 TAC Ch. 241*

Duties

The principal shall be the instructional leader of the school and shall be provided with adequate training and personnel assistance to assume that role. *Education Code 11.202(a)*

A principal shall:

1. Approve all teacher and staff appointments for the campus. [See DK]
2. Set specific education objectives for the campus, through the planning process.
3. Develop budgets for the campus.
4. Assume administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline at the campus.
5. Assign, evaluate, and promote all personnel assigned to the campus.
6. Recommend to the superintendent the termination, suspension, or nonrenewal of an employee assigned to the campus.
7. Perform any other duties assigned by the superintendent pursuant to board policy.
8. Regularly consult with the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. [See BQ series]
9. Each school year, with the assistance of the campus-level committee, develop, review, and revise the campus improvement plan. [See BQ]
10. (For high school principals only) Serve, or appoint someone to serve, as deputy registrar for the county in which the school is located. *Election Code 13.046*

*Education Code 11.202(b), .253(c), (h)* [See also DMA]

Principal's Report to  
Superintendent

A principal must notify the superintendent not later than the seventh business day after the date:

*Educators*

1. Of an educator's termination of employment or resignation following an alleged incident of misconduct under Education Code 21.006(b); or

PERSONNEL POSITIONS

DP  
(LEGAL)

2. The principal knew about an educator's criminal record under Education Code 21.006(b)(1).

*Education Code 21.006(b-2); 19 TAC 249.14(e) [See Required Reports at DHB(LEGAL)]*

*Noncertified Employees*

A principal must notify the superintendent not later than the seventh business day after the date of a noncertified employee's termination or resignation following allegations that the employee:

1. Abused or otherwise committed an unlawful act with a student or minor; or
2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

*Education Code 22.093(e) [See Principal Notification at DHC(LEGAL)]*

*Sanctions and Administrative Penalty*

SBEC determines whether to impose sanctions, including an administrative penalty, against a principal who fails to provide notification to a superintendent. *Education Code 21.006(f), 22.093(i); 19 TAC 249.14(e), (h)*

If a principal is required to notify a superintendent about an educator's criminal record or alleged incident of misconduct and fails to provide the notice by the required date, SBEC may impose an administrative penalty of not less than \$500 and not more than \$10,000. SBEC may not renew the certification of an educator against whom an administrative penalty is imposed until the penalty is paid. *Education Code 21.006 (i)*

*Criminal Offense*

A principal required to notify a superintendent about an employee's criminal record or alleged incident of misconduct commits a state jail felony if the principal fails to provide the notice by the required date with intent to conceal an educator's criminal record or alleged incident of misconduct. *Education Code 21.006(j), 22.093(k)*

**School Nurse**

**Minimum Salary Schedule**

For purposes of the minimum salary schedule, a school nurse is an educator employed to provide full-time nursing and health-care services and who meets all the requirements to practice as a registered nurse (RN) pursuant to the Nursing Practice Act and the rules and regulations relating to professional nurse education, licensure, and practice and has been issued a license to practice professional nursing in Texas. *19 TAC 153.1022(a)(1)(D)*

**Licensed Vocational Nurse**

The practice of vocational nursing must be performed under the supervision of an RN, physician, physician assistant, podiatrist, or dentist. *Occupations Code 301.353*

PERSONNEL POSITIONS

DP  
(LEGAL)

Supervision is the process of directing, guiding, and influencing the outcome of an individual's performance of an activity. 22 TAC 217.11(2)

**Nursing Peer  
Review Committee**

"Nursing peer review committee" includes a committee established under the authority of the governing body of a political subdivision for the purpose of conducting peer review.

A person shall establish a nursing peer review committee to conduct nursing peer review under Occupations Code Chapter 303 and Chapter 301:

1. For vocational nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses; and
2. For professional nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses, at least four of whom are RNs.

A person required to establish a nursing peer review committee under this section may contract with another entity to conduct peer review for the person.

*Occupations Code 303.001(4), .0015*

---

**Note:** Education Code 33.002 regarding certified school counselors applies only to school districts that apply for, receive, and allocate funds under Education Code 33.002(a).

---

**Certified School  
Counselor**

A district with 500 or more students enrolled in elementary school grades shall employ a certified school counselor for each elementary school and at least one school counselor for each 500 elementary school students [see DBA].

A district with fewer than 500 students enrolled in elementary school grades shall provide guidance and counseling services to elementary school students by any of the following methods:

1. Employing a part-time certified school counselor.
2. Employing a part-time teacher who is also certified as a school counselor.
3. Entering into a shared services agreement with one or more other districts to share a certified school counselor.

*Education Code 33.002*

---

**Note:** Education Code 33.006 applies to all districts that employ school counselors.

---

**School Counselor  
Duties**

The primary responsibility of a school counselor is to counsel students to fully develop each student's academic, career, personal, and social abilities. In addition, a school counselor shall:

1. Participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students who are:
  - a. At risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide;
  - b. In need of modified instructional strategies; or
  - c. Gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged;
2. Consult with students' parents or guardians and make referrals as appropriate in consultation with parents or guardians;
3. Consult with school staff, parents, and other community members to help them increase the effectiveness of students' education and promote student success;
4. Coordinate people and resources in the school, home, and community;
5. With the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans;
6. Deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum; and
7. Serve as an impartial, non-reporting resource for interpersonal conflicts and discord involving two or more students, including accusations of bullying under Education Code 37.0832.

Nothing in item 7, above, exempts a school counselor from any mandatory reporting requirements imposed by other provisions of law.

*Education Code 33.006*

PERSONNEL POSITIONS

DP  
(LEGAL)

**Nonphysician Mental Health Professional**

A school district may employ or contract with one or more nonphysician mental health professionals.

In this section, "nonphysician mental health professional" means:

1. A psychologist licensed to practice in this state and designated as a health-service provider;
2. An RN with a master's or doctoral degree in psychiatric nursing;
3. A licensed clinical social worker;
4. A professional counselor licensed to practice in this state; or
5. A marriage and family therapist licensed to practice in this state.

*Education Code 38.0101*

---

**Note:** For information about mental health treatment, including counseling, see FFEA.

---

**School Psychological Services**

The Texas State Board of Examiners of Psychologists (TSBEP) has authority over the delivery of school psychological services in public schools. Recognizing the purview of the State Board of Education (SBOE) and Texas Education Agency (TEA) in safeguarding the rights of school children in Texas, the TSBEP adopts and enforces rules that reflect the occupational distinctions between the delivery of school psychological services in public schools and psychological services in the private sector. *22 TAC 465.38(a)*

**Licensed Specialist in School Psychology (LSSP)**

Licensed specialist in school psychology (LSSP) means a person who holds a license to engage in the practice of psychology under Occupations Code 501.260. *Occupations Code 501.002(s)*

School psychological services may be provided in Texas public schools only by an LSSP or other individual authorized by TSBEP in accordance with TSBEP rules. *22 TAC 465.38(e), 463.8, .9(g), .10, .11*

**Scope of Practice**

An LSSP is trained to address psychological and behavioral problems manifested in and associated with educational systems by utilizing psychological concepts and methods in programs or actions that attempt to improve the learning, adjustment and behavior of students. These activities include, but are not limited to:

1. Addressing special education eligibility;
2. Conducting manifestation determinations;

PERSONNEL POSITIONS

DP  
(LEGAL)

3. Assisting with the development and implementation of individual educational programs (IEPs);
4. Conducting behavioral assessments; and
5. Designing and implementing behavioral interventions and supports.

The assessment of emotional or behavioral disturbance, solely for educational purposes, using psychological techniques and procedures is considered the practice of school psychology.

An LSSP may not provide psychological services in any context or capacity outside of a public or private school.

Standards

The delivery of school psychological services in Texas public schools shall be consistent with nationally recognized standards for the practice of school psychology.

*Occupations Code 501.260(c); 22 TAC 465.38(b), (c)*

Notice of  
Assignment or  
Subcontract

An LSSP who contracts with a school to provide school psychological services must notify the school of any intent or plan to subcontract or assign those services to another provider prior to entering into the agreement. An LSSP shall be responsible for ensuring the school psychological services delivered comply with TSBE standards. *22 TAC 465.38 (e)*

Compliance with  
Applicable  
Education Laws

LSSPs shall comply with all applicable state and federal laws affecting the practice of school psychology, including, but not limited to:

1. Texas Education Code;
2. Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g;
3. Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400 et seq.;
4. Texas Public Information Act, Texas Government Code, Chapter 552;
5. Section 504 of the Rehabilitation Act of 1973;
6. Americans with Disabilities Act (ADA) 42 U.S.C. 12101;

*22 TAC 465.38 (f)*

INSTRUCTIONAL ARRANGEMENTS  
CONTRACTS WITH OUTSIDE AGENCIES

EEL  
(LEGAL)

**Career and  
Technology  
Education**

A board may contract with another public school district, public or private post-secondary institution, or trade or technical school that is regulated by the state, as designated in the state plan for career and technology education, to provide career and technology classes for district students. *Education Code 29.184(a)* [See EHBF]

In addition, a board may develop and offer a program that provides a rigorous course of study consistent with the required curriculum and under which a student may receive specific education in a career and technology profession. *Education Code 29.187* [See also CRB and EHBF]

**Students with  
Disabilities**

A district may contract with a public or private facility, institution, or agency inside or outside of Texas for the provision of services to students with disabilities. *Education Code 29.008(a)* [See EHBA]

**Educational Services**

A board may contract with a public or private entity for that entity to provide educational services for the district. *Education Code 11.157*

**Pre-K Licensing  
Standards**

If a district contracts with a private entity to operate a prekindergarten program, the program shall comply at a minimum with the applicable child-care licensing standards adopted by the Texas Department of Family and Protective Services under Human Resources Code 42.042. *Education Code 29.1532(b)*

**Driver Training  
Schools**

A district school may enter into an agreement with a driver training school licensed under Education Code Chapter 1001 to allow the driver training school to conduct a driver training course at the public school for public school students. *Education Code 29.902(c)(2), 1001.353*

**Military Instruction**

**Junior Reserve  
Officers' Training  
Corps (JROTC)**

The secretary of each military department shall establish and maintain a Junior Reserve Officers' Training Corps, organized into units, at public and private secondary educational institutions which apply for a unit and meet the standards and criteria prescribed pursuant to 10 U.S.C. 2031.

Each public secondary educational institution that maintains a unit under this section shall permit membership in the unit to home-schooled students residing in the area served by the institution who are qualified for membership in the unit (but for lack of enrollment in the institution). A student who is a member of a unit pursuant to this subsection shall count toward the satisfaction by the institution concerned of the requirement relating to the minimum number of student members in the unit necessary for the continuing maintenance of the unit.

*10 U.S.C. 2031(a)(1), (g)*

INSTRUCTIONAL ARRANGEMENTS  
CONTRACTS WITH OUTSIDE AGENCIES

EEL  
(LEGAL)

---

**Note:** The provision below applies only to those districts in which military instruction is conducted under state or federal law requiring a district to give bond or otherwise indemnify this state, the United States, or any authorized agency for the care, safekeeping, and return of property furnished.

---

A board may contract with the proper governmental agency with respect to the teaching of courses in military training, and it may execute, as principal or surety, a bond to secure the contracts to procure arms, ammunition, animals, uniforms, equipment, supplies, means of transportation, or other needed property. *Education Code 29.901*

**Purpose**

A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage. A district shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter, in reading courses, and in the adoption of textbooks. *Education Code 28.002(h)*

As a condition of accreditation, a district shall provide instruction in the essential knowledge and skills at appropriate grade levels in the foundation and enrichment curriculum. *Education Code 28.002(c); 19 TAC 74.1(b)*

A district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. *Education Code 28.002(g)*

Instruction may be provided in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade-level standards. *19 TAC 74.2*

**Required Curriculum**

Foundation  
Curriculum

A district that offers kindergarten through grade 12 shall offer a foundation curriculum that includes:

1. English language arts and reading;
2. Mathematics;
3. Science; and
4. Social studies, consisting of Texas, United States, and world history; government; geography; and economics with emphasis on the free enterprise system and its benefits.

*Education Code 28.002(a)(1); 19 TAC 74.1(a)(1)*

Enrichment  
Curriculum

A district that offers kindergarten through grade 12 shall offer an enrichment curriculum that includes:

1. Languages other than English, to the extent possible. American Sign Language is a language for these purposes and the district may offer an elective course in the language;
2. Health, with emphasis on:
  - a. Physical health, including the importance of proper nutrition and exercise;

- b. Mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
  - c. Suicide prevention, including recognizing suicide-related risk factors and warning signs;
- 3. Physical education;
  - 4. Fine Arts;
  - 5. Career and technical education;
  - 6. Technology applications;
  - 7. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
  - 8. Personal financial literacy.

*Education Code 28.002(a)(2), (e); 19 TAC 74.1(a)(2)*

**Digital Citizenship**

The State Board of Education by rule shall require each district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying.

"Cyberbullying" has the meaning assigned by Education Code 37.0832. [See FFI]

"Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

*Education Code 28.002(z)*

**Local Credit**

A district may offer courses for local credit, at its discretion, in addition to those in the required curriculum, but it may not delete or omit instruction in the foundation and enrichment curricula specified above. *Education Code 28.002(f); 19 TAC 74.1(b)*

**Local Instructional Plan**

A district's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. A district is encouraged to exceed minimum requirements of law and State Board rule.

**Major Curriculum Initiatives**

Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:

**BASIC INSTRUCTIONAL PROGRAM  
REQUIRED INSTRUCTION (ALL LEVELS)**

**EHAA  
(LEGAL)**

1. Includes teacher input;
2. Provides district employees with the opportunity to express opinions regarding the initiative; and
3. Includes a meeting of the board at which information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and members of the public and district employees are given the opportunity to comment regarding the initiative.

*Education Code 28.002(g)*

**Common Core State Standards**

A district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels. A district may not be required to offer any aspect of a common core state standards curriculum. "Common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative. *Education Code 28.002(b-1), (b-3), (b-4)*

**Scope and Sequence**

In adopting a recommended or designated scope and sequence for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level, a district shall ensure sufficient time is provided for teachers to teach and students to learn the essential knowledge and skills for that subject and grade level [see DG]. *Education Code 28.0027(a)*

**Coordinated Health Programs**

TEA shall make available to each district one or more coordinated health programs in elementary, middle, and junior high school. Each program must provide for coordinating education and services related to:

1. Physical health education, including programs designed to prevent obesity, cardiovascular disease, oral diseases, and Type 2 diabetes and programs designed to promote the role of proper nutrition;
2. Mental health education, including education about mental health conditions, mental health well-being, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse education, including education about alcohol abuse, prescription drug abuse, and abuse of other controlled substances;
4. Physical education and physical activity; and
5. Parental involvement.

*Education Code 38.013; 19 TAC 102.1031(a)*

A district shall participate in appropriate training to implement TEA's coordinated health program and shall implement the program in each elementary, middle, and junior high school in the district. *Education Code 38.014*

Coordinated school health programs that are developed by districts and that meet TEA criteria may be approved and made available as approved programs. Districts must use materials that are proven effective, such as TEA-approved textbooks or materials developed by nationally recognized and/or government-approved entities. *19 TAC 102.1031(c)*

**Physical Education**

Each district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. The physical education curriculum must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life.

A physical education course shall:

1. Offer students an opportunity to choose among many types of physical activity in which to participate;
2. Offer students both cooperative and competitive games; and
3. Be an enjoyable experience for students.

On a weekly basis, at least 50 percent of a physical education class shall be used for actual student physical activity and the activity shall be, to the extent practicable, at a moderate or vigorous level.

**Student/Teacher  
Ratio**

The objectives and goals shall include, to the extent practicable, student/teacher ratios [see EEB] that are small enough to enable the district to:

1. Carry out the purposes of and requirements for the physical education curriculum; and
2. Ensure the safety of students participating in physical education.

If a district establishes a student to teacher ratio greater than 45 to 1 in a physical education class, the district shall specifically identify the manner in which the safety of the students will be maintained.

*Education Code 25.114, 28.002(d); 19 TAC 74.37*

**BASIC INSTRUCTIONAL PROGRAM  
REQUIRED INSTRUCTION (ALL LEVELS)**

**EHAA  
(LEGAL)**

**Classification for  
Physical Education**

A district shall classify students for physical education on the basis of health into one of the following categories:

1. **Unrestricted**—not limited in activities.
2. **Restricted**—excludes the more vigorous activities. Restricted classification is of two types:
  - a. **Permanent**—A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the impairment and the expectations for physical activity for the student.
  - b. **Temporary**—Students may be restricted from physical activity of the physical education class. A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the temporary impairment and the expected amount of time for recovery. During recovery time, the student shall continue to learn the concepts of the lessons but shall not actively participate in the skill demonstration.
3. **Adapted and remedial**—specific activities prescribed or prohibited for students as directed by a member of the healing arts licensed to practice in Texas.

**19 TAC 74.31**

**School Health  
Advisory Council**

A board shall establish a local school health advisory council (SHAC) to assist the district in ensuring that local community values are reflected in the district's health education instruction. *Education Code 28.004(a)* [See BDF regarding composition of the SHAC and FFA regarding federal wellness requirements]

**Duties**

The SHAC's duties include recommending:

1. The number of hours of instruction to be provided in:
  - a. Health education in kindergarten through grade 8; and
  - b. If the district requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12.
2. Policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:

**BASIC INSTRUCTIONAL PROGRAM  
REQUIRED INSTRUCTION (ALL LEVELS)**

**EHAA  
(LEGAL)**

- a. Health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education;
  - b. Physical education and physical activity;
  - c. Nutrition services;
  - d. Parental involvement;
  - e. Instruction on substance abuse prevention;
  - f. School health services, including mental health services;
  - g. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
  - h. A safe and healthy school environment; and
  - i. School employee wellness;
3. Appropriate grade levels and methods of instruction for human sexuality instruction;
  4. Strategies for integrating the curriculum components specified by item 2, above, with the following elements in a coordinated school health program:
    - a. School health services, including physical health services and mental health services, if provided at a campus by the district or by a third party under a contract with the district;
    - b. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
    - c. A safe and healthy school environment; and
    - d. School employee wellness;
  5. If feasible, joint use agreements or strategies for collaboration between the district and community organizations or agencies. Any agreement entered into based on a recommendation of the SHAC must address liability for the district and community organization;
  6. Appropriate grade levels and curriculum for instruction regarding opioid addiction and abuse and methods for administering an opioid antagonist; and
  7. Strategies to increase parental awareness regarding:

- a. Risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and
- b. Available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.

*Education Code 28.004(c), (n)*

**Policy  
Recommendations**

The SHAC shall consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students. The SHAC must consider research regarding unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The SHAC shall ensure that local community values are reflected in any policy recommendation made to the district concerning the importance of daily recess for elementary school students.

*Education Code 28.004(l)*

The SHAC shall make policy recommendations to the district to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services. *Education Code 28.004(o)*

**Content of Human  
Sexuality Instruction**

The board shall determine the specific content of a district's instruction in human sexuality. *Education Code 28.004(h)*

The board shall select any instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) with the advice of the SHAC. The instruction must:

1. Present abstinence as the preferred choice of behavior for unmarried persons of school age;
2. Devote more attention to abstinence than to any other behavior;
3. Emphasize that abstinence is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with HIV or AIDS, and the emotional trauma associated with adolescent sexual activity;
4. Direct adolescents to a standard of behavior in which abstinence before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with HIV or AIDS; and

BASIC INSTRUCTIONAL PROGRAM  
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA  
(LEGAL)

5. Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in the curriculum.

*Education Code 28.004(e)*

Condoms

A district may not distribute condoms in connection with instruction relating to human sexuality. *Education Code 28.004(f)*

Separate Classes

If a district provides human sexuality instruction, it may separate students according to sex for instructional purposes. *Education Code 28.004(g)* [See FB regarding single-sex classes under Title IX]

Notice to Parents

Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

1. A summary of the basic content of the district's human sexuality instruction to be provided to the student, including a statement informing the parent of the instructional requirements under state law;
2. A statement of the parent's right to:
  - a. Review curriculum materials as provided by *Education Code 28.004(j)*; and
  - b. Remove the student from any part of that instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and
3. Information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the SHAC.

A parent may use the grievance procedure at FNG concerning a complaint of a violation of notice requirements.

*Education Code 28.004(i)-(i-1)*

Availability of  
Materials

A district shall make all curriculum materials used in human sexuality instruction available for reasonable public inspection. *Education Code 28.004(j)* [See EFA regarding selection of curriculum materials for human sexuality instruction]

**Character Education**

A district must adopt a character education program that includes the following positive character education traits:

1. Courage;
2. Trustworthiness, including honesty, reliability, punctuality, and loyalty;
3. Integrity;
4. Respect and courtesy;
5. Responsibility, including accountability, diligence, perseverance, and self-control;
6. Fairness, including justice and freedom from prejudice;
7. Caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity;
8. Good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law;
9. School pride; and
10. Gratitude.

In developing or selecting a character education program under Education Code 29.906, a district shall consult with a committee selected by the district that consists of parents of district students, educators, and other members of the community, including community leaders.

The provisions above do not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.

*Education Code 29.906*



**Parental Notice of Assistance for Learning Difficulties**

Each school year, a district shall notify a parent of each child, other than a child enrolled in a special education program under Education Code Chapter 29, Subchapter A, who receives assistance from the district for learning difficulties, including through the use of intervention strategies that the district provides that assistance to the child. The notice must:

1. Be provided when the child begins to receive the assistance for that school year;
2. Be written in English or, to the extent practicable, the parent's native language; and
3. Include:
  - a. A reasonable description of the assistance that may be provided to the child, including any intervention strategies that may be used;
  - b. Information collected regarding any intervention in the base tier of a multi-tiered system of supports that has previously been used with the child;
  - c. An estimate of the duration for which the assistance, including through the use of intervention strategies, will be provided;
  - d. The estimated time frames within which a report on the child's progress with the assistance, including any intervention strategies used, will be provided to the parent; and
  - e. A copy of the explanation provided under Education Code 26.0081(c). [See FB]

This required notice may be provided to a child's parent at a meeting of the team established for the child under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), if applicable.

*Education Code 26.0081(d)–(e)*

"Intervention strategy" means a strategy in a multi-tiered system of supports that is above the level of intervention generally used in that system with all children. The term includes response to intervention and other early intervening strategies. *Education Code 26.004(a)*

**Dyslexia and Related Disorders**

Districts shall provide each student with dyslexia or a related disorder access to each program under which the student qualifies for services. A board must ensure that procedures for identifying a stu-

dent with dyslexia or a related disorder and for providing appropriate, evidence-based instructional services to students are implemented in the district.

District procedures must be implemented according to the State Board of Education (SBOE) approved strategies for screening, individualized evaluation, and techniques for treating dyslexia and related disorders. The strategies and techniques are described in the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders* available on [TEA's Dyslexia webpage](#).<sup>1</sup> Districts shall provide a copy or a link to the electronic version of the *Dyslexia Handbook* to parents of children suspected to have dyslexia or a related disorder.

Districts will be subject to monitoring for compliance with federal law and regulations in connection with 19 Administrative Code 74.28.

*19 TAC 74.28(a)–(c), (l)–(m)*

Compliance  
Monitoring

Districts will be subject to monitoring for compliance with federal law and regulations in connection with 19 Administrative Code 74.28. Districts will be subject to auditing and monitoring for compliance with state dyslexia laws in accordance with administrative rules adopted by the commissioner of education as required by Education Code 38.003(c-1). *19 TAC 74.28(n)*

Screening, Testing,  
and Identification

Students enrolling in public schools in Texas shall be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. The program must include screening at the end of the school year of each student in kindergarten and each student in the first grade. *Education Code 38.003(a)*

A process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available, as outlined in the *Dyslexia Handbook*. A district may not use early intervention strategies, including multi-tiered systems of support, to delay or deny the provision of a full and individual evaluation to a child suspected of having a specific learning disability, including dyslexia or a related disorder.

Screening, as described in the *Dyslexia Handbook*, and further evaluation should only be conducted by individuals who are trained in valid, evidence-based assessments and who are trained to appropriately evaluate students for dyslexia and related disorders.

*19 TAC 74.28(d), (j)*

**Parent Notification**

At least five school days before any identification or evaluation procedure is used selectively with an individual student, a district must provide written notification of the proposed identification or evaluation to the student's parent or guardian or another person standing in parental relation to the student. The notice must be in English, or to the extent practicable, the individual's native language and must include the following:

1. A reasonable description of the evaluation procedure to be used with the individual student;
2. Information related to any instructional intervention or strategy used to assist the student prior to evaluation;
3. An estimated time frame within which the evaluation will be completed; and
4. Specific contact information for the campus point of contact, relevant parent training and information projects, and any other appropriate parent resources.

**IDEA Notice**

Before a full individual and initial evaluation is conducted to determine whether a student has a disability under the Individuals with Disabilities Education Act (IDEA), a district must notify the student's parent or guardian or another person standing in parental relation to the student of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503, provide all the information required in the above notice, and provide an opportunity for written consent for the evaluation. The district must also provide a copy of the IDEA procedural safeguards notice required under 34 C.F.R. 300.504 and a copy of Section 504 information required under Education Code 26.0081. [See EHBAE and FB]

**Options and Services**

Parents or guardians of a student with dyslexia or a related disorder must be informed of all services and options available to the student, including general education interventions under response to intervention and multi-tiered systems of support models as required by Education Code 26.0081(d), and options under federal law, including IDEA, and the Rehabilitation Act, Section 504.

*19 TAC 74.28(f)-(h)*

**Parent Education**

A district shall provide a parent education program for parents and guardians of students with dyslexia and related disorders. This program must include:

1. Awareness and characteristics of dyslexia and related disorders;

2. Information on testing and diagnosis of dyslexia and related disorders;
3. Information on effective strategies for teaching students with dyslexia and related disorders;
4. Information on qualifications of those delivering services to students with dyslexia and related disorders;
5. Awareness of information on accommodations and modifications, especially those allowed for standardized testing;
6. Information on eligibility, evaluation requests, and services available under IDEA and Section 504 and information on the response to intervention process; and
7. Contact information for the relevant regional and/or district specialists.

*Education Code 38.003; 19 TAC 74.28(l)*

**Treatment**

Each school must provide each identified student access at his or her campus to instructional programs required at Reading Program, below, and to the services of a teacher trained in dyslexia and related disorders. A district may, with the approval of each student's parents or guardians, offer additional services at a centralized location, but centralized services shall not preclude each student from receiving services at his or her campus. *19 TAC 74.28(i)*

**Reading Program**

A district shall purchase a reading program or develop its own reading program that is aligned with the descriptors in the *Dyslexia Handbook*.

Teachers who screen and treat these students must be trained in instructional strategies that use individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in the *Dyslexia Handbook*. The professional development activities specified by the district- and/or campus-level committees shall include these instructional strategies.

*19 TAC 74.28(e)*

**Reassessment**

Unless otherwise provided by law, a student determined to have dyslexia during screening or testing or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous screening or testing of the student. *Education Code 38.003(b-1)*

**Audiobook Program  
Notification**

A district shall notify the parent or guardian of each student determined, on the basis of a dyslexia or related disorder screening or

other basis, to have dyslexia or a related disorder, or determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties of the program maintained by the Texas State Library and Archives Commission providing students with reading disabilities the ability to borrow audiobooks free of charge. The notification shall be done in accordance with the program developed by the commissioner. *Education Code 28.006(g-2)*

---

<sup>1</sup> TEA Dyslexia webpage: <https://tea.texas.gov/academics/dyslexia/>



---

**Note:** The policies in the EHBA series are statements of principles governing special education programs for Texas school districts. In no way are these policies intended to cover the entire scope and detail involved in administering any special education program.

---

**Nondiscrimination**

No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any district service, program, or activity. *42 U.S.C. 12132; 29 U.S.C. 794(a); 34 C.F.R. 104.4(a)* [See also FB]

**Free Appropriate  
Public Education  
(FAPE)**

Eligible students with disabilities shall enjoy the right to a free appropriate public education, which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. Instruction shall be supplemented by the provision of related services when appropriate. *Education Code 29.003(a)*

“Free appropriate public education” (FAPE) means special education and related services that:

1. Have been provided at public expense, under public supervision and direction, and without charge;
2. Meet standards set out by the Texas Education Agency (TEA);
3. Include an appropriate preschool, elementary school, or secondary school education; and
4. Are provided in conformity with the student’s individualized education program (IEP).

*20 U.S.C. 1401(9); 34 C.F.R. 300.13, .17, .36*

**Least Restrictive  
Environment**

A district shall ensure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. *20 U.S.C. 1412(a)(5); 34 C.F.R. 300.114(a)(2)*

**Discipline**

All disciplinary actions regarding students with disabilities shall be in accordance with federal requirements, Education Code Chapter

37, and 19 Administrative Code 89.1053. 19 TAC 89.1050(k) [See FOF]

**Instructional  
Arrangements and  
Settings**

Instructional arrangements/settings shall be based on the individual needs and IEPs of eligible students receiving special education services and shall include the following:

1. Mainstream: providing services in a regular classroom;
2. Homebound: providing services at home or hospital bedside;
3. Hospital class: providing services in a classroom, hospital facility, or residential care and treatment facility not operated by a district;
4. Speech therapy: providing speech therapy services in a regular education classroom or other setting;
5. Resource room/services: providing services in a setting other than the regular classroom for less than 50 percent of the regular school day;
6. Self-contained (mild, moderate, or severe) regular campus: providing services to a student who is in a self-contained program for 50 percent or more of the regular school day on a regular school campus;
7. Off-home campus: providing services to nondistrict students in a single location, through district personnel at a nondistrict facility, or at a district campus that provides only special education and related services;
8. Nonpublic day school: providing services through a contractual agreement with a nonpublic school for special education;
9. Vocational adjustment class/program: providing services to a student who is placed on a job (paid or unpaid) with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP;
10. Residential care and treatment facility (not district resident): providing services to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of the district; or
11. State supported living center: providing services to a student who resides at a state supported living center when the services are provided at the state supported living center location.

**Other Program Options**

Other program options that may be considered for the delivery of special education and related services to a student include contracts with other districts and programs approved by TEA.

*19 TAC 89.63(c), (f)*

**Related Services**  
Definition

“Related services” means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education, including the early identification and assessment of disabling conditions in children.

The term includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive FAPE as described in the child’s IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that medical services shall be for diagnostic and evaluation purposes only.

The term does not include a medical device that is surgically implanted, the optimization of the device’s functioning, or the replacement of such device.

*20 U.S.C. 1401(26); 34 C.F.R. 300.34*

**Extended School Year Services**

Extended school year (ESY) services are defined as individualized instructional programs beyond the regular school year for eligible students with disabilities.

A district shall ensure that ESY services are available as necessary to provide a student with a disability with FAPE.

ESY services must be provided only if the admission, review, and dismissal (ARD) committee determines, on an individual basis, that the services are necessary for FAPE. A district may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services.

*34 C.F.R. 300.106; 19 TAC 89.1065*

**Off-Campus Program**

An off-campus program includes special education and related services provided during school hours in a facility other than a school district campus.

**Program Provider**

An off-campus program provider is an entity that provides the services identified above and includes:

1. A county system operating under application of former law as provided in Education Code 11.301;
2. A regional education service center established under Education Code, Chapter 8;
3. A nonpublic day school; or
4. Any other public or private entity with which a school district enters into a contract under Education Code 11.157, for the provision of special education services in a facility other than a district campus operated by a district.

*19 TAC 89.1094(a)(2)–(3)*

**Program Placement**

A district may contract with an off-campus program provider to provide some or all of the special education and related services to a student in accordance with the requirements in 19 Administrative Code 89.1094.

Before the district places a student with a disability in, or refers a student to, an off-campus program, the district shall initiate and conduct:

1. An onsite review to ensure that the off-campus program is appropriate for meeting the student's educational needs; and
2. A meeting of the student's ARD committee to develop an IEP for the student in accordance with 34 C.F.R. 300.320–.325, state statutes, and commissioner of education rules in 19 Administrative Code Chapter 89 (Commissioner's Rules Concerning Special Education Services).

The appropriateness of the off-campus program for each student placed shall be documented in the IEP annually. The student's ARD committee may only recommend an off-campus program placement for a student if the committee determines that the nature and severity of the student's disability and special education needs are such that the student cannot be satisfactorily educated in the district. The district must follow the requirements of 19 Administrative Code 89.1094(b)(3)(A)–(C), regarding the review of the placement of the off-campus program for each student.

The placement of more than one student in the same off-campus program facility may be considered in the same on-site visit to a facility. However, the IEP of each student must be individually reviewed, and a determination of appropriateness of placement and services must be made for each student.

*19 TAC 89.1094(b)*

Notification and  
Review

Within 30 calendar days from an ARD committee's decision to place a student in an off-campus program, a district must electronically submit to TEA notice of, and information regarding, the placement in accordance with submission procedures specified by TEA.

If the off-campus program is on the commissioner's list of approved off-campus programs, TEA will review the student's IEP and placement as required by 34 C.F.R. 300.120, and, in the case of a placement in or referral to a private school or facility, 34 C.F.R. 300.146. After review, TEA will notify the district whether federal or state funds for the off-campus program placement are approved. If TEA does not approve the use of funds, it will notify the district of the basis for the non-approval.

If the off-campus program is not on the commissioner's list of approved off-campus programs, TEA will begin the approval procedures described below. Districts must ensure there is no delay in implementing a child's IEP in accordance with 34 C.F.R. 300.103(c).

If an off-campus program placement is ordered by a special education hearing officer or court of competent jurisdiction, the district must notify TEA of the order within 30 calendar days. The off-campus program serving the student is not required to go through the approval procedures described in 19 Administrative Code 89.1094 for the ordered placement. If, however, the district or other districts intend to place other students in the off-campus program, the off-campus program will be required to go through the approval procedures to be included on the commissioner's list of approved off-campus programs.

*19 TAC 89.1094(c)*

Approval

Off-campus programs must have their educational programs approved for contracting purposes by the commissioner in accordance with 19 Administrative Code 89.1094(d).

Funding Procedures

The cost of off-campus program placements will be funded according to Education Code 42.151 (Special Education) and 19 Administrative Code 89.63(e) (Instructional Arrangements and Settings).

Contracts

Contracts between districts and approved off-campus programs must not exceed a district's fiscal year and shall not begin prior to July 1 of the contracted fiscal year.

Amendments to a contract must be electronically submitted to TEA in accordance with submission procedures specified by TEA no later than 30 calendar days from the change in placement or services within the school district's fiscal year.

*19 TAC 89.1094(e)(1)-(2)*

Change of  
Residence

If a student who is placed in an off-campus program by a district changes his or her residence to another Texas district during the school year, the district must notify TEA within ten calendar days of the date on which the district ceased contracting with the off-campus program for the student's placement. The student's new district must meet the requirements of 34 C.F.R. 300.323(e), by providing comparable services to those described in the student's IEP from the previous district until the new district either adopts the student's IEP from the previous district or develops, adopts, and implements a new IEP. The new district must comply with all procedures described in 19 Administrative Code 89.1094 for continued or new off-campus program placement. *19 TAC 89.1094(e)(3)*

SPECIAL EDUCATION  
ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

EHBAB  
(LEGAL)

**Admission, Review,  
and Dismissal  
Committee**

A district shall establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation is conducted. The ARD committee shall be the individualized education program (IEP) team defined at 34 C.F.R. 300.321.

**Responsibilities of  
ARD Committee**

The responsibilities of the ARD committee and the district include:

1. Evaluation, reevaluation, and determination of eligibility for special education and related services;
2. Placement of students with disabilities including disciplinary changes in placement;
3. Development of the student's IEP;
4. Development and implementation of service plans for students who have been placed by their parents in private schools and who have been designated to receive special education and related services;
5. Compliance with the least restrictive environment standard;
6. Compliance with state requirements for reading diagnosis and state assessments;
7. Development of junior high or middle school personal graduation plans;
8. Development of accelerated instruction under Education Code 28.0211 and intensive programs of instruction under Education Code 28.0213 [see EHBC];
9. Evaluation, placement, and coordination of services for students who are deaf, hard of hearing, blind, or visually impaired; and
10. Determining eligibility for extracurricular activities, under Education Code 33.081.

*19 TAC 89.1050(a); 34 C.F.R. 300.116(a), .321(a)*

**Committee  
Members**

A district shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a student with a disability;
2. At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
3. At least one special education teacher or, if appropriate, at least one special education provider of the student;

4. A representative of the district who:
  - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
  - b. Is knowledgeable about the general education curriculum; and
  - c. Is knowledgeable about the availability of resources of the district;
5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2–5;
7. The student, if appropriate;
8. For a student with an auditory impairment, including deaf-blindness, a teacher who is certified in the education of students with auditory impairments;
9. For a student with a visual impairment, including deaf-blindness, a teacher who is certified in the education of students with visual impairments;
10. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;
11. A representative of any participating agency likely to be responsible for providing transition services for a student, as appropriate, and with the consent of the student's parents or a student who has reached the age of majority; and
12. When considering initial or continued placement of a student in a career and technical education program, a representative from career and technical education, preferably the teacher.

*20 U.S.C. 1414(d)(1)(B); 34 C.F.R. 300.321; 19 TAC 75.1023(d)(1), 89.1050(c)*

A district member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the district agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A district member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the district consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

*20 U.S.C. 1414(d)(1)(C); 34 C.F.R. 300.321(e)*

*Regular  
Education  
Teacher*

If an ARD committee is required to include a regular education teacher, the regular education teacher must, to the extent practicable, be a teacher who is responsible for implementing a portion of the child's IEP. *Education Code 29.005(a)*

*Parent  
Involvement*

A district shall take steps to ensure that one or both parents of a student with a disability are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include the purpose, time, and location of the meeting, who will be in attendance, that persons with knowledge or special expertise may be invited by either the parent or the district, and that the Part C service coordinator or other representatives of the Part C system may be invited to the initial meeting for a child previously served under a Part C early childhood intervention program); and
2. Scheduling the meeting at a mutually agreed on time and place.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the district will invite the student, and identify any other agency that will be invited to send a representative.

*34 C.F.R. 300.322(a)-(b); 19 TAC 89.1050(d)*

*Alternative  
Means of  
Meeting  
Participation*

If neither parent can attend an ARD meeting, the district must allow other methods of participation, such as through telephone calls or video conferencing. *20 U.S.C. 1414(f); 34 C.F.R. 300.322(c); 19 TAC 89.1050(d)*

An ARD meeting may be conducted without a parent in attendance if a district is unable to convince the parents that they should attend, but the district shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 C.F.R. 300.322(d)*

SPECIAL EDUCATION  
ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

EHBAB  
(LEGAL)

**Meetings**

A district shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The committee shall review each child's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once a year.

A "meeting" does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A "meeting" also does not include preparatory activities that district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

*20 U.S.C. 1414(d)(4); 34 C.F.R. 300.116(b)(1), .324(b), (c)(1), .501(b)(3)*

*Meeting at  
Parent's Request*

Upon receipt of a written request for an ARD committee meeting from a parent, the school district must schedule and convene a meeting in accordance with the procedures in 19 Administrative Code 89.1050(d) or within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting. *19 TAC 89.1050(e)*

**Written Notice**

If a parent is unable to speak English, a district must provide the parent with a written notice regarding the ARD committee meeting required under 19 Administrative Code 89.1050(d) (notice for purposes of scheduling) or (e)(2) (notice explaining why the district refuses to convene a meeting) in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the school district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice. *19 TAC 89.1050(f)*

**Transfer Students**

**In-State Transfers**

When a student transfers to a new district within the state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 C.F.R. 300.323(e) regarding the provision of special education services. The time line for completing the requirements outlined in 34 C.F.R. 300.323(e)(1) or (2) is 30 school days from the date the student is verified as being a student eligible for special education services.

**Transfers from  
Another State**

When a student transfers from a district in another state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new district must meet the requirements of 34 C.F.R. 300.323(f) regarding the provision of special education services. If the new district determines that an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must be completed within the time lines established by 19 Administrative Code 89.1011(c) and (e). The time line for completing the requirements in 34 C.F.R. 300.323(f)(2), if appropriate, is 30 calendar days from the date of the completion of the evaluation report. If the school district determines that an evaluation is not necessary, the time line for completing the requirements outlined in 34 C.F.R. 300.323(f)(2) is 30 school days from the date the student is verified as being a student eligible for special education services.

*19 TAC 89.1050(j)*

**Transfer of Records**

The district in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous district.

The previous district shall take reasonable steps to promptly respond to the request from the new district and must furnish the new school district with a copy of the student's records, including the student's special education records, not later than the tenth working day after the date a request for the information is received by the previous school district.

*20 U.S.C. 1414(d)(2)(C)(ii); 34 C.F.R. 300.323(g); 19 TAC 89.1050(j)(3)*

**Students Who Are  
Homeless or in  
Substitute Care**

When a student who is homeless or in substitute care transfers into a district after being referred by a previous district for a special education evaluation, the receiving district must accept the referral and ensure that any written report of a full individual and initial evaluation must be completed in accordance with the timelines established in 19 Administrative Code 89.1011 (relating to Full Individual and Initial Evaluation).

When a student who is already eligible for special education and is homeless or in substitute care transfers into a district during the

school year, the receiving district must ensure that it meets the student transfer requirements of 19 Administrative Code 89.1050(j) (relating to the Admission, Review, and Dismissal Committee).

*19 TAC 89.1615*

**Military Dependents**

A district shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, C [See FDD]*

**Individualized  
Education Program**

A district shall develop, review, and revise an IEP for each child with a disability. *20 U.S.C. 1412(a)(4); 34 C.F.R. 300.320(a)*

At the beginning of each school year, a district shall have in effect, for each child with a disability in its jurisdiction, an IEP. *20 U.S.C. 1414(d)(2)(A); 34 C.F.R. 300.323(a)*

The term "individualized education program" means a written statement for each student with a disability that documents the decisions of the ARD committee with respect to issues discussed at each committee meeting and includes:

1. A statement of the student's present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the student's progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;
5. A statement of the program modifications or supports for school personnel that will be provided for the student;
6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate and allowable accommodations that are necessary to measure the academic

- achievement and functional performance of the student on state or district-wide assessments;
9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;
  10. If the ARD committee determines that a student is in need of extended school year (ESY) services, identification of the goals and objectives that will be addressed during ESY services;
  11. Beginning not later than when a student reaches 14 years of age and updated annually thereafter, the ARD committee's consideration and decisions regarding the transition issues under 19 Administrative Code 89.1055(j) [see EHBAD];
  12. Beginning not later than the first IEP to be in effect when the student is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate measurable postsecondary goals and transition services needed to assist the student in reaching those goals [see EHBAD];
  13. Beginning not later than one year before the student reaches the age of 17, a statement that the student has been informed of the rights that will transfer to the student upon reaching the age of majority;
  14. The date of the meeting;
  15. The name, position, and signature of each member participating in the meeting; and
  16. An indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee.

*20 U.S.C. 1414(d); 34 C.F.R. 300.320; Education Code 29.005(b-1), .011; 19 TAC 89.1055*

The written statement of a student's IEP may be required to include only information included in the model form developed by TEA under Education Code 29.0051(a) and posted on the TEA website. A district may use the model form to comply with the requirements for an IEP under 20 U.S.C. 1414(d). *Education Code 29.005(f), .0051*

Behavioral  
Intervention Plan

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan (BIP) is appropriate for a student for whom the committee has developed an IEP. If the committee makes that determination, the BIP shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student. *Education Code 29.005(g); 19 TAC 89.1055(g)*

Translation of IEP  
into Native  
Language

If the parent is unable to speak English and Spanish is the parent's native language, a district shall provide a written or audiotaped copy of the student's IEP translated into Spanish. If the parent's native language is other than Spanish or English, a district shall make a good faith effort to provide a written or audiotaped copy of the student's IEP translated into the parent's native language. *Education Code 29.005(d)*

A written copy of the student's IEP translated into Spanish or the parent's native language means that all of the text in the student's IEP in English is accurately translated into the target language in written form. The IEP translated into the target language must be a comparable rendition of the IEP in English and not a partial translation or summary of the IEP in English.

An audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the student's IEP in English is orally translated into the target language and recorded with an audio device. A district is not prohibited from providing the parent with an audio recording of an ARD committee meeting at which the parent was assisted by an interpreter as long as the audio recording provided to the parent contains an oral translation into the target language of all of the content in the student's IEP in English.

If a parent's native language is not a written language, the district must take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her native language or other mode of communication.

Under 34 C.F.R. 300.322(f), a district must give a parent a written copy of the student's IEP at no cost to the parent. A school district meets this requirement by providing a parent with a written copy of the student's IEP in English or by providing a parent with a written translation of the student's IEP in the parent's native language as provided above.

*19 TAC 89.1050(i)*

**Autism/Pervasive  
Developmental  
Disorder**

For students with autism/pervasive developmental disorders, the following strategies shall be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments;
6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders (ASD);
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;
8. Communication interventions, including language forms and functions that enhance effective communication across settings;
9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;
10. Professional educator/staff support; and
11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

If the ARD committee determines that services are not needed in one or more of the areas in 1–11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

*19 TAC 89.1055(e)–(f)*

SPECIAL EDUCATION  
ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

EHBAB  
(LEGAL)

*Visual Impairment*

If a district provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10) (staff access to resources). 19 TAC 89.1075(b)

*Collaborative Process*

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions of the ARD committee concerning the required elements of the IEP shall be made by mutual agreement, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

*Ten-Day Recess*

When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed ten school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]

These requirements do not prohibit the ARD committee from recessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

*Failure to Reach Agreement*

If a recess is implemented and the ARD committee still cannot reach mutual agreement, a district shall implement the IEP it has determined to be appropriate for the student. Each member of the ARD committee who disagrees with the IEP developed by the ARD committee is entitled to include a statement of disagreement in the IEP.

If the IEP is not developed by agreement, the written statement of the program must include the basis of the disagreement. Each

member of the ARD committee who disagrees with the IEP developed by the committee is entitled to include a statement of disagreement in the written statement of the program.

*Education Code 29.005(c); 19 TAC 89.1050(g)*

**Modification of  
Existing IEP**

Changes to the IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

After the annual IEP meeting for a school year, the parent and district may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

To the extent possible, a district shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child.

*20 U.S.C. 1414(d)(3)(D)-(F); 34 C.F.R. 300.324(a)(4)-(6)*

**Teacher Access to  
IEP**

Each district must ensure that each teacher who provides instruction to a student with a disability has access to relevant sections of the student's current IEP, is informed of the teacher's specific responsibilities related to implementation of the IEP, and has an opportunity to request assistance regarding implementation of the student's IEP. *19 TAC 89.1075(c)*

**Teacher Request to  
Review IEP**

Each district shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting:

1. To request a review of the student's IEP;
2. To provide input in the development of the student's IEP;
3. That provides for a timely district response to the teacher's request; and
4. That provides for notification to the student's parent or legal guardian of that response.

*Education Code 29.001(11); 19 TAC 89.1075(d)*



<b>Table of Contents</b>	<b>Title III Requirements .....</b>	<b>2</b>
	<b>Definitions .....</b>	<b>2</b>
	<b>District Responsibility .....</b>	<b>2</b>
	<b>Identification of LEP Students .....</b>	<b>3</b>
	Language Proficiency Assessment Committees (LPAC).....	3
	Home Language Survey .....	4
	LEP Classification.....	4
	Parental Notice and Consent.....	5
	Participation of Non-LEP Students .....	6
	Students with Disabilities .....	6
	<b>Bilingual and ESL Programs .....</b>	<b>6</b>
	Exceptions and Waivers .....	7
	Program Design .....	7
	Dual Language Immersion Program .....	8
	Facilities .....	10
	Cooperation Among Districts .....	10
	Documentation .....	10
	Summer Program .....	11
	Other Program.....	11
	<b>Personnel .....</b>	<b>11</b>
	<b>LEP Students and State Assessments .....</b>	<b>12</b>
	<b>Program Exit .....</b>	<b>12</b>
	Notice to Parents.....	13
	Post-Exit Monitoring and Reenrollment.....	13
	<b>Program Evaluation .....</b>	<b>14</b>

---

**Note:** The terms English language learner (ELL) and English learner are used interchangeably and are synonymous with the limited English proficiency (LEP) student as used in Education Code Chapter 29. *19 TAC 89.1203*

---

**Title III Requirements**

A district that receives funds under Title III of the Elementary and Secondary Education Act shall comply with the statutory requirements regarding English learners and immigrant students. *20 U.S.C. 6801–7014*

A district that receives funds under Title I or Title III to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform the parents of an English learner identified for participation in such a program of the information required by 20 U.S.C. 6312(e)(3). *20 U.S.C. 6312(e)(3)*

**Definitions**

“Certified English as a second language teacher” is synonymous with the term “professional transitional language educator” used in Education Code 29.063.

“Dual language immersion” means a state-approved bilingual program model in accordance with Education Code 29.066.

“English learner (EL)” is a student who is in the process of acquiring English and has another language as the primary or home language.

“Exit” refers to the point when a student is no longer classified as LEP/EL (i.e., the student is reclassified), no longer requires bilingual or ESL program services, and is classified as non-LEP/English proficient (EP) in the Texas Student Data System Public Education Information Management System. The term “exit” is synonymous with the description in Education Code, Chapter 29, of “transferring out” of bilingual or special language programming.

“Parent” includes the parent or legal guardian of the student in accordance with Education Code 29.052.

*Education Code 29.052; 19 TAC 89.1203(2)–(3), (7)–(8), (13)*

**District  
Responsibility**

Each district shall:

1. Identify English learners based on criteria established by the state;
2. Provide bilingual education and ESL programs as integral parts of the general program;

3. Seek appropriately certified teaching personnel to ensure that English learners are afforded full opportunity to master the essential knowledge and skills; and
4. Assess achievement for essential knowledge and skills in accordance with Education Code Chapter 29 to ensure accountability for English learners and the schools that serve them.

*19 TAC 89.1201(a)*

**Identification of LEP Students**

Within the first four weeks of the first day of school, the language proficiency assessment committee (LPAC) shall determine and report to the board the number of LEP students on each campus and shall classify each student according to the language in which the student possesses primary proficiency. A board shall report that information to TEA before November 1 each year. *Education Code 29.053(b)*

**Language Proficiency Assessment Committees (LPAC)**

Each district that is required to offer bilingual and special language programs shall, by local board policy, establish an LPAC. A district shall establish and operate a sufficient number of LPACs to enable them to discharge their duties within four weeks of the enrollment of English learners. A district shall have on file policy and procedures for the selection, appointment, and training of members of the LPAC.

**Membership of LPAC**

The LPAC shall include:

1. An appropriately certified bilingual educator (for students served through a bilingual education program);
2. An appropriately certified English as a second language (ESL) educator (for students served through an ESL program);
3. A parent of an English learner participating in a bilingual or ESL program; and
4. A campus administrator.

A district may add other trained members to the committee.

No parent serving on the LPAC shall be an employee of the school district.

All members of the LPAC, including parents, shall be acting for the district and shall observe all laws and rules governing confidentiality of information concerning individual students. A district shall be responsible for the orientation and training of all members, including the parents, of the LPAC.

*Education Code 29.063(a), (b); 19 TAC 89.1220(a)-(f)*

<i>Duties</i>	<p>The LPAC shall have the duties set forth at Education Code 29.063(c) and 19 Administrative Code 89.1220(g)–(i), (k), including duties to review information, classify students, notify parents, and monitor student academic progress.</p>
Home Language Survey	<p>A district shall administer only one home language survey to each new student enrolling for the first time in a Texas public school in any grade from prekindergarten through grade 12. The district shall require that the survey be signed by the student’s parent for each student in prekindergarten through grade 8, or by the student in grades 9 through 12.</p> <p>It is the district’s responsibility to ensure that the student’s parent understands the language used in the survey and its implications. The original copy of the survey shall be kept in the student’s permanent record.</p> <p>The home language survey shall be provided in English, Spanish, and Vietnamese. For students of other language groups, the home language survey shall be translated into the primary language whenever possible.</p> <p>The home language survey shall elicit one language answer to each of the following questions:</p> <ol style="list-style-type: none"><li>1. “What language is used in the child’s home most of the time?”</li><li>2. “What language does the child use most of the time?”</li></ol> <p>If the response on the home language survey indicates that a language other than English is used, the student shall be tested in accordance with 19 Administrative Code 89.1226 (Testing and Classification of Students).</p> <p><i>19 TAC 89.1215(a)–(c), .1226</i></p>
LEP Classification	<p>The LPAC may classify a student as LEP if:</p> <ol style="list-style-type: none"><li>1. The student’s ability in English is so limited or the student’s disabilities are so severe that assessment procedures cannot be administered;</li><li>2. The student’s score or relative degree of achievement on the TEA-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;</li><li>3. The student’s primary language proficiency score as measured by a TEA-approved test is greater than the student’s proficiency in English; or</li><li>4. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview,</li></ol>

that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

*Education Code 29.056(c)*

Parental Notice and  
Consent

Within ten days of the LPAC's classification of a student as LEP, the LPAC shall give written notice to the student's parent. *Education Code 29.056(d)*

The district shall notify the parent in English and in the parent's primary language that their child has been classified as an English learner and recommended for placement in the required bilingual education or ESL program. The district shall comply with the parent notification requirements described by 19 Administrative Code 89.1240(a).

The entry or placement of a student in the bilingual education or ESL program must be approved in writing by the student's parent in order to have the student included in the bilingual education allotment. The parent's approval shall be considered valid for the student's continued participation in the required bilingual education or ESL program until the student meets the reclassification criteria described in 19 Administrative Code 89.1226(i) (Testing and Classification of Students), the student graduates from high school, or a change occurs in program placement.

*19 TAC 89.1240(a); Education Code 29.056(a)*

Pending parental approval of an English learner's entry into a bilingual program recommended by the LPAC, a district shall place the student in the recommended program. Only English learners with parent approval who are receiving services will be included in the bilingual education allotment.

A district may place or exit a student in a program without written approval of the student's parent if:

1. The student is 18 years of age or has had the disabilities of minority removed;
2. The parent provides approval through a phone conversation or email that is documented in writing and retained; or
3. An adult who the district recognizes as standing in parental relation to the student provides written approval. This may include a foster parent or employee of a state or local governmental agency with temporary possession or control of the student.

*19 TAC 89.1220(j), (m)*

SPECIAL PROGRAMS  
BILINGUAL EDUCATION/ESL

EHBE  
(LEGAL)

Participation of  
Non-LEP Students

With the approval of a district and a student's parents, a student who is not LEP may also participate in a bilingual education program. *Education Code 29.058*

The number of participating English proficient students shall not exceed 40 percent of the number of students enrolled in the program district-wide. *19 TAC 89.1233(c)*

Students with  
Disabilities

Districts shall implement assessment procedures that differentiate between language proficiency and disabling conditions in accordance with 19 Administrative Code Chapter 89, Subchapter AA. The district shall establish placement procedures that ensure that placement in a bilingual education or ESL program is not refused solely because the student has a disability. LPAC members shall meet in conjunction with admission, review, and dismissal (ARD) committee members to review and provide recommendations about the education needs of each English learner who qualifies for services in the special education program. [See EHBAB] *19 TAC 89.1230*

**Bilingual and ESL  
Programs**

Each district with an enrollment of 20 or more students of limited English proficiency in any language classification in the same grade level shall offer a bilingual education or special language program.

Each district that is required to offer bilingual education and special language programs under this section shall offer the following for students of limited English proficiency:

1. Bilingual education in kindergarten through the elementary grades;
2. Bilingual education, instruction in English as a second language, or other transitional language instruction approved by the agency in post-elementary grades through grade 8; and
3. Instruction in English as a second language in grades 9 through 12.

*Education Code 29.053(c)-(d); 19 TAC 89.1205*

The district shall provide an ESL program to all English learners for whom a district is not required to offer a bilingual education program, regardless of the students' grade levels and primary language, and regardless of the number of such students, except in cases where a district exercises the option to provide a bilingual education program that is not required by law [see below]. *19 TAC 89.1205(c)*

	<p>A district is authorized to establish a bilingual education program even if the district has fewer than 20 English learners in any language classification in the same grade level district-wide and are not required to do so under the law. A district is also authorized to establish bilingual education programs at grade levels at which the district is not required under the law to establish bilingual programs. If a district does operate such a program under this authorization, the district shall adhere to all program requirements in 19 Administrative Code 89.1210, .1227, .1228, and .1229. <i>19 TAC 89.1205(f)–(g)</i></p>
<p>Exceptions and Waivers</p>	<p>A district shall comply with the requirements for bilingual education exceptions and ESL waivers under 19 Administrative Code 89.1207. <i>Education Code 29.054; 19 TAC 89.1207</i></p> <p>A district that is unable to employ a sufficient number of teachers, including part-time teachers, who meet the certification requirements for bilingual education and ESL program shall apply for an exception or waiver to the certification requirement on or before November 1. <i>19 TAC 89.1245(b)</i></p>
<p>Program Design</p>	<p>A district that is required to offer a bilingual education or ESL program shall provide each English learner the opportunity to be enrolled in the required program at his or her grade level.</p> <p>A district's bilingual education program shall comply with the program content and design requirements of 19 Administrative Code 89.1210. A district shall provide for ongoing coordination between the ESL program and the regular educational program.</p> <p><i>19 TAC 89.1210</i></p> <p>English learners shall participate with their English-speaking peers in general education classes provided in subjects such as art, music, and physical education. A district shall provide students enrolled in the program a meaningful opportunity to participate fully with other students in all extracurricular activities. Elective courses included in the curriculum may be taught in a language other than English. <i>Education Code 29.055, .057(b); 19 TAC 89.1210(f)</i></p>
<p><i>Bilingual Education Program Models</i></p>	<p>The bilingual education program shall be implemented through at least one of the following program models:</p> <ol style="list-style-type: none"><li>1. Transitional bilingual/early exit;</li><li>2. Transitional bilingual/late exit;</li><li>3. Dual language immersion/one-way; or</li><li>4. Dual language immersion/two-way.</li></ol> <p><i>19 TAC 89.1210(c)</i></p>

*ESL Program Models*

The ESL program shall be implemented through one of the following program models:

1. An ESL/content-based program model is an English acquisition program that serves students identified as English learners through English instruction by a teacher appropriately certified in ESL under Education Code 29.061(c), through English language arts and reading, mathematics, science, and social studies. The goal of content-based ESL is for English learners to attain full proficiency in English in order to participate equitably in school. This model targets English language development through academic content instruction that is linguistically and culturally responsive in English language arts and reading, mathematics, science, and social studies.
2. An ESL/pull-out program model is an English acquisition program that serves students identified as English learners through English instruction provided by an appropriately certified ESL teacher under Education Code 29.061(c), through English language arts and reading. The goal of ESL pull-out is for English learners to attain full proficiency in English in order to participate equitably in school. This model targets English language development through academic content instruction that is linguistically and culturally responsive in English language arts and reading. Instruction shall be provided by the ESL teacher in a pull-out or inclusionary delivery model.

19 TAC 89.1210(d)

Dual Language Immersion Program

A district may adopt a dual language immersion program (DLIP) for students enrolled in elementary school grades. *Education Code 28.005(c), .0051(c)*

*Implementation*

Program implementation shall:

1. Begin at prekindergarten or kindergarten, as applicable;
2. Continue without interruption incrementally through the elementary grades; and
3. Consider expansion to middle school and high school whenever possible.

19 TAC 89.1227(e)

*Minimum Requirements*

A DLIP shall:

1. Address all curriculum requirements specified at 19 Administrative Code Chapter 74, Subchapter A (Required Curriculum) to include foundation and enrichment areas, English language

proficiency standards, and college and career readiness standards.

2. Be a full-time program of academic instruction in English and another language.
3. Provide equitable resources in English and the additional program language whenever possible.
4. Provide a minimum of 50 percent of instructional time in the language other than English for the duration of the program.
5. Be developmentally appropriate and based on current best practices identified in research.

**19 TAC 89.1227**

***Two-Way DLIP  
Enrollment***

Student enrollment in a two-way DLIP is optional for English proficient students. The program shall fully disclose candidate selection criteria and ensure that access to the program is not based on race, creed, color, religious affiliation, age, or disability. A district must obtain written parental approval for English proficient students through a district-developed process.

A district implementing a two-way DLIP shall develop a policy on enrollment and continuation for students in the program. The policy must address:

1. Eligibility criteria;
2. Program purpose;
3. The district's commitment to providing equitable access to services for English learners.
4. Grade levels in which the program will be implemented;
5. Support of program goals as stated in 19 Administrative Code 89.1210 (Program Content and Design); and
6. Expectations for students and parents.

**19 TAC 89.1228(c)**

***Two-Way DLIP  
State  
Assessment***

A district implementing a two-way DLIP shall determine the appropriate assessment option for program participants as follows:

1. For English learners, the LPAC shall convene before the administration of the state criterion-referenced test each year to determine the appropriate assessment option for each English learner in accordance with 19 Administrative Code 89.1220(i) (Language Proficiency Assessment Committee).

2. For English proficient students, the appropriate assessment option for the administration of the state criterion-referenced test each year is determined through a district-developed process.

*19 TAC 89.1228(e)*

*School District  
Recognition*

A district may recognize one or more of its schools that implement an exceptional DLIP if the school meets all of the following criteria:

1. The school must meet the minimum requirements stated in 19 Administrative Code 89.1227.
2. The school must receive an acceptable performance rating in the state accountability system.

The school must not be identified for any stage of intervention for the district's bilingual and/or ESL program under the performance-based monitoring system.

*Student  
Recognition*

A student participating in a DLIP or any other state-approved bilingual or ESL program may be recognized by the program and the board by earning a performance acknowledgement in accordance with 19 Administrative Code 74.14. [See EIF]

*19 TAC 89.1229*

**Facilities**

Bilingual education and ESL programs shall be located in public schools of the district with equitable access to all educational resources rather than in separate facilities. A district may concentrate the programs at a limited number of facilities within the district. Recent immigrant English learners shall not remain enrolled in a newcomer center for longer than two years. *Education Code 29.057; 19 TAC 89.1235*

**Cooperation Among  
Districts**

A district may join with one or more other districts to provide the required bilingual education or special language programs. The availability of the programs shall be publicized throughout the districts involved.

A district may allow a nonresident LEP student to enroll in or attend its bilingual education or special language programs if the student's district of residence does not provide an appropriate program. The tuition for the student shall be paid by the district in which the student resides.

*Education Code 29.059; 19 TAC 89.1205(e)*

**Documentation**

A student's permanent record shall contain the documentation items required by 19 Administrative Code 89.1220(l). Documentation in a student's permanent record shall be forwarded in the

same manner as other student records to another school district in which the student enrolls. *19 TAC 89.1220(l)*

For students previously enrolled in a Texas public school, the receiving district shall secure the student records, including the home language survey and LPAC documentation as described in 19 Administrative Code 89.1220(l), as applicable. All attempts to contact the sending district to request records shall be documented. Multiple attempts to obtain the student's home language survey shall be made. *19 TAC 89.1215(d)*

**Summer Program**

If a district is required to offer a bilingual education or special language program, it shall offer a voluntary summer school program for LEP children who will be eligible for admission to kindergarten or first grade at the beginning of the next school year.

A school that operates on a semester system shall offer the program during the period school is recessed for the summer and for one-half day for eight weeks or on a similar schedule approved by the board. A school that operates on any other system shall offer 120 hours of instruction on a schedule established by the board.

The program must be an intensive bilingual education or special language program that meets the standards set by TEA, and the student/teacher ratio may not exceed 18:1. A district shall comply with the requirements of 19 Administrative Code 89.1250 in providing such a program.

**Other Programs**

A district may establish on a full- or part-time basis other summer school, extended day, or extended week bilingual or special language programs for LEP students and may join with other districts in establishing such programs.

The programs required or authorized by Education Code 29.060 may not be a substitute for programs required to be provided during the regular school year.

*Education Code 29.060*

**Personnel**

Teachers assigned to a bilingual education program using one of the following program models must be appropriately certified in bilingual education:

1. Transitional bilingual/early exit program model; or
2. Transitional bilingual/late exit program model.

*Education Code 29.061(b)*

Teachers assigned to a bilingual education program using a dual language immersion/one-way or two-way program model must be appropriately certified for:

1. Bilingual education for the component of the program provided in a language other than English; and
2. Bilingual education or English as a second language for the component of the program provided in English.

A district that provides a bilingual education program using a dual language immersion/one-way or two-way program model may assign a teacher certified for the language other than English component of the program and a different teacher certified for the English language component.

*Education Code 29.061(b-1)–(b-2)*

Teachers assigned to ESL programs must be appropriately certified for ESL. *Education Code 29.061(c)*

A district that is unable to hire a sufficient number of teachers with bilingual teaching or ESL certificates may request the activation of the appropriate permits in accordance with 19 Administrative Code Chapter 230. A district that is unable to provide the required bilingual education program because of an insufficient number of appropriately certified teachers shall request from the commissioner an exception to the bilingual education program and the approval of an alternative language program. English learners with parental approval for program services under a bilingual education exception will be included in the bilingual education allotment designated for an alternative language program. [See Exceptions and Waivers, above] *19 TAC 89.1207(a)–(b), .1245(a); Education Code 29.054*

**LEP Students and  
State Assessments**

In kindergarten–grade 12, a LEP student shall participate in the state assessment in accordance with commissioner’s rules at 19 Administrative Code Chapter 101, Subchapter AA. [See EKBA]

**Program Exit**

A district may transfer a LEP student out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:

1. TEA-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;

2. Satisfactory performance on the reading assessment instrument under Education Code 39.023(a) or an English language arts assessment instrument under Education Code 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by TEA; and
3. TEA-approved criterion-referenced tests and the results of a subjective teacher evaluation.

*Education Code 29.056(g)*

Notice to Parents

A district shall give written notification to the student's parent of a student's reclassification as English proficient and his or her exit from the bilingual or ESL program and acquire written approval. Students meeting reclassification requirements may continue in the bilingual education or ESL program with parental approval. *19 TAC 89.1240(b)*

Post-Exit Monitoring  
and Reenrollment

The language proficiency assessment committee may reenroll the student in the program if later evidence suggests that a student who has been transferred out of a bilingual education or special language program has inadequate English proficiency and achievement. Classification of students for reenrollment must be based on the criteria required by Education Code 29.056. *Education Code 29.056(h)*

The LPAC shall reevaluate a student who is transferred out of a bilingual education or special language program if the student earns a failing grade in a subject in the foundation curriculum during any grading period in the first two school years after the student is transferred to determine whether the student should be reenrolled in a bilingual education or special language program.

During the first two school years after a student is transferred out of a bilingual education or special language program, the LPAC shall review the student's performance and consider:

1. The total amount of time the student was enrolled in bilingual education or special language programs;
2. The student's grades each grading period in each subject in the foundation curriculum;
3. The student's performance on state assessment instruments;
4. The number of credits the student has earned toward high school graduation, if applicable; and

5. Any disciplinary actions taken against the student under Education Code Chapter 37, Subchapter A.

After the evaluation, the LPAC may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

*Education Code 29.0561*

**Program Evaluation**

A district that is required to conduct a bilingual education or ESL program shall conduct an evaluation in accordance with 19 Administrative Code 89.1265. The annual evaluation report shall be presented to the board before November 1 of each year.

A district shall report to parents the progress of their child in acquiring English as a result of participation in the program offered to English learners.

Each school year, the principal of each campus, with assistance from the campus level committee, shall develop, review, and revise the campus improvement plan for the purposes of improving student performance for English learners. [See BQB]

*19 TAC 89.1265*

---

**Note:** Only districts that identify 15 or more eligible students are required to provide prekindergarten programs.

---

**Tuition-Free**

A district shall offer prekindergarten classes if it identifies 15 or more eligible students who are at least four years of age. A district may offer prekindergarten if it identifies 15 or more eligible children who are at least three years of age.

A district may not charge tuition for a prekindergarten program offered under these provisions.

**Definitions**

In this section:

1. "Child" includes a stepchild.
2. "Parent" includes a stepparent.

**Eligibility**

A child is eligible for enrollment in free prekindergarten if the child is at least three years of age and:

1. Is unable to speak and comprehend the English language;
2. Is educationally disadvantaged;
3. Is homeless [see FD] regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control;
4. Is the child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is ordered to active duty by proper authority;
5. Is the child of a member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty;
6. Is or ever has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing under Family Code 262.201; or
7. Is the child of a person eligible for the Star of Texas Award as:
  - a. A peace officer under Government Code 3106.002;
  - b. A firefighter under Government Code 3106.003; or
  - c. An emergency medical first responder under Government Code 3106.004.

A child who is eligible for enrollment for free prekindergarten at the age of three and enrolls in prekindergarten class at the age of three remains eligible for enrollment in a prekindergarten class for the following school year.

A child who is eligible for enrollment under item 4 or 5 above remains eligible if the child's parent leaves the armed forces, or is no longer on active duty, after the child begins the prekindergarten class.

*Education Code 29.153(a)–(b), (f)–(g)*

Notice

A district shall develop a system to notify the population in the district with children who are eligible for enrollment in a free prekindergarten program of the availability of the program. The system must include public notices issued in English and Spanish. *Education Code 29.153(e)*

Half-Day or Full-Day

A prekindergarten class may be operated on a half-day basis for children under four years of age and shall be operated on a full-day basis for children who are at least four years of age.

Transportation

A district is not required to provide transportation for a prekindergarten class. If transportation is provided, it is included for funding purposes as part of the regular transportation system.

*Education Code 29.153(c)*

High-Quality  
Prekindergarten  
Required

A prekindergarten class for children who are least four years of age must comply with the program standards required for high-quality prekindergarten programs under Education Code Chapter 29, Subchapter E-1. [See High-Quality Prekindergarten Program, below]

Exemption

The commissioner of education shall exempt a district from the application of all or any part of Education Code 29.153, including all or any part of the required high-quality prekindergarten program requirements, if the commissioner determines that:

1. The district would be required to construct classroom facilities in order to provide prekindergarten classes; or
2. Implementing any part of this section would result in fewer eligible children being enrolled in a prekindergarten class under this section.

An exemption may not be granted for a period longer than three school years and may be renewed only once.

*Education Code 29.153(c-1)–(d-2)*

SPECIAL PROGRAMS  
PREKINDERGARTEN

EHBG  
(LEGAL)

**Constructing,  
Repurposing, or  
Leasing a Facility**

Before a district may construct, repurpose, or lease a classroom facility, or issue bonds for the construction or repurposing of a classroom facility, to provide the prekindergarten classes required under Education Code 29.153, the district must solicit and consider proposals for partnerships to provide those classes with community-based child-care providers who:

1. Are a Texas Rising Star Program provider with a three-star certification or higher;
2. Are nationally accredited;
3. Are a Head Start program provider;
4. Are a Texas School Ready! participant; or
5. Meet the requirements under Education Code 29.1532.

*Education Code 29.153(g)*

**Tuition-Supported or  
District-Financed**

A district may offer on a tuition basis or use district funds to provide:

1. An additional half-day of prekindergarten classes to children eligible for free prekindergarten who are under four years of age; and
2. Half-day and full-day prekindergarten classes to children not eligible for free prekindergarten.

A district may not adopt a tuition rate that is higher than necessary to cover the added costs of the program, including any costs associated with collecting, reporting, and analyzing data under Education Code 29.1532(c) (PEIMS data for prekindergarten programs). A district must submit its proposed tuition rate to the commissioner for approval.

*Education Code 29.1531*

**Program Design**

A district's prekindergarten program shall be designed to develop skills necessary for success in the regular public school curriculum, including language, mathematics, and social skills. *Education Code 29.1532(a)*

**Shared Site**

Before establishing a new prekindergarten program, a district shall consider the possibility of sharing use of an existing Head Start or other child-care program site as a prekindergarten site. *Education Code 29.1533*

**Prekindergarten  
Licensing Standards**

If a district contracts with a private entity to operate a prekindergarten program, the program shall comply at a minimum with the ap-

plicable child-care licensing standards adopted by the Texas Department of Protective and Regulatory Services (Department of Family and Protective Services) under Human Resources Code 42.042. *Education Code 29.1532(b)*

**Daily Physical Activity**

A district shall require students in full-day prekindergarten to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year, as part of the district's physical education program or through structured activity during a campus's daily recess.

To the extent practicable, a district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten.

If a district determines, for any particular grade level, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week.

A district must provide an exemption for a student who is unable to participate in the required physical activity because of illness or disability.

*Education Code 28.002(l)*

**High-Quality Prekindergarten Program**

"Program" means a high quality prekindergarten program for eligible children who are at least four years of age required to be provided free of tuition or fees.

**Curriculum Requirements**

A district shall select and implement a curriculum for a prekindergarten program that:

1. Includes the prekindergarten guidelines established by the Texas Education Agency (TEA);
2. Measures the progress of students in meeting the recommended learning outcomes; and
3. Does not use national curriculum standards developed by the Common Core State Standards Initiative.

*Education Code 29.164, .167(a)*

A school district shall implement a curriculum for a high-quality prekindergarten program that addresses the 2015 Texas Prekindergarten Guidelines in the domains listed in 19 Administrative Code

102.1003(b). The district shall measure student progress and kindergarten preparation in accordance with 19 Administrative Code 102.1003(c). *19 TAC 102.1003*

Teacher  
Requirements

Each teacher for a prekindergarten program class must be certified under Education Code Chapter 21, Subchapter B and have one of the following additional qualifications:

1. A Child Development Associate (CDA) credential or another early childhood education credential approved by TEA;
2. Certification offered through a training center accredited by Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education;
3. At least eight years' experience of teaching in a nationally accredited child-care program;
4. A graduate or undergraduate degree in early childhood education or early childhood special education or a non-early childhood education degree with a documented minimum of 15 units of coursework in early childhood education;
5. Documented completion of the Texas School Ready Training Program (TSR Comprehensive);
6. Be employed as a prekindergarten teacher in a district that has met the requirements of 19 Administrative Code 102.1003(d)(6); or
7. An equivalent qualification.

A district may allow a teacher employed by the district to receive the training required to be awarded a CDA credential from a regional education service center. Training may not include national curriculum standards developed by the Common Core State Standards Initiative.

A district must attempt to maintain an average ratio in any prekindergarten program class of not less than one certified teacher or teacher's aide for each 11 students.

*19 TAC 102.1003(d), (h); Education Code 29.167(b)-(d)*

Family Engagement  
Plan

A district shall develop, implement, and make available on the district or campus website by November 1 of each school year, a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education. An effective family engagement plan creates a foundation for the collaboration of mutual partners, embraces the

Report and  
Evaluation

individuality and uniqueness of families, and promotes a culture of learning that is child centered, age appropriate, and family driven.

The family engagement plan shall meet the requirements of 19 Administrative Code 102.1003(e)(2).

*19 TAC 102.1003(e); Education Code 29.168(a)*

In a format prescribed by TEA, a district shall report information in compliance with 19 Administrative Code 102.1003(f).

A district shall:

1. Select and implement appropriate methods for evaluating the district's high-quality prekindergarten program by measuring student progress; and
2. Make data from the results of program evaluations available to parents.

A district may administer diagnostic assessments to students in a program class to evaluate student progress but may not administer a state standardized assessment instrument.

An assessment instrument administered to a prekindergarten program class must be selected from a list of appropriate prekindergarten assessment instruments identified by the commissioner.

*19 TAC 102.1003(f)–(g); Education Code 29.169*

Eligible Private  
Providers

A district that offers a high-quality prekindergarten program may enter into a contract with an eligible private provider to provide services or equipment for the program.

To be eligible to contract with a district to provide a program or part of a program, a private provider must be licensed by and in good standing with the Department of Family and Protective Services. A private provider is in good standing with the Department of Family and Protective Services if the department has not taken an action against the provider's license during the 24-month period preceding the date of a contract with a district. The private provider must also:

1. Be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the commissioner;
2. Be a Texas Rising Star Program provider with a three-star certification or higher;
3. Be a Texas School Ready! participant;

4. Have an existing partnership with a district to provide a pre-kindergarten program not provided under Subchapter E-1; or
5. Be accredited by an organization that is recognized by the Texas Private School Accreditation Commission.

A prekindergarten program provided by a private provider under Education Code 29.171 is subject to the requirements of Education Code Chapter 29, Subchapter E-1.

*Education Code 29.171*

**Prekindergarten  
Expansion Grant**

A district may use funds from grants administered by the commissioner to expand an existing half-day prekindergarten program to a full-day basis or to implement a prekindergarten program on a campus that does not have a prekindergarten program.

A district may use funds received under this program to employ teachers and other personnel for a prekindergarten program or to acquire curriculum materials or equipment, including computers, for use in prekindergarten programs.

A district may use funds granted under this program in contracting with another entity, including a private entity.

*Education Code 29.155(a), (b), (i)*

**Ready to Read Grant**

A district that operates a prekindergarten program is eligible to apply for a Ready to Read grant if at least 75 percent of the children enrolled in the program are low-income students, as determined by commissioner rule.

Grants shall be used to provide scientific, research-based pre-reading instruction for the purpose of directly improving pre-reading skills and for identifying cost-effective models for pre-reading intervention. Grants funds shall be used for:

1. Professional staff development in pre-reading instruction;
2. Pre-reading curriculum and materials;
3. Pre-reading skills assessment materials; and
4. Employment of pre-reading instructors.

*Education Code 29.157(b), (c)*

**Statewide  
Information Referral  
Network**

A district shall provide the Texas Information and Referral Network with information regarding eligibility for and availability of child-care and education services for inclusion in the statewide information referral network. A district shall provide the information in a form

determined by the executive commissioner of the Texas Health and Human Services Commission. *Gov't Code 531.0312*

"Child-care and education services" includes child-care and education services provided by a district through a prekindergarten or after-school program. *Gov't Code 531.03131(a)*

Staff of the Texas Information and Referral Network shall send an electronic mail message to each appropriate entity containing the name of and contact information for each applicant and a description of the services for which the applicant is applying.

On receipt of such an electronic mail message, a district shall contact the applicant to verify information regarding the applicant's eligibility for available child-care and education services. On certifying eligibility, a district shall match the applicant with entities providing those services in the applicant's community, including local workforce development boards, local child-care providers, or a Head Start or Early Head Start program provider.

A district shall cooperate with the Texas Information and Referral Network as necessary in the administration of this project.

*Gov't Code 531.0312(c)-(e)*

SPECIAL PROGRAMS  
INNOVATIVE AND MAGNET PROGRAMS

EHB  
(LEGAL)

**Innovative Courses**

A district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum. Applications shall not be approved if the proposed course significantly duplicates the content of a Texas Essential Knowledge and Skills (TEKS)-based course or can reasonably be taught within an existing TEKS-based course.

To request approval for an innovative course from the State Board of Education or the commissioner, a district or organization must submit a request for approval at least six months before planned implementation. The request must address the elements listed at 19 Administrative Code 74.27(a)(4).

To request approval from the commissioner for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.

With the approval of the board, a district may offer, without modifications, any state-approved innovative course.

*19 TAC 74.27(a)*

**Magnet Schools or Programs**

A district may operate a magnet program, academy, or other innovative program to serve student populations with specialized interests and aptitudes. *19 TAC 74.22(b)*



ALTERNATIVE METHODS FOR EARNING CREDIT  
COLLEGE COURSE WORK/DUAL CREDIT

EHDD  
(LEGAL)

**Notice to Parents**

Each school year, a district shall notify the parent of each student enrolled in grade 9 or above of the availability of programs under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs. The notice must include the name and contact information of any public or private entity offering such a program in the district.

A district may provide the notice on the district's internet website.

*Education Code 28.010*

---

**Note:** For information on dual credit courses available through the Texas Virtual School Network<sup>1</sup> (TXVSN), see EHDE.

---

**College Credit Program**

A district shall implement a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. If requested by the district, a public institution of higher education in this state shall assist the district in developing and implementing the program. The college credit may be earned through:

1. International baccalaureate, advanced placement, or dual credit courses;
2. Articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit; or
3. Any combination of the courses in items 1 and 2.

Annually, a district shall report to the Texas Education Agency (TEA):

1. The number of students, including career and technical students, who have participated in the program and earned college credit; and
2. The cumulative number of courses in which participating students have enrolled and college credit hours the students have earned.

The program may provide a student the opportunity to earn credit for a course or activity, including an apprenticeship or training hours:

1. That satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree, and is approved by the Texas Higher Education Coordinating Board (THECB); and

ALTERNATIVE METHODS FOR EARNING CREDIT  
COLLEGE COURSE WORK/DUAL CREDIT

EHDD  
(LEGAL)

2. For which a student may earn credit concurrently toward both the student's high school diploma and postsecondary academic requirements.

A dual credit course must be:

1. In the core curriculum of the public institution of higher education providing college credit;
2. A career and technical education course; or
3. A foreign language course.

The requirements above do not apply to a dual credit course offered as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

A district is not required to pay a student's tuition or other associated costs for taking a course under this section.

Agreements

Any agreement, including a memorandum of understanding or articulation agreement, between a school district and public institution of higher education to provide a dual credit program must:

1. Include specific program goals aligned with statewide goals developed jointly by TEA and the THECB;
2. Establish common advising strategies and terminology related to dual credit and college readiness;
3. Provide for the alignment of endorsements offered by the district [see EIF] and dual credit courses offered under the agreement that apply towards those endorsements, with postsecondary pathways and credentials at the institution and industry certifications;
4. Identify tools, including tools developed by TEA, THECB, or the Texas Workforce Commission, to assist school counselors, students, and families in selecting endorsements offered by the district and dual credit courses offered under the agreement;
5. Establish, or provide a procedure for establishing, the course credits that may be earned under the agreement, including by developing a course equivalency crosswalk or other method for equating high school courses with college courses and identifying the number of credits that may be earned for each course completed through the program;

ALTERNATIVE METHODS FOR EARNING CREDIT  
COLLEGE COURSE WORK/DUAL CREDIT

EHDD  
(LEGAL)

6. Describe the academic supports and, if applicable, guidance that will be provided to students participating in the program;
7. Establish the district's and the institution's respective roles and responsibilities in providing the program and ensuring the quality and instructional rigor of the program;
8. State the sources of funding for courses offered under the program, including, at a minimum, the sources of funding for tuition, transportation, and any required fees or textbooks for students participating in the program;
9. Require the district and the institution to consider the use of free or low-cost open educational resources in courses offered under the program; and
10. Be posted each year on the district's and the institution's respective websites.

*Education Code 28.009; 19 TAC 4.84*

**College-Level  
Courses**

A board may adopt a policy that allows a student to be awarded credit toward high school graduation for completing a college-level course. The course must be provided only by an institution of higher education that is accredited by any of the following regional accrediting associations:

1. Southern Association of Colleges and Schools;
2. Middle States Association of Colleges and Schools;
3. New England Association of Colleges and Schools;
4. North Central Association of Colleges and Schools;
5. Western Association of Colleges and Schools; or
6. Northwest Association of Colleges and Schools.

To be eligible to enroll and be awarded credit toward state graduation requirements, a student shall have the approval of the high school principal or other school official designated by a district. The course(s) for which credit is awarded shall provide advanced academic instruction beyond or in greater depth than the essential knowledge and skills for the equivalent high school course.

*19 TAC 74.25*

**Dual Credit  
Programs**

Definitions

For purposes of the following provisions, "college" means any public technical institute, public junior college, public senior college or university, medical or dental unit, public state college, or other agency of higher education as defined by Education Code 61.003.

ALTERNATIVE METHODS FOR EARNING CREDIT  
COLLEGE COURSE WORK/DUAL CREDIT

EHDD  
(LEGAL)

“Dual credit” means the system under which an eligible high school student enrolls in college course(s) and receives credit for the course(s) from both the college and high school.

*19 TAC 4.83(4), (7); Education Code 61.003(8)*

Partnership  
Agreements with  
Public Colleges

A district may enter into an agreement with a public college to form a dual credit partnership in accordance with 19 Administrative Code Chapter 4, Subchapter D. *Education Code 130.008; 19 TAC Ch. 4, Subch. D*

*Community  
College  
Jurisdiction*

A school district that operates a high school may enter into an agreement with a community college district, regardless of whether the high school is located within the service area of the community college district, to offer a course as provided by Education Code 130.008.

A course offered for joint high school and junior college credit must be:

1. In the core curriculum of the public junior college;
2. A career and technical education course; or
3. A foreign language course.

These requirements do not apply to a course offered for joint high school and junior college credit to a student as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

*Education Code 130.008(a-1), (a-2), (d)*

Student Eligibility

A high school student is eligible to enroll in academic dual credit courses and workforce education dual credit courses as permitted by 19 Administrative Code 4.85(b).

To be eligible for enrollment in a dual credit course offered by a public college, students must meet all the college’s regular prerequisite requirements designated for that course (e.g., minimum score on a specified placement test, minimum grade in a specified previous course, etc.).

An institution may impose additional requirements for enrollment in courses for dual credit that do not conflict with this section.

An institution is not required, under the provisions of this section, to offer dual credit courses for high school students.

*19 TAC 4.85(b)*

ALTERNATIVE METHODS FOR EARNING CREDIT  
COLLEGE COURSE WORK/DUAL CREDIT

EHDD  
(LEGAL)

Faculty Selection,  
Supervision, and  
Evaluation

The college shall select, supervise, and evaluate instructors in accordance with 19 Administrative Code 4.85(e). 19 TAC 4.85(e)

Transcript

For dual credit courses, high school as well as college credit should be transcribed immediately upon a student's completion of the performance required in the course. 19 TAC 4.85(h)

Qualified Instructor

A course offered for joint high school and junior college credit must be taught by a qualified instructor approved or selected by the public junior college. An instructor is qualified if the instructor holds:

1. A doctoral or master's degree in the discipline that is the subject of the course;
2. A master's degree in another discipline with a concentration that required completion of a minimum of 18 graduate semester hours in the discipline that is the subject of the course; or
3. For a course that is offered in an associate degree program and that is not designed for transfer to a baccalaureate degree program:
  - a. A degree described above;
  - b. A baccalaureate degree in the discipline that is the subject of the course; or
  - c. An associate degree and demonstrated competencies in the discipline that is the subject of the course, as determined by the THECB.

Not later than the 60th day after receipt, a public junior college shall approve or reject an application for approval to teach a course at a high school that is submitted by an instructor employed by the district with which the junior college entered into an agreement to offer the course.

*Education Code 130.008(g), (h)*

Attendance  
Accounting

The time during which a student attends a dual credit course, including a course provided under the college credit program, shall be counted as part of the minimum instructional hours required for a student to be considered a full-time student in average daily attendance. *Education Code 48.005(g)* [See FEB]

The commissioner of education may approve instructional programs provided off campus by an entity other than a district as a program in which participation by a student may be counted for purposes of determining average daily attendance. *Education Code 48.007(a)*

ALTERNATIVE METHODS FOR EARNING CREDIT  
COLLEGE COURSE WORK/DUAL CREDIT

EHDD  
(LEGAL)

*Reporting Off-Campus Programs*

A board may adopt a policy that allows a student to participate in an off-campus instructional program. The program must be provided only by an institution of higher education that is accredited by one of the regional accrediting associations specified in 19 Administrative Code 74.25 (High School Credit for College Courses).

To be eligible, a student must:

1. Be in grade 11 or 12;
2. Have demonstrated college readiness as outlined in the requirements for participation in dual credit programs in the *Student Attendance Accounting Handbook*;
3. Meet any eligibility requirements adopted by the institution of higher education; and
4. Have the approval of the high school principal or other school official designated by the district.

The off-campus program must comply with rules adopted by the THECB in the Texas Administrative Code, Title 19, Part 1, with respect to teacher qualifications.

*19 TAC 129.1031*

Time that a student participates in an off-campus instructional program approved by the commissioner under Education Code 48.007(a) shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student in average daily attendance. *Education Code 48.005(h)*

Dual Credit Agreement

For any dual credit partnership between a secondary school and a public college, an agreement must be approved by the governing boards or designated authorities (e.g., principal and chief academic officer) of both the school district and the public college prior to the offering of such courses.

Any agreement entered into or renewed between a public institution of higher education and school district on or after September 1, 2019, including a memorandum of understanding or articulation agreement, must meet the requirements of 19 Administrative Code 4.84(c).

Any dual credit agreement must also address:

1. Eligible courses;
2. Student eligibility;
3. Location of class;

ALTERNATIVE METHODS FOR EARNING CREDIT  
COLLEGE COURSE WORK/DUAL CREDIT

EHDD  
(LEGAL)

4. Student composition of class;
5. Faculty selection, supervision, and evaluation;
6. Course curriculum, instruction, and gathering;
7. Academic policies and student support services;
8. Transcribing of credit;
9. Funding; and
10. Defined sequences of courses, where applicable.

*19 TAC 4.84*

**Instructional  
Partnerships with  
Community College  
Districts**

Types of instructional partnerships between a district and a community college district include:

1. Award of High School Credit Only (see High School Credit-Only Courses, below).
2. Award of Dual Credit (see Dual Credit Programs, above).
3. Tech-Prep Programs (see Tech-Prep Programs, below).
4. Remedial or Developmental Instruction for High School Graduates (see Remedial Programs, below).
5. College Preparatory Courses for High School Students (see College Preparatory Courses, below)

*19 TAC 9.143*

**Agreement**

For any educational partnership between a district and a community college district, an agreement must be approved by the board or designee of both the district and the college district. The partnership agreement must address the following:

1. Student eligibility requirements.
2. Faculty qualifications.
3. Location and student composition of classes.
4. Provision of student learning and support services.
5. Eligible courses.
6. Grading criteria.
7. Transcribing of credit.
8. Funding provisions.

*19 TAC 9.144*

ALTERNATIVE METHODS FOR EARNING CREDIT  
COLLEGE COURSE WORK/DUAL CREDIT

EHDD  
(LEGAL)

High School Credit-Only Courses	<p>A district may contract with a community college district for the college district to provide coursework necessary for students to complete high school as described in 19 Administrative Code 9.125. The district and college district shall negotiate an agreed cost for instruction. 19 TAC 9.125, .143(a)</p>
Tech-Prep Programs	<p>A district may partner with a college district to allow for the articulation of high school technical courses taught by the high school to high school students for immediate high school credit and later college credit, to be awarded upon enrollment of the students in the college district in an associate degree or certificate program. 19 TAC 9.143(c)</p>
Remedial Programs	<p>A board may contract, as outlined in 19 Administrative Code 9.125, with the board of the community college district in which a district is located for the college district to provide remedial programs for students enrolled in a district's secondary schools in preparation for graduation from secondary school and entrance into college.</p> <p>Community colleges may provide instruction to high school students for either remedial course work to prepare students to pass the required State of Texas Assessments of Academic Readiness End-of-Course (STAAR EOC) assessments or developmental course work to prepare the students to pass an assessment instrument approved by the board under 19 Administrative Code 4.56 (Assessment Instruments).</p> <p>High school students who have passed all of the STAAR EOC assessments with the high school graduation standard may be permitted to enroll in state-funded developmental courses offered by a community college at the college's discretion if a need for such course work is indicated by student performance on an assessment instrument approved by the board under 19 Administrative Code 4.56 (see below).</p> <p>The district and college district shall negotiate an agreed cost for instruction. Remedial and developmental courses may not be offered for dual credit.</p> <p><i>Education Code 130.090; 19 TAC 9.125, .143(d), .146</i></p> <p>An institution of higher education shall use the Texas Success Initiative (TSI) Assessment offered by the College Board as the only THECB-approved assessment instrument. 19 TAC 4.56</p>
College Preparatory Courses	<p>College preparatory courses are locally developed through a memorandum of understanding created between school districts and community colleges. 19 TAC 9.147</p>

**Certain Academies**

A district shall grant a student a maximum of two years' credit toward the academic course requirements for high school graduation for courses successfully completed at the Texas Academy of Leadership in the Humanities (at Lamar University—Beaumont), the Texas Academy of Mathematics and Science (at the University of Texas—Brownsville or University of North Texas—Denton), or the Texas Academy of International Studies (at Texas A&M University—Laredo). *Education Code 28.024*

---

<sup>1</sup> Texas Virtual School Network: <http://www.txvsn.org/>



ACADEMIC ACHIEVEMENT

EI  
(LEGAL)

**Award of Credit**

The award of credit for a course affirms that a student has satisfactorily met state and local requirements. *19 TAC 74.26(a)*

**Early Award of Credit**

A district may offer courses designated for grades 9–12 in earlier grade levels. Credit must be awarded if the student has demonstrated achievement by meeting the standard requirements of the course, including demonstrated proficiency in the subject matter, regardless of the time the student received instruction in the course or the grade level at which proficiency was attained. The academic achievement record (transcript) shall reflect that students have satisfactorily completed courses at earlier grade levels from grades 9–12 and have been awarded state graduation credits. *19 TAC 74.26(b)*

**Partial Award**

In accordance with a district's local policy, a student who is able to successfully complete only half of a course can be awarded credit proportionately. *19 TAC 74.26(d)*

A district shall award credit proportionately to a student who is homeless or in substitute care who successfully completes only half of a course. *19 TAC 74.26(e)*

**Attendance for Credit or Final Grade**

Unless credit is awarded by the attendance committee, or regained in accordance with a principal's plan [see FEC], a student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered. *Education Code 25.092*

**Homeless or Substitute Care**

Each district must adopt a local policy to assist with awarding to a student who is homeless or in substitute care credit for a course that was earned prior to the student enrolling in or transferring to the district, as required by 19 Administrative Code 74.26 (Award of Credit).

Each district must examine how credit is awarded based on satisfactorily meeting all state and local requirements for a course upon enrollment, as required by 19 Administrative Code 74.26. [For information on credit by exam for students who are homeless or in substitute care, see EHDC].

Each district must:

1. Develop a credit recovery plan for students who were denied credits outside the district;
2. Create a course transition plan for students who have been denied credit;

ACADEMIC ACHIEVEMENT

EI  
(LEGAL)

3. Develop and administer a personal graduation plan for each student in junior high or middle school, as required by Education Code 28.0212 [see EIF];
4. Ensure that school staff engage with the student, parent, or guardian, as applicable, to develop a credit recovery plan upon enrollment if the student has a credit deficit that would impede on-time promotion or graduation; and
5. Comply with Education Code 28.025(i), concerning the award of diplomas for students who are homeless or in substitute care who are in grade 11 or 12.

*19 TAC 89.1607(a), (d)–(e)*

[For information on transition assistance for students who are homeless or in substitute care, including enrollment and placement in education programs and courses, see FFC.]

**Graduation Requirements**

Credit for courses for high school graduation may be earned only if the student received a grade equivalent to 70 on a scale of 100, based upon the essential knowledge and skills of each course. Credit earned toward state graduation requirements in an accredited school district shall be transferable and must be accepted by any other school district in the state. *19 TAC 74.26(a)(1), (c)*

**Academic Achievement Record**

Following guidelines developed by the commissioner of education, a district shall use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned.

The academic achievement record (transcript) shall serve as the academic record for each student and shall be maintained permanently by a district.

Any credit earned by a student must be recorded on the academic achievement record (transcript), regardless of when the credit was earned.

A student's performance on a state assessment, including an end-of-course assessment instrument required under Education Code 39.023(c) [see EKB], must be included in the student's academic achievement record (transcript).

Copies of the record shall be made available to students transferring to another district. A district shall respond promptly to all requests for student records from receiving districts. [See also FD, FDA, and FL]

*Education Code 28.025(e), 39.023(c-5); 19 TAC 74.5(b)–(d)*

ACADEMIC ACHIEVEMENT

EI  
(LEGAL)

Transcript Seals	Students who complete high school graduation requirements shall have attached to the academic achievement record (transcript) a seal approved by the State Board of Education. 19 TAC 74.5(e)
Endorsement	Students who complete the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record (transcript).
Performance Acknowledgment	Students who earn a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record (transcript).
Distinguished Level of Achievement	Students who earn the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record (transcript).
Speech Requirements	Students who demonstrate proficiency in speech as specified in 19 Administrative Code 74.11 shall have completion of the speech requirement clearly indicated on the academic achievement record (transcript).
CPR	Students who complete the required instruction in cardiopulmonary resuscitation (CPR) as specified in 19 Administrative Code 74.38 in grade 9, 10, 11, or 12 shall have completion of the CPR instruction clearly indicated on the academic achievement record (transcript).
Proper Interaction with Peace Officers	Students who complete the required instruction on proper interaction with peace officers shall have completion of the instruction clearly indicated on the academic achievement record (transcript). A district shall clearly indicate on the academic achievement record the year in which the instruction was provided to the student.
Languages Other Than English	Students who satisfy a language other than English graduation credit requirement by successfully completing a dual language immersion program at an elementary school in accordance with 19 Administrative Code 74.12 shall have the credit clearly indicated on the academic achievement record (transcript).  <i>Education Code 28.025; 19 TAC 74.5(f)-(l), .11(b); 19 TAC 74.39(e)</i>
Notation on Transcript or Diploma	A district shall ensure that each student's official transcript or diploma indicates whether the student has completed or is on schedule to complete: <ol style="list-style-type: none"><li>1. The recommended or advanced high school curriculum; or</li><li>2. For a district that is covered by Education Code 56.304(f)(1) (unavailability of courses), the required portion of the recommended or advanced high school curriculum offered at the district's high school.</li></ol>

ACADEMIC ACHIEVEMENT

EI  
(LEGAL)

The district must include this information on the student's transcript not later than the end of the student's junior year.

*Education Code 56.308*

Certificate of  
Coursework  
Completion

A student who completes all graduation requirements except for required end-of-course assessment instruments may be issued a certificate of coursework completion. The academic achievement record (transcript) shall include a notation of the date a certificate of completion was issued to the student. [See FMH for participation in the graduation ceremony.] *19 TAC 74.5(m)*

**Early High School  
Graduation  
Scholarship Program**

For purposes of the Early High School Graduation Scholarship Program, a student who does not satisfy the curriculum requirements for a recommended or advanced high school program is considered to have satisfied those requirements if the high school from which the student graduated indicates on the student's transcript that the student was unable to complete the appropriate curriculum within the time prescribed solely because of a reason beyond the student's control, such as lack of enrollment capacity or a shortage of qualified teachers. *Education Code 56.203(d)*

ACADEMIC ACHIEVEMENT

EI  
(LOCAL)

**Certificate of  
Coursework  
Completion**

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

**Partial Credit**

When a student earns a passing grade in only half of a course and the combined grade for both halves is lower than 70, the District shall award the student credit for the half with the passing grade.



<b>Table of Contents</b>	<b>High School Diploma.....</b>	<b>2</b>
	FAFSA Required.....	2
	Individual Graduation Committee.....	3
	Students Who Entered Grade 9 Before the 2011–12 School Year .....	5
	Special Education.....	6
	Posthumous Diploma .....	6
	Diplomas for Veterans .....	7
	<b>Personal Graduation Plan .....</b>	<b>7</b>
	Junior High or Middle School PGP .....	7
	High School PGP .....	8
	<b>Early Graduation .....</b>	<b>9</b>
	<b>State Graduation Requirements.....</b>	<b>9</b>
	Students Entering Grade 9 .....	9
	Students Who Entered Grade 9 Before the 2014–15 School Year .....	16
	<b>Transfers from Out-of-State or Nonpublic Schools .....</b>	<b>19</b>
	<b>Graduation of Students Receiving Special Education Services .....</b>	<b>20</b>
	Modified Curriculum and Content .....	20
	Employability and Self-Help Skills.....	20
	Summary of Academic Achievement and Evaluation .....	20
	<b>Graduation of Military Dependents .....</b>	<b>24</b>
	Course Waiver.....	24
	Transfers During Senior Year.....	24
	Substitute Passing Standard .....	24
	<b>Graduation of Student Who Is Homeless or in Conservatorship of DFPS.....</b>	<b>24</b>

**High School Diploma** A student may graduate and receive a diploma only if the student:

1. Successfully completes the curriculum requirements identified by the State Board of Education (SBOE) [see State Graduation Requirements, below], has performed satisfactorily on applicable state assessments [see EKB], and complies with the financial aid application requirements in Education Code 28.0256 [see below]; or
2. Successfully completes an individualized education program (IEP) developed under Education Code 29.005. [See EHBAB]

*Education Code 28.025(c)*

---

**Note:** Education Code 28.0256 applies beginning with students enrolled at the 12th grade level during the 2021–22 school year.

---

**FAFSA Required**

Before graduating from high school, each student must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA).

A student is not required to comply with the above provision if:

1. The student's parent or other person standing in parental relation submits a signed form indicating that the parent or other person authorizes the student to decline to complete and submit the financial aid application;
2. The student signs and submits the form described above on the student's own behalf if the student is 18 years of age or older or the student's disabilities of minority have been removed for general purposes under Family Code Chapter 31; or
3. A school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.

A district shall adopt a form to be used for purposes of this provision. The form must be approved by the Texas Education Agency (TEA) and made available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program under Education Code Subchapter B, Chapter 29, in the district.

If a school counselor notifies a district whether a student has complied with this section for purposes of determining whether the student meets high school graduation requirements under Education Code 28.025, the school counselor may only indicate whether the

student has complied with this section and may not indicate the manner in which the student complied.

*Education Code 28.0256*

---

**Note:** Education Code 28.0258 and 19 Administrative Code 74.1025 related to individual graduation committees expire September 1, 2023.

---

Individual  
Graduation  
Committee

Without complying with the requirements above, a student may receive a diploma if the person is eligible for a diploma as determined by an individual graduation committee (IGC) established under Education Code 28.0258. *Education Code 28.025(c-6)*

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258 or 19 Administrative Code 74.1025. A student's admission, review, and dismissal (ARD) committee determines whether a student is required to achieve satisfactory performance on an end-of-course (EOC) assessment to graduate. *19 TAC 74.1025(n)* [See EHBAB]

For each 11th or 12th grade student who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses, the district shall establish an IGC at the end of or after the student's 11th grade year to determine whether the student may qualify to graduate. A student may not qualify to graduate as a result of an IGC decision before the student's 12th grade year.

The IGC shall be composed of:

1. The principal or principal's designee;
2. For each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
3. The department chair or lead teacher supervising the teacher(s) above; and
4. As applicable:
  - a. The student's parent or person standing in parental relation to the student;
  - b. A designated advocate if the parent is unable to serve; or
  - c. The student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.

The superintendent shall establish procedures for convening the committee.

The district shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

*Education Code 28.0258(a)–(c), (c-2); 19 TAC 74.1025(b)*

A district may not establish an initial IGC for eligible students after June 10 or before the start of the next school year. Once the IGC has been established, it is the original IGC for that student.

If a student leaves a district after an original IGC has been established and before that original IGC awards a high school diploma to the student, any other district that later enrolls the student shall request information from the student's original IGC of record and shall implement the original IGC recommendations to the extent possible.

*Alternate  
Members*

In the event that the teacher identified in item 2 above is unavailable, the principal shall designate as an alternate member of the committee a teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

In the event that the individual identified above in item 3 above is unavailable, the principal shall designate as an alternate member of the committee an experienced teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is familiar with the content of and instructional practices for the applicable course.

In the event that the student's parent or person standing in parental relation to the student is unavailable to participate in the IGC, the principal shall designate an advocate with knowledge of the student to serve as an alternate member of the committee.

*19 TAC 74.1025(c), (e), (g)–(i)*

*Notice*

A district shall ensure a good faith effort is made to timely notify the appropriate person described under item 4 above of the time and place for convening the IGC and the purpose of the committee. The notice must be provided in person or by regular mail or email; clear and easy to understand; and written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person. *Education Code 28.0258(d)*

*Curriculum  
Requirements*

To be eligible to graduate and receive a high school diploma from the IGC, a student must successfully complete the curriculum requirements required for high school graduation. [See State Graduation Requirements, below] *Education Code 28.0258(e)*

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

*Additional  
Requirements to  
Graduate*

A student's IGC shall recommend additional requirements by which the student may qualify to graduate, including additional remediation; and for each EOC assessment instrument on which the student failed to perform satisfactorily:

1. The completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or
2. The preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area.

A student may submit to the IGC coursework previously completed to satisfy a recommended additional requirement.

*Education Code 28.0258(f), (g)*

In determining whether a student is qualified to graduate, the committee shall consider the criteria at Education Code 28.0258(h) and any other academic information designated for consideration by the board. After considering the criteria, the committee may determine that the student is qualified to graduate. A student may graduate and receive a high school diploma on the basis of the committee's decision only if the student successfully completes all additional requirements recommended by the committee, the student meets applicable curriculum requirements, and the committee's vote is unanimous. The decision of a committee is final and may not be appealed. *Education Code 28.0258(i)*

*English  
Language  
Learners*

For provisions related to an IGC and English language learners (ELL), see EKB(LEGAL).

**Students Who  
Entered Grade 9  
Before the 2011–12  
School Year**

In accordance with Education Code 28.02541, a district may award a high school diploma to an individual who:

1. Entered grade 9 before the 2011–12 school year;
2. Successfully completed the curriculum requirements for high school graduation applicable when the individual entered grade 9;
3. Has not performed satisfactorily on the exit-level assessment instrument or part of an assessment instrument required for high school graduation, including an alternative assessment instrument offered under Education Code 39.025(c-2);
4. Has been administered at least three times the required subject-area test(s) for which the individual has not performed satisfactorily on the exit-level assessment instrument applicable to the individual when the individual entered grade 9; and

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

5. Meets the alternative requirements for graduation in accordance with 19 Administrative Code 74.1027(c) or the local alternative requirements approved by the board in accordance with 19 Administrative Code 74.1027(d).

*19 TAC 74.1027(a); Education Code 28.02541*

<i>District Determination</i>	The district in which the individual is enrolled or was last enrolled shall determine whether the individual may qualify to graduate and receive a high school diploma on the basis of the alternative requirements for graduation. <i>19 TAC 74.1027(b)</i>
<i>Alternative Requirements</i>	The alternative requirements for graduation are listed at 19 Administrative Code 74.1027(c).
<i>Local Alternative Requirements</i>	With approval by the board, a district may develop recommendations for local alternative requirements if the requirements would allow an individual to demonstrate proficiency in the content related to an examination for which the individual has not performed satisfactorily. <i>19 TAC 74.1027(d)</i>
<i>Appeals</i>	A decision regarding whether the individual qualifies to graduate and receive a high school diploma is final and may not be appealed. <i>19 TAC 74.1027(e); Education Code 28.02541</i>
<i>Documentation</i>	The district shall maintain documentation to support the decision to award or not award an individual a high school diploma. <i>19 TAC 74.1027(f)</i>
Special Education	A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. <i>19 TAC 101.3023(a)</i> [See Graduation of Students Receiving Special Education Services, below, and EKB]
Posthumous Diploma	Beginning with students who would have graduated at the end of the 2019–20 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to each student who died while enrolled in the district at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The high school diploma may not be issued before the graduation date of the class in which the student was enrolled at the time of death.
<i>Exception</i>	A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under Title 5 or 6, Penal

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

Code, or adjudicated as having engaged in conduct constituting a felony offense under Title 5 or 6, Penal Code.

*Education Code 28.0254*

Diplomas for  
Veterans

Notwithstanding any other provision of this policy, a district may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in:

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or
2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

*Education Code 28.0251*

**Personal Graduation  
Plan**

Junior High or  
Middle School PGP

A principal of a junior high or middle school shall designate a school counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in the junior high or middle school who:

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level 9, as determined by a district.

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];
4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and

5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

*Education Code 28.0212*

*Students  
Receiving  
Special  
Education  
Services*

For a student receiving special education services, the student's ARD committee and the district are responsible for developing the student's PGP.

A student's IEP developed under Education Code 29.005 may be used as the student's PGP.

*Education Code 28.0212(c); 19 TAC 89.1050(a) [See EHBAB]*

High School PGP

A principal of a high school shall designate a school counselor or school administrator to review PGP options with each student entering grade 9 together with that student's parent or guardian. The PGP options reviewed must include the distinguished level of achievement and endorsements.

Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a PGP for the student that identifies a course of study that:

1. Promotes college and workforce readiness and career placement and advancement; and
2. Facilitates the student's transition from secondary to postsecondary education.

A district may not prevent a student and the student's parent or guardian from confirming a PGP that includes pursuit of a distinguished level of achievement or an endorsement.

A student may amend the student's PGP after the initial confirmation of the plan. If a student amends the student's PGP, the school must send written notice to the student's parents regarding the change.

TEA must make available to a district information that explains the advantages of the distinguished level of achievement described by Education Code 28.025(b-15) and each endorsement described by Education Code 28.025(c-1). A district, in turn, shall publish the information from TEA on the internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students in the

language in which the parents or legal guardians are most proficient.

A district is required to provide this information in the language in which the parents or legal guardians are most proficient only if at least 20 students in a grade level primarily speak that language.

*Education Code 28.02121*

### Early Graduation

A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. The decision of a board concerning the request is final and may not be appealed. *Education Code 26.003(a)(3)(C), (b)* [See FMH, FNG]

### State Graduation Requirements

---

**Note:** For current state graduation requirements, including those for students who entered grade 9 before the 2007–08 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and 19 Administrative Code Chapter 74.

---

### Students Entering Grade 9

To receive a high school diploma, a student entering grade 9 in the 2014–15 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see Foundation High School Program, below];
2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and
3. Demonstrated proficiency, as determined by the district, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement.

*Education Code 28.025(c); 19 TAC 74.11(a), (c)*

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

*Foundation High  
School Program*

A student must earn at least 22 credits to complete the foundation high school program and must demonstrate proficiency in the following core courses:

1. English language arts—4 credits;
2. Mathematics—3 credits;
3. Science—3 credits;
4. Social Studies—3 credits;
5. Languages other than English—2 credits;
6. Physical Education—1 credit;
7. Fine Arts—1 credit; and
8. Elective courses—5 credits.

*19 TAC 74.12*

*Endorsements*

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.

A district must make at least one endorsement available to students. A district that offers only one endorsement curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;
2. An additional credit in science; and
3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under

the foundation high school program, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

A district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110–118, 126, 127, and 130 are followed.

*Education Code 28.025; 19 TAC 74.13*

Exception

A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
2. The student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate under the foundation high school program without earning an endorsement.

*19 TAC 74.11(d)*

*Distinguished  
Level of  
Achievement*

A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. *19 TAC 74.11(e)*

*Algebra II  
Notification*

Not later than September 1 of each school year, a district shall notify by regular mail or email the parent of or other person standing in parental relation to each student enrolled in grade 9 or above that the student is not required to complete an Algebra II course to graduate under the foundation high school program. The notification must include information regarding the potential consequences

to a student of not completing an Algebra II course, including the impact on eligibility for:

1. Automatic college admission under Education Code 51.803; and
2. Certain financial aid authorized under Title 3 of the Education Code.

*Education Code 28.02123*

*Prerequisites*

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by the district; or
3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

A district may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

*19 TAC 74.11(i)-(j)*

*Dual Credit  
Courses*

Courses offered for dual credit at or in conjunction with an institution of higher education (IHE) that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements. *19 TAC 74.11(h)*

*Core Curriculum  
College Courses*

A district shall permit a student to comply with the curriculum requirements under the foundation high school program by successfully completing appropriate courses in the core curriculum of an IHE. A student who has completed the core curriculum of an IHE in accordance with Education Code 61.822, as certified by the IHE in accordance with Education Code 4.28:

1. Is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;
2. Is considered to have earned a distinguished level of achievement under the foundation high school program; and

3. Is entitled to receive a high school diploma.

19 TAC 74.11(n)

*Languages Other  
Than English*

Students may earn credit for languages other than English in accordance with 19 Administrative Code 74.12(b)(5).

A student who successfully completes a dual language immersion program may satisfy one credit of the two credits required in a language other English in accordance with 19 Administrative Code 74.12(b)(5)(F).

19 TAC 74.12(b)(5)

The SBOE shall adopt criteria to allow a student to comply with the curriculum requirement for one credit for a language other than English by successfully completing at an elementary school a course in American Sign Language. *Education Code 28.025(b-21)*

*Physical  
Education  
Substitutions*

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that is not being used to satisfy another specific graduation requirement. [See Restrictions, below]

*Other Physical  
Activity*

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
  - a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
  - b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high

quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities permitted by local district policy must include at least 100 minutes of moderate to vigorous physical activity per five-day school week.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with  
Disability or  
Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, social studies or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

*Education Code 28.025(b-10)–(b-11); 19 TAC 74.12(b)(6)*

*Community-  
Based Fine Arts  
Programs*

In accordance with local district policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled.

In accordance with local policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. The district must apply to the commissioner for approval of the community-based fine arts program;
2. The board must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code, Chapter 117, Subchapter C;
3. The district must document student completion of the approved activity;
4. The program must be organized and monitored by appropriately trained instructors;
5. The fine arts program may be provided on or off a school campus and outside the regular school day; and
6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

The district shall require that instructors of the community-based fine arts program provide the district, at its request, the information necessary to obtain the criminal history record information required for school personnel in accordance with 19 Administrative Code, Chapter 153, Subchapter DD, if the community-based program is offered on campus.

*Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030*

*Performance  
Acknowledgments*

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn a performance acknowledgment on the student's transcript for:

1. Outstanding performance:
  - a. In a dual credit course;
  - b. In bilingualism and biliteracy;
  - c. On a College Board advanced placement test or international baccalaureate examination;

- d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or
  - e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or
2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

*Education Code 28.025(c-5); 19 TAC 74.14*

Students Who  
Entered Grade 9  
Before the 2014–15  
School Year

*Minimum High  
School Program*

All credit for graduation must be earned no later than grade 12. 19 TAC 74.61(b), .71(b)

A student entering grade 9 prior to the 2014–15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;
2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or
3. Has failed to be promoted to the tenth grade one or more times as determined by the school district.

Students with  
Disabilities

If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

Applicability

A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program.

*19 TAC 74.61(c), (d), .71(c), (d)*

Requirements

A student must earn at least 22 credits to complete the Minimum High School Program.

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

	<p>A student who entered grade 9 in the 2012–13 or 2013–14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72.</p> <p>A student who enters grade 9 before the 2012–13 school year must meet the applicable program requirements in 19 Administrative Code Chapter 74, Subchapters D–F.</p> <p><i>Education Code 28.025; 19 TAC 74.62, .72</i></p>
<p><i>Recommended High School Program</i></p>	<p>A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73. <i>Education Code 28.025; 19 TAC 74.63, .73</i></p>
<p><i>Advanced / Distinguished Achievement High School Program</i></p>	<p>A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74. <i>Education Code 28.025; 19 TAC 74.64, .74</i></p>
<p><i>Substitutions</i></p>	<p>No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. <i>19 TAC 74.63(d), .64(e), .73(d), .74(e)</i></p>
<p><i>AP or IB Courses</i></p>	<p>College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. <i>19 TAC 74.61(k), .71(i)</i></p>
<p><i>Reading</i></p>	<p>A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district:</p> <ol style="list-style-type: none"><li>1. Adopts policies to identify students in need of additional reading instruction;</li><li>2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and</li><li>3. Monitors instructional activities to ensure that student needs are addressed.</li></ol> <p>Reading credits may be selected from Reading I, II, or III.</p> <p><i>19 TAC 74.61(h), .71(f)</i></p>

*College Courses* A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an IHE. 19 TAC 74.61(i), .71(j)

*Physical Education Substitutions* In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

*Other Physical Activity*

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
  - a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
  - b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

ACADEMIC ACHIEVEMENT  
GRADUATION

EIF  
(LEGAL)

Restrictions	<p>All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.</p> <p>No more than four substitution credits may be earned through any combination of substitutions listed above.</p>
<i>Student with Disability or Illness</i>	<p>A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:</p> <ol style="list-style-type: none"><li>1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;</li><li>2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or</li><li>3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.</li></ol>
<i>Student with Physical Limitations</i>	<p>If a student entering grade 9 during the 2007–08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity.</p> <p><i>Education Code 28.025(b-10)–(b-11); 19 TAC 74.62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)</i></p>
<b>Transfers from Out-of-State or Nonpublic Schools</b>	<p>Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enroll-</p>

**Graduation of  
Students Receiving  
Special Education  
Services**

Modified Curriculum  
and Content

Employability and  
Self-Help Skills

Summary of  
Academic  
Achievement and  
Evaluation

*Students  
Entering Grade 9  
in or After the  
2014–15 School  
Year*

ment may be satisfied through credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. 19 TAC 74.11(f) [See EHDB, EHDC, EHDE, and EI]

Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110–118, 126–128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content. 19 TAC 89.1070(i)

Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment. 19 TAC 89.1070(j)

All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070 (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated. 19 TAC 89.1070(h)–(i)

A student entering grade 9 in the 2014–15 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110-118, 126-128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education as well as satisfactory performance on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation.
2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily

completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:

- a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.
- b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.
- c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.
- d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

*19 TAC 89.1070(b), (k)*

*Endorsements*

A student who is enrolled in a special education program may earn an endorsement on the student's transcript by:

1. Successfully completing, with or without modification of the curriculum:
  - a. The curriculum requirements identified by the SBOE for the foundation high school program; and
  - b. The additional endorsement curriculum requirements prescribed by the SBOE; and
2. Successfully completing all curriculum requirements for that endorsement adopted by the SBOE:

- a. Without modification of the curriculum; or
- b. With modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's ARD committee.

The ARD committee of a student in a special education program shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.

*Education Code 28.025(c-7)–(c-8)*

*Students  
Entering Grade 9  
Before the 2014–  
15 School Year*

A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a high school diploma under the foundation high school program if the student's ARD committee determines that the student should take courses under that program and the student satisfies the requirements of that program. A student transitioning to the Foundation High School Program may earn an endorsement as set out above [see Endorsements, above].

A student receiving special education services in 11th or 12th grade who has taken each of the required state assessments but failed to achieve satisfactory performance on no more than two of the assessments may graduate if the student has satisfied all other applicable graduation requirements. [See Special Education, above, and EKB]

*19 TAC 89.1070(f)*

A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the Recommended or Advanced/Distinguished Achievement Programs, including satisfactory performance on the required state assessments.
2. The student is in grade 11 or 12 and has taken each of the state assessments required by 19 Administrative Code Chapter 101, Subchapter CC (Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD (Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve

satisfactory performance on no more than two of the assessments and has met all other applicable graduation requirements in item 1 above.

3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements under the Minimum High School Program, including participation in state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation.
4. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 through courses, one or more of which contain modified content that is aligned to the standards required under the Minimum High School Program as well as the satisfactorily completed credit requirements under the Minimum High School Program, including participation in required state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:
  - a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district;
  - b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district;
  - c. The student has access to services that are not within the legal responsibility of public education, or employment or educational options for which the student has been prepared by the academic program; or
  - d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 3(a), (b), or (c), above, the ARD committee must determine needed educational

services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

*19 TAC 89.1070(g), (k)*

**Graduation of  
Military Dependents**

Course Waiver

District officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the district shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

Transfers During  
Senior Year

Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from the district after all alternatives have been considered, the sending and receiving districts shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

Substitute Passing  
Standard

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for completing a specific course otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the tenth grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

*Education Code 162.002 art. VII, A, C [See FDD]*

**Graduation of  
Student Who Is  
Homeless or in  
Conservatorship of  
DFPS**

If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. *Education Code 28.025(i)*

<b>Table of Contents</b>	<b>State Assessment of Academic Skills .....</b>	<b>3</b>
	Limited English Proficient Students .....	3
	Special Education.....	3
	Military Dependents.....	3
	<b>Administration.....</b>	<b>4</b>
	Schedule .....	4
	<b>Notice to Parents and Students .....</b>	<b>5</b>
	<b>Testing in Grades 3–8 .....</b>	<b>6</b>
	Exception .....	6
	Kindergarten Assessment.....	6
	Prekindergarten Assessment.....	7
	Accommodations.....	7
	<b>End-of-Course Assessments .....</b>	<b>7</b>
	Students Enrolled Below High School Level .....	8
	Assessment Requirements for Graduation .....	8
	Substitute Assessments .....	8
	Accountability Testing .....	9
	Satisfactory Performance .....	10
	Individual Graduation Committee.....	10
	Special Education.....	10
	Credit by Examination .....	11
	Additional State Assessments .....	11
	Retakes .....	11
	<b>Reporting Results .....</b>	<b>11</b>
	To the Public.....	11
	To the Board.....	11
	To Parents, Students, and Teachers .....	11
	Parents Right-to-Know Under ESEA .....	12
	Parental Access.....	12
	<b>Out-of-State Transfers .....</b>	<b>12</b>
	<b>Accelerated Instruction .....</b>	<b>13</b>
	College Readiness .....	13
	<b>Security and Confidentiality.....</b>	<b>14</b>
	Violations.....	15

TESTING PROGRAMS  
STATE ASSESSMENT

EKB  
(LEGAL)

Consequences .....	16
Test Administration Procedures .....	16
Records Retention.....	16
Disciplinary Action and Penalties .....	16
<b>Minimize Disruptions .....</b>	<b>17</b>
<b>Confidentiality of Results .....</b>	<b>17</b>

**State Assessment of Academic Skills**

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code Chapter 39, Subchapter B [see Testing in Grades 3–8, below]. *Education Code 39.023(a), (c), (f); 19 TAC 101.5*

A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course (EOC) assessment instruments [see End-of-Course Assessments, below]. *Education Code 39.025(a); 19 TAC 101.4001*

**Limited English Proficient Students**

In grades 3–12, a limited English proficient (LEP) student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the state assessment in accordance with commissioner rules at 19 Administrative Code Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)* [See EKBA]

**Special Education**

The Texas Education Agency (TEA) shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal (ARD) committee, including assessment instruments approved by the commissioner of education that measure growth. The assessment instruments developed or adopted, including the assessment instruments approved by the commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

TEA may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

*Education Code 39.023(b)–(c), .025(a-4)*

**Military Dependents**

If the student is a military dependent, the district shall incorporate procedures to accept:

1. Exit or EOC exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a military dependent transferring in his or her senior year, then Education Code 162.002 article VII, section C, shall apply.

*Substitute  
Passing Standard*

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for achieving a score on an assessment instrument otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the grade 10 level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

*Education Code 162.002 art. VII [See EIF]*

**Administration**

A district shall follow the test administration procedures established by TEA in the applicable test administration materials. A superintendent shall be responsible for administering tests. *19 TAC 101.25, .27*

**Schedule**

The commissioner shall specify the schedule for testing that is in compliance with Education Code 39.023(c-3) and supports reliable and valid assessments. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs.

The commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state.

*19 TAC 101.25*

*Alternate Test  
Dates*

The commissioner shall consider requests from districts or campuses for alternate test dates on a case-by-case basis. Alternate

test dates will only be allowed if the campus or district is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect a district's or campus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause a district or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the commissioner may prohibit a district or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the district, campus, and students.

*19 TAC 101.5003*

**Notice to Parents  
and Students**

A superintendent shall be responsible for providing written notice to each student and the student's parent or guardian of:

1. The testing requirements for grade advancement [see EIE] and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's kindergarten year, for students attending kindergarten in the district, and no later than the beginning of the student's first-grade year for all other students. The superintendent shall also provide such notice for students in grades 1–8 who are new to the district.
2. The testing requirements for graduation and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's seventh-grade year. The superintendent shall also provide such notice for students in grades 7–12 who are new to the district. Notice of the dates, times, and locations of testing shall be

provided to each student who will take the tests and to out-of-school individuals.

*19 TAC 101.3012*

**Testing in  
Grades 3–8**

Except as provided below, all students, other than students who are assessed under Education Code 39.023(b) (alternative assessment instrument) or 39.023(l) (LEP students) or exempted under Education Code 39.027, shall be assessed in:

1. Mathematics, annually in grades 3–8;
2. Reading, annually in grades 3–8;
3. Writing, including spelling and grammar, in grades 4 and 7;
4. Social studies in grade 8;
5. Science in grades 5 and 8; and
6. Any other subject and grade required by federal law.

*Education Code 39.023(a)*

**Exception**

Except as required for purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or
2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an EOC assessment instrument that aligns with the curriculum for that course or subject within the same content area.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is receiving instruction in the entire curriculum for that subject.

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument above the student's grade level.

*Education Code 28.0211(p), 39.023(a-2); 19 TAC 101.3011*

**Kindergarten  
Assessment**

An assessment instrument under Education Code 39.023 may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the

TESTING PROGRAMS  
STATE ASSESSMENT

EKB  
(LEGAL)

Foundation School Program [see FD]. *Education Code 39.023(a-16)*

Prekindergarten  
Assessment

Performance on an assessment instrument administered to students in prekindergarten may not be considered for any purpose related to Education Code Chapters 39 and 39A. *Education Code 39.0237*

Accommodations

Testing accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction. Permissible testing accommodations shall be described in the appropriate test administration materials.

The committee established by a board to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student.

A student's ARD committee shall determine the allowable accommodations and shall document them in the student's individualized education program (IEP). [See Special Education, above]

*19 TAC 101.3013; Education Code 39.023(a)-(c), (n); 34 C.F.R. 300.320(a)(6)*

End-of-Course  
Assessments

Beginning with students first enrolled in grade 9 in the 2011–12 school year, a student enrolled in a course for which an EOC assessment exists as required by Education 39.023(c) shall take the appropriate assessment. *19 TAC 101.3021(a)*

TEA shall adopt EOC assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history. The Algebra I EOC assessment instrument must be administered with the aid of technology, but may include one or more parts that prohibit the use of technology. The English I and English II EOC assessment instruments must each assess essential knowledge and skills in both reading and writing and must provide a single score. A district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this provision.

If a student is in a special education program, the student's ARD committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this provision.

*Education Code 39.023(c)*

TESTING PROGRAMS  
STATE ASSESSMENT

EKB  
(LEGAL)

Students Enrolled  
Below High School  
Level

Beginning in the 2011–12 school year, a student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in 19 Administrative Code 101.3022. *19 TAC 101.3021(d)*

Assessment  
Requirements for  
Graduation

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.

*Exceptions*

English I or  
English II

A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

Exceptions related to English I also apply to English language learners who meet the criteria in 19 Administrative Code 101.1007. [See EKBA]

Credits Earned  
Prior to  
Enrollment

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school district and the credit has been accepted by a Texas public school district, or a student completed a course for Texas high school credit in a course with an EOC assessment prior to the 2011–12 spring administration, the student is not required to take the corresponding EOC assessment.

*19 TAC 101.3021(e), .3022*

Substitute  
Assessments

The commissioner adopts certain assessments as substitute assessments that a student may use in place of a corresponding EOC assessment to meet the student's assessment graduation requirements. A satisfactory score on an approved assessment may be used in place of only one specific EOC assessment, except as provided by 19 Administrative Code 101.4002(d)(1) (student who

qualifies for use of the Texas Success Initiative (TSI) as a substitute assessment and is enrolled in certain college preparatory courses).

A student at any grade level is eligible to use a substitute assessment as provided in the commissioner's chart at 19 Administrative Code 101.4002(b) if the student:

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
2. Received a satisfactory score on the substitute assessment as determined by the commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and
3. Using a TSI assessment also meets the additional criteria of 19 Administrative Code 101.4002(d).

*TSI Additional  
Criteria*

A student must meet the criteria established in 19 Administrative Code 101.4002(d) in order to qualify to use TSI as a substitute assessment.

*Accountability  
Testing*

A student electing to substitute an assessment for graduation purposes must still take the corresponding EOC assessment required under Education Code 39.023(c) at least once for accountability purposes. If a student sits for an EOC assessment, a district may not mark the substitute assessment bubble for that administration.

A student who fails to perform satisfactorily on a PSAT, PLAN, or Aspire test (or any versions of these tests) as indicated in the chart in 19 Administrative Code 101.4003(b) must take the appropriate EOC assessment required under Education Code 39.023(c). However, a student who does not receive a passing score on the EOC assessment and retakes a PSAT, PLAN, or Aspire test (or any versions of these tests) is eligible to meet the requirements specified in 19 Administrative Code 101.4002(c).

*19 TAC 101.4002*

*Verification of  
Results*

An eligible student is responsible for providing a district an official copy of the student's scores from the substitute assessment.

Upon receipt of official results of an approved substitute assessment, a district must:

1. Verify the student's score on the substitute assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the commissioner.

*19 TAC 101.4005*

TESTING PROGRAMS  
STATE ASSESSMENT

EKB  
(LEGAL)

Satisfactory  
Performance

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner on each EOC assessment instrument administered to the student. *Education Code 39.025(a)*

Individual  
Graduation  
Committee

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). [See EIF] *Education Code 28.0258, 39.025(a-5)*

Special Education

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 Administrative Code 89.1070 (Graduation Requirements) and 19 Administrative Code 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to re-take and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above. [See Individual Graduation Committee, above]

*19 TAC 101.3022(f)*

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

Beginning with the 2011–12 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student’s IEP will be assessed using alternate versions of EOC assessments as listed in 19 Administrative Code 101.3011(b)(2).

*19 TAC 101.3023(a), (b)*

**Credit by Examination**

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 Administrative Code 74.24. [See EHDB, EHDC] *19 TAC 101.3021(c)*

**Additional State Assessments**

TEA may adopt EOC assessment instruments for courses not listed in statute, as described above. A student’s performance on these EOC assessment instruments is not subject to the performance requirements established for the statutory assessments. *Education Code 39.023(c-2)*

**Retakes**

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. [See Satisfactory Performance, above]

A student is not required to retake a course as a condition of retaking an EOC assessment instrument.

If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.

*Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)*

**Reporting Results**

**To the Public**

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of a board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

**To the Board**

A superintendent shall accurately report all test results with appropriate interpretations to a board according to the schedule in the applicable test administration materials.

**To Parents, Students, and Teachers**

A district shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated at Confidentiality of Results, below. All test results shall be included in each student’s academic achievement record and shall be furnished for each student

transferring to another district or school. Upon receipt of the assessment results from the test contractor, a district shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. [See BQ series, FD, and FL]

*19 TAC 101.3014*

TEA shall adopt a series of questions to be included in an EOC assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. A district shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. A district may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course. *Education Code 39.0233(b)*

**Parents Right-to-Know Under ESEA**

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), a district shall provide to each individual parent of a child who is a student in such school, with respect to such student information on the level of achievement and academic growth of the student, if applicable and available, on each of the state academic assessments required under Part A. *20 U.S.C. 6312(e)(1)(B)(i)*

**Parental Access**

A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access does not apply, however, to those instruments or particular questions that are being field-tested by TEA. *Education Code 26.005, .006(a)(2)*

**Out-of-State Transfers**

A district shall accurately report to TEA whether that student transferred into the district from out of state during the current school year.

Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. A district shall follow procedures specified in those test administration materials.

The assessment results of the out-of-state transfer students shall be reported separately to districts from the results of the district's other students in addition to the current reporting of assessment results for all students and other student subsets.

*19 TAC 101.3014*

**Accelerated  
Instruction**

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. *Education Code 28.0211(a-1)*

A district shall provide each student who fails to perform satisfactorily on an EOC assessment instrument with accelerated instruction in the subject assessed by the assessment instrument. *Education Code 39.025(b-1)* [See EHBC]

**College Readiness**

Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

1. For students at the grade 12 level whose performance on:
  - a. An EOC assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or
  - b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334(a) indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through the institution of higher education with which the district partners.

**Faculty**

Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

**Notice**

Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.

**Credit Earned**

A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation

high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).

*Dual Credit*

A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.

*Instructional Materials*

Each district, in consultation with the institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

*Education Code 28.014*

**Security and Confidentiality**

All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential.

Districts and campuses and the superintendent and campus principals in each district and campus shall:

1. Implement and ensure compliance with state test administration procedures and training activities;
2. Notify TEA as soon as the district becomes aware of any alleged or suspected violation of the security or confidential integrity of a test [see Violations, below];
3. Report all confirmed testing violations to TEA within ten working days of the district becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;
4. Ensure that the only individuals with access to secure test materials are district employees who have:
  - a. Met the requirements to participate in the student assessment program;
  - b. Received annual training in test security and test administration procedures; and
  - c. Signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality

of all state assessments and student information, acknowledge their responsibility to report any suspected testing violation, and are aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and

5. Ensure the security of the test materials as required by 19 Administrative Code 101.3031(a)(2)(E).

*19 TAC 101.3031(a)(1)–(a)(2)*

Violations

Violations of the security and confidential integrity of a test include:

1. Directly or indirectly assisting students with responses to test questions;
2. Tampering with student responses;
3. Falsifying holistic ratings or student responses;
4. Viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
5. Discussing or disclosing secure test content or student responses;
6. Scoring students' tests, either formally or informally;
7. Duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
8. Responding to secure test questions;
9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;
10. Receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);
11. Encouraging or assisting an individual to engage in the conduct described above or in any other serious violation of security and confidentiality;
12. Failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in the above conduct or in any other serious violation of security and confidentiality under this provision;

	<ol style="list-style-type: none"><li>13. Failing to implement sufficient procedures to prevent student cheating; and</li><li>14. Failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.</li></ol>
Consequences	<p>If a district determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, the district shall invalidate the student's test results.</p> <p>Any violation of test security or confidential integrity may result in TEA:</p> <ol style="list-style-type: none"><li>1. Invalidating student test results;</li><li>2. Referring certified educators to the State Board for Educator Certification (SBEC) for sanctions in accordance with 19 Administrative Code Chapter 247 (Educators' Code of Ethics) and Chapter 249 (Disciplinary Proceedings, Sanctions, and Contested Cases); and</li><li>3. Lowering the district's accreditation status or a district's or campus's accountability rating in accordance with Education Code 39.057(d), or appointment of a monitor, conservator, or management team to the district in accordance with Education Code Chapter 39A.</li></ol>
Test Administration Procedures	<p>Test administration procedures shall be delineated in the test administration materials provided to districts annually. Districts must comply with all of the applicable requirements specified in the test administration materials.</p> <p>Districts shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.</p>
Records Retention	<p>As part of test administration procedures, the commissioner shall require districts to maintain records related to the security of assessment instruments for five years.</p> <p><i>19 TAC 101.3031(a-3)-(d)</i></p>
Disciplinary Action and Penalties	<p>SBEC may take disciplinary action against a person who has violated the security or integrity of any assessment required by Education Code Chapter 39, Subchapter B or has committed an act that is a departure from the test administration procedures established by the commissioner under 19 Administrative Code Chapter 101.</p>

The superintendent and campus principal must develop procedures to ensure the security and confidentiality of the tests and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of a test. Failure to report can subject the person responsible to the applicable penalties.

*19 TAC 249.15(a)–(b), (g)*

**Minimize Disruptions**

In implementing the commissioner's procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, a district shall minimize disruptions to school operations and the classroom environment. *Education Code 39.0301(a-1)*

**Confidentiality of Results**

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. *Education Code 39.030(b)* [See FL and GBA]



**Reading Instruments**

The commissioner of education shall adopt a list of reading instruments that a school district may use to diagnose student reading development and comprehension.

For use in diagnosing the reading development and comprehension of kindergarten students, the commissioner shall adopt a multidimensional assessment tool that includes a reading instrument and tests at least three developmental skills. A multidimensional assessment tool is considered to be a reading instrument.

The district-level committee may adopt a list of reading instruments in addition to the reading instruments on the commissioner's list for a grade level other than kindergarten. Each reading instrument adopted by the district-level committee shall be based on scientific research concerning reading skills development and reading comprehension. A list of adopted reading instruments shall provide for diagnosing the reading development and comprehension of students participating in a bilingual or special language program.

*Education Code 28.006(a)–(b)*

**Kindergarten**

Each district shall administer at the kindergarten level a reading instrument adopted by the commissioner or an alternative reading instrument approved by the commissioner. The district shall administer the reading instrument in accordance with the commissioner's recommendations.

The commissioner may approve an alternative reading instrument for use in diagnosing the reading development and comprehension of kindergarten students that complies with the requirements above.

The commissioner by rule shall determine the performance on the reading instrument that indicates kindergarten readiness.

*Education Code 28.006(b-1), (c-2)–(c-3)*

**First and Second  
Grades**

A district shall administer, at first- and second-grade levels, a reading instrument on the list adopted by the commissioner or by the district-level committee. A district shall administer the reading instrument in accordance with the commissioner's recommendations.

**Seventh Grade**

A district shall administer a diagnostic reading instrument during the first six weeks of the school year to each student in grade 7 whose performance on the grade 6 state reading assessment did not meet the passing standard. If a student was administered the modified state assessment in reading, the admission, review, and dismissal (ARD) committee may determine if the diagnostic assessment is appropriate for use with that student.

A student in grade 7 who does not have a score for the state reading assessment in grade 6 may be given an equivalent comprehension assessment. If that student does not meet the passing standard, the student must be administered the diagnostic reading assessment.

A district must use the Texas Middle School Fluency Assessment and/or an alternate diagnostic reading instrument. A district must submit an alternate diagnostic reading instrument to the Texas Education Agency (TEA) for approval. An alternate diagnostic instrument must:

1. Be based on published scientific research in reading;
2. Be age and grade-level appropriate, valid, and reliable;
3. Identify specific skill difficulties in word analysis, fluency, and comprehension; and
4. Assist the teacher in making individualized instructional decisions based on the assessment results.

**Reports**

A superintendent shall:

1. Report to the commissioner and the board the results of the reading instruments;
2. Not later than the 60th calendar day after the date on which a reading instrument was administered, report, in writing, to a student's parent or guardian the student's results on the reading instrument; and
3. Using the school readiness certification system, report each student's raw score on the reading instrument to TEA using the school readiness certification system.

**Cost**

TEA shall ensure at least one reading instrument for each grade level for which a reading instrument is required to be administered is available to districts at no cost.

**Notice to Parents**

A district shall notify the parent or guardian of each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties. A district shall make a good-faith effort to ensure that this notice is provided in person or by regular mail, is clear and easy to understand, and is written in English and in the parent or guardian's native language.

**Accelerated  
Reading Instruction  
Program**

A district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to those students and shall determine the form,

El Campo ISD  
241903

TESTING PROGRAMS  
READING ASSESSMENT

EKC  
(LEGAL)

content, and timing of that program. [See Accelerated Reading  
Instruction Program at EHBC(LEGAL)]

*Education Code 28.006; 19 TAC 101.6001*

DATE ISSUED: 7/4/2020  
UPDATE 115  
EKC(LEGAL)-P

3 of 3



---

**Note:** The following provisions address requirements for a charter partnership to receive the benefits of Education Code 11.174 and 48.252. For the general campus charter requirements applicable to partnership charters, see EL(LEGAL).

---

**Contract Regarding  
Operation of District  
Campus**

The board may contract with a partner to operate a campus. The partner may be an open-enrollment charter school or, on approval by the commissioner of education, an entity granted a charter by the district under Chapter 12, Subchapter C that is eligible to be awarded a charter under Education Code 12.101(a). The campus must be granted a charter under Chapter 12, Subchapter C. *Education Code 11.174(a), (d)*

A campus operated under a contract qualifies for an exemption from intervention as provided below and qualifies for funding as provided by Education Code 48.252 [see Funding for Certain Students, below].

The board may enter into a contract only if:

1. The charter of the open-enrollment charter school has not been previously revoked;
2. For the three school years preceding the school year of the proposed operation of the campus, the open-enrollment charter school has received:
  - a. An overall performance rating of acceptable or higher; and
  - b. A financial accountability rating indicating financial performance of satisfactory or higher; or
3. The entity considered for a district-authorized charter has not previously operated an open-enrollment charter school in which the charter expired or was revoked or surrendered.

*Education Code 11.174(a)–(b)*

**Intervention Pause**

For a campus under a contract that received an overall performance rating of unacceptable under Education Code Chapter 39, Subchapter C for the school year before operation under the contract began, the commissioner may not impose a sanction or take action against the campus under Education Code 39A for failure to satisfy academic performance standards during the first two school years of operation of a campus under the contract. [See AIA, AIC]

A campus is eligible for an exemption from applicable sanctions or actions if the campus and the partnership to operate the campus

meet all applicable requirements and the campus was operated under the partnership from the first to the last day of the school year of the campus. A school year must include, at a minimum, all minutes of operation and instructional time conducted on the campus, and all the days for which the instructional workforce of the campus that provides education services for students are employed.

The overall performance rating received by the campus during those first two school years is not included in calculating consecutive school years and is not considered a break in consecutive school years.

*Education Code 11.174(f); 19 TAC 97.1077*

*Applicability*

A campus shall not qualify for an intervention pause unless during the school year prior to the operation of a partnership charter the campus received an unacceptable performance rating, except as provided by 19 Administrative Code 97.1077(e) (campus that operates a partnership charter for less than a year). 19 TAC 97.1062(b)

The Texas Education Agency (TEA) will not withdraw or postpone issuing any orders or determinations required or authorized that arise due to the performance rating from the school year prior to the school year in which the campus qualifies for the intervention pause, and any order or determination will resume upon expiration of the intervention pause.

Any intervention or sanction not covered by the intervention pause shall continue.

If a campus ceases to qualify for the intervention pause at any point during a school year, TEA will resume previously ordered interventions and sanctions, order interventions and sanctions based on the rating from that school year, and count that rating for purposes of consecutive years of performance.

TEA will not pursue interventions under Education Code 39A.101–39A.109 and 39A.111 for a campus eligible for an intervention pause if one of the school years eligible for an intervention pause results in an acceptable or higher overall rating.

If after the expiration of the intervention pause a campus receives an unacceptable rating, TEA will apply the requisite interventions that apply to the consecutive year that corresponds to the campus's actual number of consecutive years of unacceptable performance minus the number of intervention pause years and, if applicable, accounting for the modification under 19 Administrative Code 97.1062(c).

If a campus qualifies for an intervention pause for a school year after the conclusion of the school year in which an order is authorized under Education Code 39A.111, the intervention under Education Code 39A.111 will not pause.

A campus that receives an intervention pause will still receive an accountability rating for that school year.

Performance of students at a campus that receives an intervention pause shall be considered in the accountability rating of the district and the application of an intervention pause to a campus shall not pause or alter any intervention applicable to the district or other campuses.

*Appeal*

A determination under this section that arises from the application of Education Code 28.020 is final and may not be appealed.

*Partial Year*

A partial school year that results in an intervention pause under 19 Administrative Code 97.1077(b) or (c) constitutes one full year of a pause. This provision expires on September 1, 2023.

*19 TAC 97.1062(d), (f)-(n)*

*Additional Exemption*

A campus that receives an exemption from a sanction or other action may receive another exemption while operating under a subsequent contract only if the campus receives approval for the exemption from the commissioner. *Education Code 11.174(g)*

Funding for Certain Students

A district that enters into a contract is entitled to receive for each student in average daily attendance at the campus an amount equivalent to the difference, if the difference results in increased funding, between the amount described by Education Code 12.106 and the amount to which the district would be entitled under this Education Code Chapter 48. This section applies only to a district that does not appoint a majority of the governing body of the charter holder. *Education Code 48.252*

Consultation with Campus Personnel

Before entering into a contract, the district must consult with campus personnel regarding the provisions to be included in the contract between the district and the open-enrollment charter school. All rights and protections afforded by current employment contracts or agreements may not be affected by the contract entered into between a district and an open-enrollment charter school. *Education Code 11.174(c)*

Notice to Commissioner

A district proposing to enter into a contract with a campus or program charter shall notify the commissioner of the district's intent to enter into the contract according to commissioner rules. The commissioner shall notify the district whether the proposed contract is

approved not later than the 60th day after the date the commissioner receives notice of the proposed contract and all information required by the commissioner to be submitted. If the commissioner fails to notify the district that the proposed contract has been approved or denied within the period prescribed by this subsection, the proposed contract is considered approved. *Education Code 11.174(k)*

**Enrollment Eligibility** The contract must include a provision addressing student eligibility for enrollment.

The contract must provide that any student residing in the attendance zone of the campus as the attendance zone existed before operation of the campus under the contract shall be admitted for enrollment at the campus. The contract must establish enrollment preference for students who do not reside in the attendance zone as follows:

1. Other students residing in the school district in which the campus is located; and
2. Students who reside outside the school district.

*Education Code 11.174(h), (i)*

**Operating Partner** An operating partner means a state authorized open-enrollment charter school or an eligible entity as defined by Education Code 12.101(a). *19 TAC 97.1075(b)(1)*

**Conferred Authority**

The district must confer, at a minimum, the following enhanced authorities to the operating partner:

**Staffing Authorities**

1. The operating partner must have authority to employ and manage the campus chief operating officer, including the initial and final non-delegable authority to hire, supervise, manage, assign, evaluate, develop, advance, compensate, continue employment, and establish any other terms of employment.
2. The operating partner must have authority over the employees of the operating partner, including initial and final non-delegable authority for the operating partner to employ and/or manage all of the operating partner's own administrators, educators, contractors, or other staff. Such authority includes the authority to hire, supervise, manage, assign, evaluate, develop, advance, compensate, continue employment and establish any other terms of employment.

3. The operating partner must have sole authority over the assignment of all district employees to the campus, including initial and final authority to approve the assignment of all district employees or contractors to the campus.
4. The operating partner must have initial, final, and sole authority to supervise, manage, evaluate, and rescind the assignment of any district employee or district contractor from the campus. If the operating partner rescinds the assignment of any district employee or district contractor, the district must grant the request within 20 working days.
5. The operating partner must directly manage the campus principal or chief operating officer, including having the sole responsibility for evaluating the performance of the campus principal or chief operating officer.

*19 TAC 97.1075(c)(1)*

*Other Authorities*

The operating partner must have:

1. Initial, final, and sole authority to approve all curriculum decisions beyond the minimum requirements outlined in 19 Administrative Code 74.2 and 74.3 (required elementary and secondary curriculum), lesson plans, instructional strategies, and instructional materials as defined by law, to be used at that campus;
2. Initial, final, and sole authority over educational programs for specific, identified student groups, such as gifted and talented students, students of limited English proficiency, students at risk of dropping out of school, special education students, and other statutorily defined populations;
3. Initial, final, and sole authority to set the school calendar and daily schedule, which may differ from those in other district campuses;
4. Initial, final, and sole authority to select and determine the use of any and all assessments to be used on the campus that are not required by the state of Texas;
5. Initial, final, and sole authority to determine how the entire campus budget, including any and all federal and state grant funds due the campus, is allocated. The governing body of the operating partner shall approve the campus budget in a meeting held under the Texas Open Meetings Act [see BE]. Notwithstanding such budget authority, the operating partner's expenditures must comply with the applicable restrictions on the use of state and federal funds; and

6. Initial, final, and sole authority to implement and adjust the campus budget.

*19 TAC 97.1075(c)(2)*

Performance  
Contract

To contract to partner to operate under Education Code 11.174, the district's board must grant the operating partner a campus charter under Education Code Chapter 12, Subchapter C. The charter must include performance expectations memorialized in a performance contract as required by law. The performance contract must include, at a minimum, the following:

1. A clear and unambiguous description of enhanced authorities as outlined above;
2. Academic performance expectations and goals, which shall include, but are not limited to:
  - a. For campuses that are paired for accountability purposes, specific annual targets for improved student academic performance;
  - b. For campuses issued an accountability rating under Education Code 39.054, a specific annual target for the overall campus academic rating; and
  - c. Specific consequences in the event that the operating party does not meet the academic performance expectations and goals described in the performance contract;
3. Annual financial performance expectations and goals, which shall include, but are not limited to:
  - a. The completion of an annual independent financial report, including an audit, of the operating partner organization, limited to matters directly related to the management or operation of the campus or campuses;
  - b. Receipt of an unqualified audit opinion, in connection with the annual financial report required above; and
  - c. Specific consequences in the event that the operating partner does not meet the annual financial performance expectations and goals described in the performance contract;
4. A description of the campus enrollment and expulsion policies that must comply with Education Code 11.174(i);
5. A contract term of up to ten years as required by Education Code 12.0531, with a provision(s) specifying a requirement for a public hearing at least 30 days prior to any district action

to terminate or extend if required by 19 Administrative Code 97.1075(d)(5);

6. A contract term stating that the campus is exempt from laws and rules to the fullest extent allowed by the Education Code, Chapter 12, Subchapter C, and is exempt from all district policies except for laws, rules, and policies that are specifically identified as applicable to the campus in the performance contract;
7. A section that describes the funding structure of the partnership as required by 19 Administrative Code 97.1075(d)(7);
8. Service-level agreements that list the resources and services the operating partner intends to purchase from the district and the specific costs of such services by pupil, square foot, campus, or the percentage of the total district budget for the specific resource or service. The resources and services may include:
  - a. Facility use and related matters;
  - b. Transportation;
  - c. Specific education program services, such as providing special education services; and
  - d. Access to other resources and services as agreed between the parties;
9. A section that describes the educational plan or academic model that the operating partner will implement on the campus or campuses;
10. An assurance that the district has consulted with campus personnel regarding the provisions included in the performance contract and that the rights and protections afforded by current employment contracts or agreements shall not be affected by this contract as required by Education Code 11.174(c), unless the district is partnering with an entity described in Education Code 11.174(a)(2); and
11. A description of the specific and material consequence(s) in the instance that either the district or the operating partner breaches the contract.

*19 TAC 97.1075(d); Education Code 12.0531*

Eligible partnerships must notify TEA of amendments to performance contracts within 30 calendar days of the amendment of the contract. *19 TAC 97.1075(g)*

**TEA Monitoring**

The commissioner shall continue to evaluate and assign overall and domain performance ratings under Education Code 39.054 to the campus. In order to qualify for ongoing benefits subsequent to initial eligibility validation or approval, the eligible partnership campus must comply with all information requests or monitoring visits deemed necessary by the TEA staff to monitor the ongoing eligibility of the partnership. *19 TAC 97.1075(h)–(i)*

**Entity Granted a Charter by the District**

Title 19 Administrative Code 97.1079 applies only to districts that intend to contract to partner to operate a campus and receive benefits under Education Code 11.174(a)(2).

**Definitions**

*Eligible Entity*

“Eligible entity” means an institution of higher education, a non-profit organization, or a governmental entity. For applicants seeking approval of an institution of higher education, which has been granted a charter in accordance with Education Code Chapter 12, Subchapter E, the commissioner will treat the institution of higher education as an open-enrollment charter.

*Campus*

“Campus” means an organizational unit operated by a district that is eligible to receive a campus performance rating in the state accountability system, including a rating of Not Rated or Not Rated: Data Integrity Issues. This definition includes a charter school campus.

*Applicant*

“Applicant” means a district seeking approval to receive benefits for an eligible entity to contract to partner to operate a campus.

*Proposed Operating Partner*

“Proposed operating partner” means an eligible entity seeking approval in coordination with a district to contract to partner to operate a campus.

*19 TAC 97.1079(b)–(c), .1051(3); Education Code 12.101(a)*

**Eligibility Approval Process**

TEA shall review application packages submitted under this provision. If TEA determines that an application package is not complete and/or the applicant does not meet the eligibility criteria, TEA shall notify the applicant and allow ten business days for the applicant to submit any missing or explanatory documents.

Upon written notice to TEA, an applicant may withdraw an application package.

*19 TAC 97.1079(e)(2)–(3)*

*Public Information*

All parts of the district’s eligibility approval request are releasable under the Texas Public Information Act [see GBA] and will be posted to the TEA website. Information described in 19 Administrative Code 97.1079(e)(4) must be excluded or redacted from an eligibility approval request. *19 TAC 97.1079(e)(4)*

CAMPUS OR PROGRAM CHARTERS  
PARTNERSHIP CHARTERS

ELA  
(LEGAL)

*Criteria for  
Approval*

The commissioner shall consider the criteria described in 19 Administrative Code 97.1079(e)(9) when determining approval to contract to partner to operate a campus and receive benefits under Education Code 11.174(a)(2). *19 TAC 97.1079(e)*

*Appeals*

A decision made by TEA to deny, remove, or return an eligibility approval request is a final administrative decision of TEA and may not be appealed under Education Code 7.057. *19 TAC 97.1079(f)*



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

## **SECTION F: STUDENTS**

FA	STUDENT GOALS AND OBJECTIVES
FB	EQUAL EDUCATIONAL OPPORTUNITY
FBA	Service Animals
FC	SCHOOL ATTENDANCE AREAS
FD	ADMISSIONS
FDA	Interdistrict Transfers
FDAA	Public Education Grants
FDB	Intradistrict Transfers and Classroom Assignments
FDC	Homeless Students
FDD	Military Dependents
FDE	School Safety Transfers
FE	ATTENDANCE
FEA	Compulsory Attendance
FEB	Attendance Accounting
FEC	Attendance for Credit
FED	Attendance Enforcement
FEE	Open/Closed Campus
FEF	Released Time
FF	STUDENT WELFARE
FFA	Wellness and Health Services
FFAA	Physical Examinations
FFAB	Immunizations
FFAC	Medical Treatment
FFAD	Communicable Diseases
FFAE	School-Based Health Centers
FFAF	Care Plans
FFB	Crisis Intervention
FFBA	Trauma-Informed Care
FFC	Student Support Services
FFD	Student Insurance
FFE	Counseling and Mental Health
FFEA	Counseling
FFEB	Mental Health
FFF	Student Safety
FFFA	Supervision of Students
FFFB	Safety Patrols
FFFD	Bicycle/Automobile Use
FFFF	School Buses
FFG	Child Abuse and Neglect

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

## SECTION F: STUDENTS

FFH	Freedom from Discrimination, Harassment, and Retaliation
FFI	Freedom from Bullying
FG	STUDENT AWARDS AND SCHOLARSHIPS
FH	STUDENT VOLUNTEERS
FJ	STUDENT FUNDRAISING
FL	STUDENT RECORDS
FLA	Confidentiality of Student Health Information
FM	STUDENT ACTIVITIES
FMA	School-Sponsored Publications
FMB	Student Government
FMD	Social Events
FME	Performances
FMF	Contests and Competition
FMG	Travel
FMH	Commencement
FN	STUDENT RIGHTS AND RESPONSIBILITIES
FNA	Student Expression
FNAA	Distribution of Nonschool Literature
FNAB	Use of School Facilities for Nonschool Purposes
FNB	Involvement in Decision Making
FNC	Student Conduct
FNCA	Dress Code
FNCB	Care of School Property
FNCC	Prohibited Organizations and Hazing
FNCD	Tobacco Use and Possession
FNCE	Personal Telecommunications/Electronic Devices
FNCF	Alcohol and Drug Use
FNCG	Weapons
FNCH	Assaults
FNCI	Disruptions
FND	Married Students
FNE	Pregnant Students
FNF	Investigations and Searches
FNG	Student and Parent Complaints/Grievances
FO	STUDENT DISCIPLINE
FOA	Removal by Teacher or Bus Driver
FOB	Out-of-School Suspension
FOC	Placement in a Disciplinary Alternative Education Setting

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

## **SECTION F: STUDENTS**

FOCA	Disciplinary Alternative Education Program Operations
FOD	Expulsion
FODA	Juvenile Justice Alternative Education Program
FOE	Emergency and Alternative Placement
FOF	Students with Disabilities
FP	STUDENT FEES, FINES, AND CHARGES



**Nondiscrimination**

A district shall provide equal opportunities to all individuals within its jurisdiction or geographic boundaries. *Education Code 1.002(a)*

No officer or employee of a district shall, when acting or purporting to act in an official capacity, refuse to permit any student to participate in any school program because of the student's race, religion, color, sex, or national origin. *Civ. Prac. & Rem. Code 106.001*

A district may not deny services to any individual eligible to participate in its special education program, but it shall provide individuals with disabilities special educational services as authorized by law. *Education Code 1.002(b)*

**Federal Funding Recipients**

No person shall be excluded from participation in, denied the benefits of, or subjected to discrimination by any district that receives federal financial assistance, on the basis of any of the following protected characteristics:

1. Sex.
2. Race, color, or national origin.
3. Disability, or relationship or association with an individual with a disability. [See EHB, EHBA series, and GA]
4. Age.

*20 U.S.C. 1681 (Title IX); 42 U.S.C. 2000d (Title VI); 20 U.S.C. 1400 et seq. (Individuals with Disabilities Education Act); 29 U.S.C. 794 (Section 504); 42 U.S.C. 12132 (Americans with Disabilities Act [ADA]); 42 U.S.C. 6101 et. seq. (Age Discrimination Act of 1975)*

**Sexual Harassment**

Sexual harassment of students is discrimination on the basis of sex under Title IX. *Franklin v. Gwinnett County Schools, 503 U.S. 60 (1992)* [See also DIA and FFH]

**Grievance Procedures**

A district must adopt and publish grievance procedures for prompt and equitable resolution of student complaints alleging any action that would be prohibited by these provisions. *34 C.F.R. 106.8 (Title IX), 104.7(b) (Section 504)* [See FFH]

**Retaliation**

A district shall not coerce, intimidate, threaten, retaliate or discriminate against, or interfere with any person who attempts to assert a right protected by the above laws or cooperates with investigation and enforcement proceedings under these laws. *34 C.F.R. 100.7(e) (Title VI), 104.61 (Section 504), 106.71 (Title IX)* [See FFH]

**Students with Learning Difficulties**

The Texas Education Agency shall produce and provide to school districts a written explanation of the options and requirements for providing assistance to students who have learning difficulties or

	<p>who need or may need special education. The explanation must state that a parent is entitled at any time to request an evaluation of the parent's child for special education services under Education Code 29.004 or for aids, accommodations, or services under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794). Each school year, a district shall provide the written explanation to a parent of each district student by including the explanation in the student handbook or by another means. <i>Education Code 26.0081(c)</i></p>
<p><b>Disability Discrimination</b></p>	
<p>ADA</p>	<p>Under the Americans with Disabilities Act (ADA), no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a district, or be subjected to discrimination by the district. <i>42 U.S.C. 12132; 28 C.F.R. 35.130</i></p>
<p>Section 504</p>	<p>Under Section 504 of the Rehabilitation Act, no otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. <i>29 U.S.C. 794(a)</i></p>
<p>Designation of Responsible Employee</p>	<p>A district shall designate at least one employee to coordinate its efforts to comply with Section 504 and the ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated. <i>34 C.F.R. 104.7(a), 28 C.F.R. 35.107</i></p>
<p>Definitions</p>	
<p><i>Student with a Disability</i></p>	<p>A "student with a disability" is one who has a physical or mental impairment that substantially limits one or more of the student's major life activities, has a record of having such an impairment, or is being regarded as having such an impairment.</p> <p>The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.</p> <p>An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.</p> <p>A student meets the requirement of being "regarded as" having an impairment if the student establishes that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits</p>

or is perceived to limit a major life activity. This provision does not apply to impairments that are transitory or minor. A transitory impairment is one with an actual or expected duration of 6 months or less.

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

*Qualified Individual with a Disability*

The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a district. *42 U.S.C. 12131(2)*

*Major Life Activities*

"Major life activities" include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. "Major life activity" also includes the operation of major bodily functions, including functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. *42 U.S.C. 12102(2)*

*Reasonable Modification*

A district shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the district can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. *28 C.F.R. 35.130(b)(7)*

*Direct Threat*

"Direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services as provided below. *28 C.F.R. 35.104*

The ADA does not require a district to permit an individual to participate in or benefit from the services, programs, or activities of that district when that individual poses a direct threat to the health or safety of others.

In determining whether an individual poses a direct threat to the health or safety of others, a district must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

1. The nature, duration, and severity of the risk;
2. The probability that the potential injury will actually occur; and

EQUAL EDUCATIONAL OPPORTUNITY

FB  
(LEGAL)

3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

*28 C.F.R. 35.139*

Free Appropriate  
Public Education  
(FAPE)

A district shall provide a free appropriate public education to each qualified student with a disability within the district's jurisdiction, regardless of the nature or severity of the student's disability.

A student with a disability is "qualified" if he or she is between the ages of three and 21, inclusive. *20 U.S.C. 1412(a)(1); 34 C.F.R. 104.3(l)(2)*

An appropriate education is the provision of regular or special education and related services that are:

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

*34 C.F.R. 104.33(b)*

Implementation of an individualized education program (IEP) under IDEA is one means for providing FAPE. *34 C.F.R. 104.33(b)(2)*

---

**Note:** See EHBA series for policies regarding the provision of special education to students with disabilities under IDEA who require special education in order to benefit from a free appropriate public education.

---

Educational Setting

A district shall place a student with a disability in the regular educational environment, unless the district demonstrates that education in the regular environment with the use of supplemental aids and services cannot be achieved satisfactorily. *34 C.F.R. 104.34(a)*

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

Evaluation and  
Placement

A district shall conduct an evaluation of any person who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the initial

*Evaluation  
Procedures*

placement of the person in regular or special education and any subsequent significant change in placement.

A district shall establish standards and procedures for the evaluation and placement which ensure that:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
3. Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

*Placement  
Procedures*

In interpreting evaluation data and in making placement decisions, a district shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior;
2. Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;
3. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
4. Ensure that the placement decision is made in conformity with 34 C.F.R. 104.34.

*Reevaluation*

A district shall establish procedures for periodic reevaluation of students who have been provided special education and related services. A reevaluation procedure consistent with the Education for the Handicapped Act [now IDEA] is one means of meeting this requirement.

34 C.F.R. 104.35

EQUAL EDUCATIONAL OPPORTUNITY

FB  
(LEGAL)

<i>Military Dependents</i>	In compliance with the requirements of Section 504, and with Title II of the Americans with Disabilities Act (42 U.S.C. Sections 12131–12165), the district shall make reasonable accommodations and modifications to address the needs of incoming military dependents with disabilities, subject to an existing Section 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. <i>Education Code 162.002 art. V, § C</i> [See FDD]
Procedural Safeguards	<p>A district shall establish a system of procedural safeguards with respect to the identification, evaluation, and educational placement of persons who need or are believed to need special instruction or related services.</p> <p>The system shall include notice, an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the student's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of IDEA is one means of meeting this requirement. <i>34 C.F.R. 104.36</i></p>
<b>Children Who Are Homeless</b>	A district shall adopt policies and practices to ensure that homeless children are not stigmatized or segregated on the basis of their homeless status. [See FDC]
Liaison	<p>A district shall designate an appropriate staff person, able to carry out the required duties, as the district liaison for homeless children. A district shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children, and homeless children of the duties of the liaison. [See FFC]</p> <p><i>42 U.S.C. 11432(g)(1)(J)(i), (ii), (g)(6)(B)</i></p>
<b>Religious Freedom</b>	A district may not substantially burden a student's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. <i>Civ. Prac. &amp; Rem. Code 110.003</i> [See also DAA and GA]
Adverse Action Prohibited	Notwithstanding any other law, a district may not take any adverse action against any person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization. <i>Gov't Code 2400.002</i> [See GA]

EQUAL EDUCATIONAL OPPORTUNITY

FB  
(LEGAL)

**Discrimination on  
the Basis of Sex**

Title IX

No person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination by any district receiving federal financial assistance. *20 U.S.C. 1681(a)* [See FFH for information regarding Title IX coordinator designation, policy notification, and complaint procedures.]

A district shall not provide any course or otherwise carry out any of its educational programs or activities separately on the basis of sex, or require or refuse participation therein on the basis of sex, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses. *34 C.F.R. 106.34* [See FFH for information on sexual harassment that may constitute discrimination on the basis of sex under Title IX.]

Separate Facilities

A district may provide separate toilet, locker room, and shower facilities on the basis of sex, but the facilities provided for one sex shall be comparable to the facilities provided for the other sex. *34 C.F.R. 106.33*

Human Sexuality  
Classes

Portions of classes in elementary and secondary school that deal primarily with human sexuality may be conducted in separate sessions for boys and girls.

Vocal Music  
Activities

A district may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex.

*34 C.F.R. 106.34*

Single-Sex  
Programs

A district shall not, on the basis of sex, exclude any student from admission to an institution of vocational education or any other school or educational unit operated by the district. *34 C.F.R. 106.35*

Pregnancy and  
Marital Status

A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. *34 C.F.R. 106.40* [See FND]

Physical Education  
Classes

A district may group students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

*Skills  
Assessment*

Where use of a single standard of measuring skill or progress in physical education classes has an adverse effect on members of one sex, a district shall use appropriate standards that do not have such effect.

*Contact Sports*

A district may separate students by sex within physical education classes or activities during participation in wrestling, boxing, rugby,

EQUAL EDUCATIONAL OPPORTUNITY

FB  
(LEGAL)

ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

*34 C.F.R. 106.34, .43*

**Athletic Programs**

A district shall not discriminate, on the basis of sex, in interscholastic or intramural athletics or provide any such athletics separately on such basis.

*Single-Sex  
Teams*

A district may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but not for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport.

*Equal Athletic  
Opportunities*

A district that operates or sponsors interscholastic or intramural athletics shall provide equal athletic opportunity for members of both sexes. The following factors shall be considered in determining whether a district provides equal athletic opportunities:

1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
2. Provision of equipment and supplies;
3. Scheduling of games and practice time;
4. Travel and per diem allowance;
5. Opportunity to receive coaching and academic tutoring;
6. Assignment and compensation of coaches and tutors;
7. Provision of locker rooms and practice and competitive facilities;
8. Provision of medical and training facilities and services;
9. Provision of housing and dining facilities and services; and
10. Publicity.

*34 C.F.R. 106.41*

EQUAL EDUCATIONAL OPPORTUNITY

FB  
(LOCAL)

---

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

---

**Title IX Coordinator**

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

**ADA / Section 504  
Coordinator**

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

**Superintendent**

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

**Equal Educational  
Opportunity**

General Education

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

Additional Services  
and Supports

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

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

---

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

---

**Section 504  
Committees**

The District shall form Section 504 committees as necessary. The Section 504 coordinator and members of each Section 504 committee shall receive training in the procedures and requirements for

EQUAL EDUCATIONAL OPPORTUNITY

FB  
(LOCAL)

identifying and providing educational and related services and supports to a student who has a disability that results in a substantial limitation of a major life activity.

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

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

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

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

**Review and Reevaluation Procedure** To address the periodic reevaluation requirement of law, the District shall adhere to the reevaluation timelines in the IDEA regulations.

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

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

**Right to Impartial Hearing** A parent shall be given written notice of the due process right to an impartial hearing if the parent has a concern or complaint about the District's actions regarding the identification, evaluation, or educational placement of a student with a disability. The impartial hearing shall be conducted by a person who is knowledgeable about Section 504 issues and who is not employed by the District or related to a member of the Board in a degree that would be prohibited under the nepotism statute [see DBE]. The impartial hearing officer is

EQUAL EDUCATIONAL OPPORTUNITY

FB  
(LOCAL)

not required to be an attorney. The District and the parent shall be entitled to legal representation at the impartial hearing.

Records Retention

Records specific to identification, evaluation, and placement as these pertain to Section 504 shall be retained by the District in accordance with law and the District's local records control schedules. [See CPC]



ADMISSIONS

FD  
(LOCAL)

**Persons Age 21  
and Over**

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

**Registration Forms**

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

**Proof of Residency**

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

**Minor Living Apart**

**Person Standing in  
Parental Relation**

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

**Misconduct**

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

**Exceptions**

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

**Extracurricular  
Activities**

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

**Nonresident Student  
in Grandparent's  
After-School Care**

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

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

**"Accredited" Defined**

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

ADMISSIONS

FD  
(LOCAL)

**Grade-Level Placement**

Accredited Schools

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

Nonaccredited Schools

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

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

**Transfer of Credit**

Accredited Texas Public Schools

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

Other Accredited or Nonaccredited Schools

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

Transition Assistance

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

[See EI]

**Withdrawal**

A parent or guardian wishing to withdraw a minor student shall present a signed statement that includes the reason for the withdrawal. A student who is 18 or older may submit a withdrawal statement without a parent's or guardian's signature.

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

**Assignments**

A board or its designee may assign and transfer any student from one school facility or classroom to another facility or classroom within its jurisdiction. *Education Code 25.031*

A board or its designee must make the decision concerning the assignment or transfer of a student on an individual basis and may not consider as a factor in its decision any matter relating to the national origin of the student or the student's ancestral language. *Education Code 25.032*

**Multiple Birth Siblings**

"Multiple birth sibling" means a twin, triplet, quadruplet, or other sibling resulting from a multiple birth.

"Parent" includes a person standing in parental relation.

**Placement**

The parent of multiple birth siblings who are assigned to the same grade level may request in writing, not later than the 14th day after the first day of enrollment, that the school place the siblings in the same classroom or in separate classrooms.

A school shall provide the placement requested, except that a district is not required to place multiple birth siblings in separate classrooms if the request would require the district to add an additional class to the grade level of the siblings.

The school may recommend to a parent the appropriate classroom placement and may provide professional educational advice to assist the parent with the decision.

These provisions do not affect:

1. A right or obligation regarding the individual placement decisions of the admission, review, and dismissal (ARD) committee with respect to students receiving special education services [see EHBAB]; or
2. The right of a district or teacher to remove a student from a classroom under Chapter 37 [see FOA].

**Reassignment by Principal**

At the end of the first grading period following the multiple birth siblings' enrollment in the school, if the principal of the school, in consultation with the teacher of each classroom in which the siblings are placed, determines that the requested classroom placement is disruptive to the school, the principal may determine the appropriate classroom placement for the siblings.

**Appeal**

A parent may appeal the principal's classroom placement in the manner provided by district policy. During an appeal, the siblings shall remain in the classroom chosen by the parent. [See FNG]

*Education Code 25.043*

**Placement of Older Students**

A person who is 21 years of age or older who is admitted by a district to complete the requirements for a high school diploma and who has not attended school in the three preceding school years may not be placed with a student who is 18 years of age or younger in a classroom setting, a cafeteria, or another district-sanctioned school activity. This restriction does not prevent the student from attending a school-sponsored event that is open to the public as a member of the public. *Education Code 25.001(b-2)*

**Students Who Are Victims of Bullying**

On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, the board or its designee shall transfer the victim to another classroom at the campus to which the victim was assigned at the time the bullying occurred.

**Students Who Engage in Bullying**

The board may transfer the student who engaged in bullying to another classroom at the campus to which the victim was assigned at the time the bullying occurred.

Education Code 37.004 (Placement of Students with Disabilities) applies to a transfer under this provision of a student with a disability who receives special education services.

**Definition**

“Bullying” has the meaning assigned by Education Code 37.0832. [See FFI]

**Verification**

A board or designee shall verify that a student has been a victim of bullying before transferring the student. A board may consider past student behavior when identifying a bully.

The determination by a board or designee is final and may not be appealed.

*Education Code 25.0341*

---

**Note:** For bullying rising to the level of prohibited harassment, see FFH. For all other bullying, see FFI. For transfers related to sexual assault or school safety, see FDE.

---

**Class Changes**

A parent or person standing in parental relation is entitled to reasonable access to the school principal, or to a designated administrator with authority to reassign a student, to request a change in the class or teacher to which the parent’s child has been assigned, if the reassignment or change would not affect the assignment or reassignment of another student. The decision of a board regarding such a request is final and may not be appealed. *Education Code 26.002, .003(a)(2), (b)* [See FNG]

**Compulsory  
Attendance**

Students who are at least six years of age, or who have been previously enrolled in first grade, and who have not yet reached their 19th birthday shall attend school for the entire period the program is offered, unless exempted as indicated below. On enrollment in prekindergarten or kindergarten, a student shall attend school. *Education Code 25.085(a)–(c)*

**Voluntary Enrollment  
of Students 19 and  
Over**

A person who voluntarily enrolls in school or voluntarily attends school after the person's 19th birthday shall attend school each school day for the entire period the program of instruction is offered. A board may adopt a policy requiring the student who is under 21 years of age to attend school until the end of the school year.

After the third unexcused absence of a person who voluntarily enrolls, a district shall issue a warning letter to the person that states the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester.

A district may revoke for the remainder of the school year the enrollment of a person who has more than five unexcused absences in a semester, except a school district may not revoke the enrollment of a person under this provision on a day on which the person is physically present at school.

A person whose enrollment is revoked for exceeding this limit may be considered an unauthorized person on school grounds for the purposes of Education Code 37.107 regarding trespassing.

As an alternative to revoking a person's enrollment, a school district may impose a behavior improvement plan described by Education Code 25.0915(a-1)(1).

*Education Code 25.085(e)–(h)*

**Accelerated /  
Compensatory  
Programs**

Unless specifically exempted, a student must also attend:

1. An extended-year program for which the student is eligible that is provided by a district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Education Code 29.084 [see EHBC];
2. An accelerated reading instruction program to which the student has been assigned under Education Code 28.006(g) [see EKC];
3. An accelerated instruction program to which the student is assigned under Education Code 28.0211 [see EIE];

ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LEGAL)

4. A basic skills program to which the student is assigned under Education Code 29.086 [see EHBC]; or
5. A summer program provided:
  - a. To a student placed in in-school suspension or other alternative setting, other than a disciplinary alternative education program (DAEP), who has been offered the opportunity to complete before the beginning of the next school year each course in which the student was enrolled at the time of removal. *Education Code 37.021* [See FO]
  - b. To a student removed to a DAEP who has been offered an opportunity to complete coursework, before the beginning of the next school year. *Education Code 37.008(i)* [See FOCA]

*Education Code 25.085(d)*

**Additional  
Instructional Days**

Notwithstanding any other provision in Education Code 25.085, a student enrolled in a district is not required to attend school for any additional instructional days described by Education Code 48.0051 [See Incentive for Additional Instructional Days at FEB]. *Education Code 25.085(i)*

**Exemptions**

A student is exempt from compulsory attendance requirements under the following statutory provisions.

Equivalency  
Diploma

A student is exempt from compulsory attendance requirements if the student is at least 17 years of age and has been issued a high school equivalency certificate or diploma.

Private or Home  
School

A student is exempt from compulsory attendance requirements if the student attends a private or parochial school that includes in its course a study of good citizenship.

A student in a home school shall be exempt from compulsory attendance if he or she is pursuing in good faith a curriculum consisting of books, workbooks, other written materials (including those that appear on an electronic screen of either a computer or video tape monitor), or any combination of these. The curriculum shall be designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship. *TEA v. Leeper, 893 S.W.2d 432 (Tex. 1994)*

Special Education—  
Nondistrict  
Placement

A student is exempt from compulsory attendance requirements if the student is eligible to participate in a district's special education program under Education Code 29.003 and cannot be appropriately served by the resident district.

ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LEGAL)

Medical Condition	A student is exempt from compulsory attendance requirements if the student has a temporary and remediable physical or mental condition that makes attendance infeasible and the student has a certificate from a qualified physician specifying the temporary condition, indicating the prescribed treatment, and covering the anticipated period of absence for the purpose of receiving and recuperating from remedial treatment.
Expulsion—No JJAEP	A student is exempt from compulsory attendance requirements if the student is expelled in accordance with legal requirements in a district that does not participate in a mandatory juvenile justice alternative education program. [See FOD]
17-Year-Old in GED Course	A student is exempt from compulsory attendance requirements if the student is at least 17 years old, is attending a course of instruction to prepare for the high school equivalency examinations, and: <ol style="list-style-type: none"><li>1. Has the permission of the student's parent or guardian to attend the course;</li><li>2. Is required by court order to attend the course;</li><li>3. Has established a residence separate and apart from the student's parent, guardian, or other person having lawful control of the student; or</li><li>4. Is homeless.</li></ol>
High School Replacement Programs	A student is exempt from compulsory attendance requirements if the student is enrolled in the Texas Academy of Leadership in the Humanities, Texas Academy of Mathematics and Science, or Texas Academy of International Studies.
16-Year-Old in GED Program or Job Corps	A student is exempt from compulsory attendance requirements if the student is at least 16 years old and is attending a course of instruction to prepare for the high school equivalency examinations, if: <ol style="list-style-type: none"><li>1. The student is recommended to take the course by a public agency that has supervision or custody of the student under a court order; or</li><li>2. The student is enrolled in a Job Corps training program under the Workforce Investment Act of 1998, 29 U.S.C. 2801.</li></ol>
Other Exemption	A student is exempt from compulsory attendance requirements if the student is specifically exempted under another law.

*Education Code 25.086*

**ATTENDANCE  
COMPULSORY ATTENDANCE**

**FEA  
(LEGAL)**

**Excused Absences  
for Compulsory  
Attendance  
Determinations**

A district shall excuse a student from attending school as required by the following statutory provisions.

**Religious Holy Days**

A district shall excuse a student from attending school for the purpose of observing religious holy days. A student who is observing holy days is allowed up to one day of excused travel for traveling to the site where the student will observe the holy days and up to one day of excused travel for traveling from that site.

**Court Appearances**

A district shall excuse a student from attending school for the purpose of attending a required court appearance. A student who is attending a required court appearance is allowed up to one day of excused travel for traveling to the site where the student will attend the required court appearance and up to one day of excused travel for traveling from that site.

**Citizenship  
Proceedings**

A district shall excuse a student from attending school for the purpose of appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship. A student who is appearing at a governmental office to complete such paperwork is allowed up to one day of excused travel for traveling to the site where the student will complete the paperwork and up to one day of excused travel for traveling from that site.

A district shall excuse a student from attending school for the purpose of taking part in a United States naturalization oath ceremony. A student who is taking part in such a ceremony is allowed up to one day of excused travel for traveling to the site where the student will take part in the ceremony and up to one day of excused travel for traveling from that site.

**Election Clerks**

A district shall excuse a student from attending school for the purpose of serving as an election clerk. A student who is serving as an election clerk is allowed up to one day of excused travel for traveling to the site where the student will serve as an election clerk and up to one day of excused travel for traveling from that site. [See Early Voting Clerks, below]

**Children in  
Conservatorship of  
DFPS**

If a student is in the conservatorship of the Department of Family and Protective Services (DFPS), a district shall excuse the student from attending school for the purpose of participating, as determined and documented by DFPS, in an activity:

1. Ordered by a court under Family Code Chapter 262 or 263, provided that it is not practicable to schedule the participation outside of school hours, or

2. Required under a service plan under Family Code Chapter 263, Subchapter B.

*Education Code 25.087(b)(1); 19 TAC 129.21(j)(3)*

Health-Care  
Appointments

A district shall excuse a student from attending school for a temporary absence resulting from an appointment with a health-care professional for the student or the student's child if the student commences classes or returns to school on the same day of the appointment. The appointment must be supported by a document such as a note from the health-care professional. "Temporary absence" includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health-care practitioner to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy. *Education Code 25.087(b)(2), (b-3); 19 TAC 129.21(j)(3)* [See FEB]

Higher Education  
Visits

A district may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for the purpose of determining the student's interest in attending the institution of higher education, provided that:

1. The district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and
2. The district adopts:
  - a. A policy to determine when an absence will be excused for this purpose; and
  - b. A procedure to verify the student's visit at the institution of higher education.

*Education Code 25.087(b-2); 19 TAC 129.21(j)(3)*

Early Voting Clerks

A district may adopt a policy excusing a student from attending school for service as a student early voting clerk in an election. A district may excuse a student for serving as an election clerk [see Election Clerks, above] or early voting clerk for a maximum of two days in a school year. *Education Code 25.087(b-1), (e)*

Military Dependents

A district shall excuse a student whose parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside

ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LEGAL)

the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. A district may not excuse a student under this provision more than five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment. *Education Code 25.087(b-4)* [See FDD]

**Enlistment in Armed Services**

A district shall excuse a student who is 17 years of age or older from attending school to pursue enlistment in a branch of the armed services of the United States or the Texas National Guard, provided that:

1. The district may not excuse for this purpose more than four days of school during the period the student is enrolled in high school; and
2. The district verifies the student's activities related to pursuing enlistment in a branch of the armed services or the Texas National Guard.

A district shall adopt procedures to verify a student's activities as described in these provisions.

*Education Code 25.087(b-5), (b-6); 19 TAC 129.21(j)(3)*

**Taps at Military Funeral**

In addition, a district may excuse a student in grades 6 through 12 for the purpose of sounding "Taps" at a military honors funeral held in this state for a deceased veteran. *Education Code 25.087(c)*

**No Penalty**

A student whose absence is excused for a reason described beginning at Excused Absences for Compulsory Attendance Determinations, above, may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the district.

**Make-Up Work**

The student shall be allowed a reasonable time to make up school work missed on the days described above. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance.

*Education Code 25.087(d)*

**Other Excused Absences**

A person required to attend school may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the person is enrolled. *Education Code 25.087(a)*

**Notices to Parents  
Warning Notice**

A district shall notify a student's parent in writing at the beginning of the school year that, if the student is absent from school on ten or more days or parts of days within a six-month period in the same

ATTENDANCE  
COMPULSORY ATTENDANCE

FEA  
(LEGAL)

school year, the student's parent is subject to prosecution under Education Code 25.093, and the student is subject to referral to a truancy court for truant conduct under Family Code 65.003(a).

Notice of Absences

A district shall notify a student's parent if the student has been absent from school, without excuse under Education Code 25.087, on three days or parts of days within a four-week period. The notice must:

1. Inform the parent that:
  - a. It is the parent's duty to monitor the student's school attendance and require the student to attend school;
  - b. The student is subject to truancy prevention measures under Education Code 25.0915; and
2. Request a conference between school officials and the parent to discuss the absences.

The fact that a parent did not receive the notices described above is not a defense for the parent's failure to require a child to attend school nor for the student's failure to attend school.

*Education Code 25.095*

**Non-Attendance  
Parent Liability**

A parent or person standing in parental relation commits an offense if:

1. A warning notice is issued;
2. The parent with criminal negligence fails to require the child to attend school as required by law; and
3. The child has absences for the amount of time specified under Family Code 65.003(a).

The attendance officer [see FED] or other appropriate school official shall file a complaint against the parent in an appropriate court, as permitted under Education Code 25.093.

*Affirmative  
Defense—Parent*

It is an affirmative defense to prosecution that one or more of the absences required to be proven was excused by a school official or should be excused by the court. A decision by the court to excuse an absence for this purpose does not affect the ability of a district to determine whether to excuse the absence for another purpose.

*Education Code 25.093*

Student Liability

A child engages in truant conduct if the child is required to attend school under the compulsory attendance laws, and fails to attend

school on ten or more days or parts of days within a six-month period in the same school year. Truant conduct may be prosecuted only as a civil case in a truancy court. *Family Code 65.003(a), (b)*

“Child” means a person who is 12 years of age or older and younger than 19 years of age. *Family Code 65.002(1)*

*Truancy Courts*

The following are designated as truancy courts:

1. The constitutional county court in a county with a population of 1.75 million or more;
2. Justice courts; and
3. Municipal courts.

A truancy court has exclusive original jurisdiction over cases involving allegations of truant conduct.

*Family Code 65.004(a), (b)*

*Affirmative  
Defense—  
Student*

It is an affirmative defense to an allegation of truant conduct that one or more of the absences required to be proven have been excused by a school official or by the court or that one or more of the absences were involuntary, but only if there is an insufficient number of unexcused or voluntary absences remaining to constitute truant conduct. The burden is on the child to show by a preponderance of the evidence that the absence has been or should be excused or that the absence was involuntary. A decision by the court to excuse an absence does not affect the ability of the district to determine whether to excuse the absence for another purpose.

*Family Code 65.003(c)*

**Truancy Prevention  
Measures**

If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described below, the district shall initiate truancy prevention measures on the student. [See FED] *Education Code 25.0915(a-4)*

**District Complaint or  
Referral**

If a student fails to attend school without excuse on ten or more days or parts of days within a six-month period in the same school year, a district shall within ten school days of the student's tenth absence refer the student to a truancy court for truant conduct under *Family Code 65.003(a)*. [See FED] *Education Code 25.0951*

**Records**

A district must maintain records to reflect the average daily attendance for the allocation of Foundation School Program (FSP) funds and other funds allocated by the Texas Education Agency (TEA). The district must maintain records and make reports concerning student attendance and participation in special programs as required by the commissioner of education. The superintendent, principals, and teachers are responsible to the board and the state to maintain accurate, current attendance records. *19 TAC 129.21(a), (e)*

Districts shall use the student attendance accounting standards established by the commissioner to maintain records and make reports on student attendance and student participation in special programs. The official standards are described in TEA's *Student Attendance Accounting Handbook (SAAH)*. *19 TAC 129.1025*

The superintendent is responsible for the safekeeping of all attendance records and reports. The superintendent may determine whether the properly certified attendance records or reports for the school year are to be stored in the central office, on the respective school campuses of a district, or at another secure location. Regardless of where such records are filed or stored, they must be readily available for audit by TEA. *19 TAC 129.21(d)*

**Minimum Enrollment**

A student must be enrolled for at least two hours of instruction to be considered in membership for one half day, and for at least four hours of instruction to be considered in membership for one full day.

**Full-Day Students**

Students enrolled on a full-day basis may earn one full day of attendance each school day.

**Half-Day Students**

Students enrolled on a half-day basis may earn only one half day attendance each school day. Attendance is determined for these pupils by recording absences in a period during the half day they are scheduled to be present.

**Alternative  
Attendance  
Accounting  
Program**

Students who are enrolled in and participating in an alternative attendance accounting program approved by the commissioner will earn attendance according to the statutory and rule provisions applicable to that program.

**Attendance for State  
Funding Purposes**

Attendance for all grades shall be determined by the absences recorded at the official attendance-taking time during the campus's instructional day, unless the board adopts a policy, or delegates to the superintendent the authority to establish procedures for recording absences in an alternative hour, or unless the students for which attendance is being taken are enrolled in and participating in a commissioner-approved alternative attendance accounting program.

The established period in which absences are recorded may not be changed during the school year.

Students absent at the time the attendance roll is taken, during the daily period selected, are counted absent for the entire day, unless the students are enrolled in and participating in a commissioner-approved alternative attendance accounting program. Students present at the time the attendance roll is taken, during the daily period selected, are counted present for the entire day, unless the students are enrolled in and participating in a commissioner-approved alternative attendance accounting program.

*19 TAC 129.21(g)–(h)*

A student removed to a disciplinary alternative education program is counted in computing the average daily attendance of students in a district for the student's time in actual attendance in the program. *Education Code 37.008(f)*

**Incentive for  
Additional  
Instructional Days**

The commissioner shall adjust the average daily attendance of a district under Education Code 48.005 in the manner provided by Education Code 48.0051(b) if the district:

1. Provides the minimum number of minutes of operational and instructional time required under Education Code 25.081 and commissioner rules adopted under that section over at least 180 days of instruction; and
2. Offers an additional 30 days of half-day instruction for students enrolled in prekindergarten through fifth grade.

*Education Code 48.0051(a)*

**Funding for Off-  
Campus Programs**

Funding eligibility for a student participating in an off-campus program will include time instructed in the off-campus program. A campus may choose an alternate attendance-taking time for a group of students that is scheduled to be off-campus during the regular attendance-taking time. The alternate attendance-taking time will be in effect for the period of days or weeks for which the group is scheduled to be off-campus during the regular attendance-taking time (for example, for the semester or for the duration of employment). This alternate attendance-taking time may not be changed once it is selected for a particular group of students. If attendance is taken at an off-campus location, the district must ensure that attendance is taken in accordance with the *SAAH*.

For a district to receive FSP funding for a student participating in an off-campus program, the district must have documentation of an agreement between the district and the college.

*19 TAC 129.1031(c), (d) [See EHDD]*

**Exceptions**

A student not actually on campus when attendance is taken may be considered in attendance for FSP purposes if:

1. The student is participating in a board-approved activity under the direction of a member of a district's professional or paraprofessional staff, or an adjunct staff member who has a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas (TRS). [See FM]
2. The student is participating in a mentorship approved by district personnel to serve as one or more of the advanced measures needed to complete the Distinguished Achievement Program outlined in 19 Administrative Code Chapter 74. [See EIF]
3. The student is absent for one of the purposes listed at Excused Absences for Compulsory Attendance Determinations in FEA(LEGAL).
4. The student is in attendance at a dropout recovery education program under Education Code 29.081. [See GNC]
5. The student's absence is permitted by other conditions related to off-campus instruction described in the *SAAH*.

*Education Code 25.087, 29.081(e), (f); 19 TAC 129.21(i)–(k)*

**Disasters**

The commissioner may adjust the average daily attendance of a district all or part of which is located in an area declared a disaster area by the governor under Government Code Chapter 418 if the district experiences a decline in average daily attendance that is reasonably attributable to the impact of the disaster.

The commissioner may make the adjustment under this section for the two-year period following the date of the governor's initial proclamation or executive order declaring the state of disaster.

*Education Code 48.006(a), (c)*

**Parental Consent to  
Leave Campus**

Before a district may count a student in attendance under these provisions or in attendance when the student was allowed to leave campus during any part of the school day, the board must adopt a policy, or delegate to the superintendent the authority to establish procedures, addressing parental consent for a student to leave campus and the district must distribute the policy or procedures to staff and to all parents of students in the district. *19 TAC 129.21(l)*



**Attendance  
Accounting System**

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

**Alternative  
Attendance-Taking  
Time**

The Superintendent is authorized to establish written procedures permitting a campus to record absences in an alternative hour from the District's official attendance-taking time or for a designated group of students at a campus. The alternative attendance-taking time shall be determined in accordance with TEA's *Student Attendance Accounting Handbook* and administrative regulations.

**Parental Consent to  
Leave Campus**

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



WELLNESS AND HEALTH SERVICES  
MEDICAL TREATMENT

FFAC  
(LEGAL)

**Consent to Medical Treatment**

The school in which a minor student is enrolled may consent to medical, dental, psychological, and surgical treatment of that student, provided all of the following conditions are met:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.
3. Written authorization to consent has been received from that person.

*Family Code 32.001(a)(4)*

**Form of Consent**

Consent to medical treatment under this policy shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment. The consent must contain:

1. The name of the student.
2. The name of one or both parents, if known, and the name of the managing conservator or guardian of the student, if either has been appointed.
3. The name of the person giving consent and the person's relation to the student.
4. A statement of the nature of the medical treatment to be given.
5. The date on which the treatment is to begin.

*Family Code 32.002*

**Minor's Consent to Treatment**

A minor may consent to medical, dental, psychological, and surgical treatment furnished by a licensed physician or dentist if the minor:

1. Is 16 years of age and residing separate and apart from the minor's parents, managing conservator, or guardian, with or without the consent of the parents, conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;
2. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of State Health Services (DSHS), including all reportable diseases under Health and Safety Code 81.041;

WELLNESS AND HEALTH SERVICES  
MEDICAL TREATMENT

FFAC  
(LEGAL)

3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or
4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

*Family Code 32.003; Planned Parenthood of Cent. Mo. v. Danforth, 428 U.S. 52 (1976); Bellotti v. Baird, 443 U.S. 622 (1979)*

**Administering  
Medication**

Upon adoption of policies concerning the administration of medication to students by district employees, the district, its board, and its employees are immune as described below, provided:

1. The district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.
2. When administering prescription medication, the medication is administered either:
  - a. From a container that appears to be the original container and to be properly labeled; or
  - b. From a properly labeled unit dosage container filled by a registered nurse or another qualified district employee, as determined by district policy, from a container that appears to be the original container and to be properly labeled.

**By Volunteer  
Professionals**

If a district provides liability insurance for a licensed physician or registered nurse who provides volunteer services to the district, a board may allow the physician or nurse to administer to any student nonprescription medication or medication currently prescribed for the student by the student's personal physician.

**Immunity from Civil  
Liability**

A district, a board, and its employees shall be immune from civil liability for damages or injuries resulting from the administration of medication to a student in accordance with this policy.

*Education Code 22.052(a), (b)*

[See DG regarding protection of nurses for refusal to perform acts.]

**Self-Administration  
of Asthma or  
Anaphylaxis  
Medicine**

A student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if:

1. The medicine has been prescribed for that student as indicated by the prescription label on the medicine;

WELLNESS AND HEALTH SERVICES  
MEDICAL TREATMENT

FFAC  
(LEGAL)

2. The student has demonstrated to the student's physician or other licensed health-care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including the use of any device required to administer the medication;
3. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health-care provider; and
4. A parent of the student provides to the school:
  - a. Written authorization, signed by the parent, for the student to self-administer the prescription medicine while on school property or at a school-related event or activity; and
  - b. A written statement, signed by the student's physician or other licensed health-care provider, that states:
    - (1) That the student has asthma or anaphylaxis and is capable of self-administering the medicine;
    - (2) The name and purpose of the medicine;
    - (3) The prescribed dosage for the medicine;
    - (4) The times at which or circumstances under which the medicine may be administered; and
    - (5) The period for which the medicine is prescribed.

The physician's statement must be kept on file in the school nurse's office, or, if there is no school nurse, in the office of the principal of the school the student attends.

[See FFAF for care of students with diagnosed food allergies at risk for anaphylaxis.]

No Waiver of  
Immunity

The provisions above neither waive any liability or immunity nor create any liability for or a cause of action against a district, a board, or its employees.

*Education Code 38.015*

**Sunscreen Products**

A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use. This provision does not waive any immunity from liability of a district, its board, or its

WELLNESS AND HEALTH SERVICES  
MEDICAL TREATMENT

FFAC  
(LEGAL)

employees; or create any liability for or a cause of action against a district, its board, or its employees. *Education Code 38.021*

**Dietary Supplements**

A district employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's school district duties; or
2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee's school district duties.

*Education Code 38.011(a), (c)*

**Prescription  
Medication and  
Special Education  
Students**

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

*20 U.S.C. 1412(a)(25)*

[See FFEB for information regarding psychotropic drugs and psychiatric evaluations]

**Opioid Antagonist  
Medication**

A person or organization acting under a standing order issued by a prescriber may store an opioid antagonist and may distribute an opioid antagonist, provided the person or organization does not request or receive compensation for storage or distribution. *Health and Safety Code 483.104*

A prescriber may, directly or by standing order, prescribe an opioid antagonist to a person in a position to assist a person experiencing an opioid-related drug overdose. *Health and Safety Code 483.102; 22 TAC 170.6*

**Immunity**

A person who, acting in good faith and with reasonable care, administers or does not administer an opioid antagonist to another person whom the person believes is suffering an opioid-related

WELLNESS AND HEALTH SERVICES  
MEDICAL TREATMENT

FFAC  
(LEGAL)

drug overdose is not subject to criminal prosecution, sanction under any professional licensing statute, or civil liability, for an act or omission resulting from the administration of or failure to administer the opioid antagonist. *Health and Safety Code 483.106*

**Low-THC Cannabis**

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of low-THC cannabis, as authorized by the Texas Compassionate-Use Act. *Health and Safety Code 487.201*

**Dextromethorphan  
(Certain Cold  
Medication)**

A district may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan. *Health and Safety Code 488.005*

---

**Note:** The following provisions apply only to a district that will adopt an unassigned epinephrine auto-injector policy or an unassigned asthma medication policy.

---

**Maintenance and  
Administration of  
Epinephrine Auto-  
Injectors**

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of epinephrine auto-injectors at each campus in the district.

If a policy is adopted, the policy:

1. Must provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on a school campus; and
2. May provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis at an off-campus school event or while in transit to or from a school event.

A district that adopts a policy must require that each campus have one or more school personnel members or school volunteers authorized and trained to administer an epinephrine auto-injector present during all hours the campus is open.

The supply of epinephrine auto-injectors at each campus must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an epinephrine auto-injector.

*Education Code 38.208*

WELLNESS AND HEALTH SERVICES  
MEDICAL TREATMENT

FFAC  
(LEGAL)

Definitions	"All hours the campus is open" is defined as, at a minimum, during regular on-campus school hours, and when school personnel are physically on site for school-sponsored activities.
<i>All Hours the Campus Is Open</i>	
<i>Campus</i>	A "campus" is defined as a unit of a school district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.
<i>Unassigned Epinephrine Auto-Injector</i>	An "unassigned epinephrine auto-injector" is an epinephrine auto-injector prescribed by an authorized health-care provider in the name of the school issued with a non-patient-specific standing delegation order for the administration of an epinephrine auto-injector, issued by a physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157.  <i>25 TAC 37.603</i>
Prompt Notification	Local emergency medical services must be promptly notified by the school when an individual is suspected of experiencing anaphylaxis and when an epinephrine auto-injector is administered. If the trained school personnel or school volunteer is the only individual available to notify emergency medical services, the trained individual should administer the unassigned epinephrine auto-injector before notifying emergency medical services.  The parent, legal guardian, or emergency contact must be promptly notified by the school when an unassigned epinephrine auto-injector is utilized on their child as soon as is feasible during the emergency response to suspected anaphylaxis.  <i>25 TAC 37.605(e)-(f)</i>
Records	School records of the administration of the unassigned epinephrine auto-injector and suspected anaphylaxis must be provided to the parent or guardian of the recipient upon request. <i>25 TAC 37.605(f)</i>
Reports	Not later than the tenth business day after the date a school personnel member or school volunteer administers an epinephrine auto-injector in accordance with district policy, the school shall send a report to the school district; the physician who prescribed the epinephrine auto-injector; and the commissioner of state health services.  The report must include the following information:  1. The age of the person who received the administration of the epinephrine auto-injector;

WELLNESS AND HEALTH SERVICES  
MEDICAL TREATMENT

FFAC  
(LEGAL)

2. Whether the person who received the administration of the epinephrine auto-injector was a student, a school personnel member or school volunteer, or a visitor;
3. The physical location where the epinephrine auto-injector was administered;
4. The number of doses of epinephrine auto-injector administered;
5. The title of the person who administered the epinephrine auto-injector; and
6. Any other information required by the commissioner of education.

*Education Code 38.209*

Notifications to the commissioner of DSHS shall be submitted on the designated electronic form available on the DSHS School Health Program website. *25 TAC 37.608*

Personnel or  
Volunteers

At each campus in which a school adopts an unassigned epinephrine auto-injector policy, the principal may assign school personnel or school volunteers to be trained to administer unassigned epinephrine auto-injectors or seek school personnel or school volunteers who volunteer to be trained to administer unassigned epinephrine auto-injectors.

In order to increase the number of trained individuals in the administration of unassigned epinephrine auto-injectors, schools may distribute to school personnel or school volunteers in the district, at least once per school year, a notice that includes a description of the request seeking volunteers to be trained to administer an epinephrine auto-injector to a person believed to be experiencing anaphylaxis and a description of the training that the school personnel or school volunteers will receive in the administration of epinephrine with an auto-injector.

*25 TAC 37.606(a)-(b)*

Signed Statement

Trained school personnel or school volunteers who administer the unassigned epinephrine auto-injector must submit a signed statement indicating that they agree to perform the service of administering an unassigned epinephrine auto-injector to a student or individual that may be experiencing anaphylaxis. *25 TAC 37.606(c)*

Training

A district that adopts an unassigned epinephrine auto-injector written policy is responsible for training school personnel and school volunteers in the recognizing of anaphylaxis signs and symptoms and administration of an unassigned epinephrine auto-injector.

Each assigned school personnel or school volunteer shall receive initial training and an annual refresher training. Training shall be consistent with the most recent Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs<sup>1</sup> published by the federal Centers for Disease Control and Prevention.

*25 TAC 37.607*

Training may be provided in a formal training session or through an online education course. Training must include information on properly inspecting unassigned epinephrine auto-injectors for usage and expiration. *25 TAC 37.607(1)–(2)*

Training must include information on implementing emergency procedures, if necessary, after administering an epinephrine auto-injector, and properly disposing of used or expired epinephrine auto-injectors. A district shall maintain records on the required training. *Education Code 38.210*

The initial training must include hands-on training with an epinephrine auto-injector trainer. The annual refresher training must include a hands-on demonstration of administration skills. The training must also include information about promptly notifying local emergency medical services.

Each school campus shall maintain training records and make available upon request a list of those school personnel or school volunteers trained and authorized to administer the unassigned epinephrine auto-injector on the campus.

*25 TAC 37.607(3)–(6)*

Standing Orders

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe epinephrine auto-injectors in the name of a district in accordance with law. *Education Code 38.211*

A district shall obtain a prescription from an authorized health-care provider each year, to stock, possess, and maintain at least one unassigned adult epinephrine auto-injector pack (two doses) on each school campus.

A school may choose to stock unassigned pediatric epinephrine auto-injector packs, based on the need of the school's population.

*25 TAC 37.605(a)*

Epinephrine  
Coordinator

The superintendent will designate appropriate school personnel to coordinate and manage policy implementation, including training of

WELLNESS AND HEALTH SERVICES  
MEDICAL TREATMENT

FFAC  
(LEGAL)

	<p>school personnel, and the acquisition or purchase, usage, expiration, and disposal of unassigned epinephrine auto-injectors. Throughout the school calendar year, the designated school personnel shall coordinate with each campus to ensure that the unassigned epinephrine auto-injectors are checked monthly for expiration and usage and the findings are documented. <i>19 TAC 37.605(b)</i></p>
Notice to Parents	<p>If a district implements a policy for the maintenance, administration, and disposal of epinephrine auto-injectors, the district shall provide written notice to a parent or guardian of each student enrolled in the district or school. Notice must be provided before the policy is implemented by the district or school and before the start of each school year. <i>Education Code 38.212</i></p> <p>A district shall provide electronic or written notice to the parent or guardian of each student.</p> <p>If a district changes or discontinues the policy under this subchapter, written or electronic notice detailing the change or discontinuation must be provided to the parent or guardian of each student within 15 calendar days.</p> <p><i>25 TAC 37.609</i></p>
Storage	<p>Unassigned epinephrine auto-injectors shall be stored in a secure, easily accessible area for an emergency, in accordance with manufacturer's guidelines. It is recommended that the school administrator develop a map to be placed in high traffic areas that indicates the location of the unassigned epinephrine auto-injectors on each school campus. It is recommended that the map also indicates the locations of the automated external defibrillator (AED). <i>25 TAC 37.605(h)</i></p>
Replacement	<p>The district shall develop a plan to replace, as soon as reasonably possible, any unassigned epinephrine auto-injector that is used or close to expiration. <i>25 TAC 37.605(i)</i></p>
Disposal	<p>Used unassigned epinephrine auto-injectors shall be considered infectious waste and shall be disposed of according to the school's bloodborne pathogen control policy.</p> <p>Expired unassigned epinephrine auto-injectors shall be disposed of according to the school's medication disposal policy.</p> <p><i>25 TAC 37.605(j)–(k)</i> [See DBB]</p>
Gifts, Grants, and Donations	<p>A district may accept gifts, grants, donations, and federal and local funds to implement its policy. <i>Education Code 38.213</i></p>

WELLNESS AND HEALTH SERVICES  
MEDICAL TREATMENT

FFAC  
(LEGAL)

**Maintenance and Administration of Asthma Medicine**

A district may adopt and implement a policy authorizing a school nurse to maintain and administer asthma medicine at each campus in the district.

The policy must provide that the school nurse may administer prescription asthma medicine to a student only if the school nurse has written notification from a parent or guardian of the student stating that the student has been diagnosed as having asthma and stating that the school nurse may administer prescription asthma medicine to the student. A school nurse may administer the prescription asthma medicine only at a school campus.

*Education Code 38.208(a-1), (b-1)*

**Storage**

The supply of asthma medicine at each campus must be stored in a secure location and be easily accessible to the school nurse.

**No Negative Fiscal Impact**

The policy may not require a district to purchase prescription asthma medicine or require any other expenditure related to the maintenance or administration of asthma medicine that would result in a negative fiscal impact on the district or school.

*Education Code 38.208(e)-(f)*

**Asthma Medicine Standing Order**

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157, may prescribe asthma medicine in the name of a school district. *Education Code 38.211(a)*

**Notice to Parents**

The district shall provide written notice to a parent or guardian of each student enrolled in the district or school. Notice required under Education Code 38.212 must be provided before a policy is implemented by the district and before the start of each school year. *Education Code 38.212*

**Immunity from Liability**

A person who in good faith takes, or fails to take, any action related to Education Code Chapter 38, Subchapter E, related to the maintenance and administration of epinephrine auto-injectors and asthma medicine, is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act, including:

1. Issuing an order for epinephrine auto-injectors or asthma medicine;
2. Supervising or delegating the administration of an epinephrine auto-injector or asthma medicine;
3. Possessing, maintaining, storing, or disposing of an epinephrine auto-injector or asthma medicine;
4. Prescribing an epinephrine auto-injector or asthma medicine;

WELLNESS AND HEALTH SERVICES  
MEDICAL TREATMENT

FFAC  
(LEGAL)

5. Dispensing an epinephrine auto-injector or asthma medicine, provided that permission has been granted as provided by Education Code 38.208(b-1) [see Maintenance and Administration of Asthma Medicine, above];
6. Administering, or assisting in administering, an epinephrine auto-injector, provided that permission has been granted as provided by Education Code 38.208(b-1) [see Maintenance and Administration of Epinephrine Auto-Injectors, above];
7. Providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans; or
8. Undertaking any other act permitted or required under Education Code Chapter 38, Subchapter E.

A district and school personnel and school volunteers are immune from suit resulting from an act, or failure to act, under Education Code Chapter 38, Subchapter E, including an act or failure to act under related policies and procedures.

An act or failure to act by school personnel or a school volunteer, including an act or failure to act under related policies and procedures, is the exercise of judgment or discretion on the part of the school personnel or school volunteer and is not considered to be a ministerial act for purposes of liability of the school district.

*Education Code 38.215*

---

<sup>1</sup> CDC Voluntary Guidelines for Managing Food Allergies:  
<https://www.cdc.gov/healthyschools/foodallergies/index.htm>



WELLNESS AND HEALTH SERVICES  
SCHOOL-BASED HEALTH CENTERS

FFAE  
(LEGAL)

**School-Based Health Centers**

A district may, if it identifies the need, design a model for the delivery of cooperative health-care programs for students and their families and may compete for grants to provide such programs. The model program may provide for delivery of conventional health services and disease prevention of emerging health threats that are specific to a district.

On the recommendation of an advisory council [see Advisory Council, below] or on the initiative of the board, a district may establish a school-based health center at one or more campuses to meet the health-care needs of students and their families. A district may contract with a person to provide services at a school-based health center.

*Education Code 38.051*

Programs Goals

All health-care programs should be designed to meet the following goals:

1. Reducing student absenteeism;
2. Increasing a student's ability to meet the student's academic potential; and
3. Stabilizing the physical well-being of a student.

*Education Code 38.063(c)*

Consent Required

A school-based health center may provide services to a student only if a district or the provider with whom a district contracts obtains the written consent of the student's parent or guardian or another person having legal control of the student. The student's parent or guardian or another person having legal control of the student may give consent to receive ongoing services or may limit consent to one or more services provided on a single occasion. The consent form must list every service the center delivers in a format that complies with all applicable state and federal laws and allows a person to consent to one or more categories of services.

*Education Code 38.053*

Permissible Services

The permissible categories of services are:

1. Family and home support;
2. Physical health care, including immunizations;
3. Dental health care;
4. Health education;
5. Preventive health strategies;

6. Treatment for mental health conditions [see FFEB]; and
7. Treatment for substance abuse.

*Education Code 38.054*

Services Not  
Permitted

Reproductive services, counseling, or referrals may not be provided through a school-based health center using grant funds awarded under Education Code Chapter 38, Subchapter B. Any service provided using grant funds must be provided by an appropriate professional who is properly licensed, certified, or otherwise authorized under state law to provide the service. *Education Code 38.055–.056*

The staff of a school-based health center and the person who consents to treatment shall jointly identify any health-related concerns of a student that may be interfering with the student's well-being or ability to succeed in school.

If it is determined that a student is in need of a referral for physical health services or mental health services, the staff of the center shall notify the person whose consent is required under Education Code 38.053 verbally and in writing of the basis for the referral. The referral may not be provided unless the person provides written consent for the type of service to be provided and provides specific written consent for each treatment occasion or for a course of treatment that includes multiple treatment occasions of the same type of service.

*Education Code 38.057*

Advisory Council

A board may establish and appoint members to a local health education and health-care advisory council to make recommendations on the establishment of school-based health centers and to assist a district in ensuring that local community values are reflected in the operation of each center and in the provision of health education.

A majority of the members must be parents of students enrolled in the district. In addition to the appointees who are parents, a board shall also appoint at least one classroom teacher, one administrator, one school counselor, one licensed health-care professional licensed or certified to practice in this state, one member of the clergy, one person from law enforcement, one member of the business community, one senior citizen, and one student. *Education Code 38.058*

A district may seek assistance in establishing and operating a school-based health center from any public agency in the community. *Education Code 38.059*

WELLNESS AND HEALTH SERVICES  
SCHOOL-BASED HEALTH CENTERS

FFAE  
(LEGAL)

If a district is located in a county with a population not greater than 50,000 or that has been designated under state or federal law as a health professional shortage area, a medically underserved area, or a medically underserved community, the district and advisory council shall make a good-faith effort to identify and coordinate with existing providers.

The district shall keep a record of efforts made to coordinate with existing providers.

*Education Code 38.060*

Primary Care  
Physician

If a person receiving a medical service from a school-based health center has a primary care physician, the staff of the center shall provide notice of the service to that physician. Before delivering service to a person with a primary care physician under the state Medicaid program, a state children's health plan program, or a private health insurance or health benefit plan, the staff of the center shall notify that physician to share medical information and obtain authorization for delivering the medical service. *Education Code 38.061*

Funding

A district shall comply with the funding requirements and limitations set out in Education Code 38.062-.063 and with rules adopted by the commissioner of state health services. *Education Code 38.062-.063*

Standards for State-  
Funded Centers

If a district receives a grant from the Texas Department of State Health Services (TDSHS) to assist with the costs of operating school-based health centers, it must comply with TDSHS standards for funded centers. *25 TAC 37.531, .538*



**Threat Assessment**  
Definitions

“Harmful, threatening, or violent behavior” includes behaviors, such as verbal threats, threats of self harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student that could result in:

1. Specific interventions, including mental health or behavioral supports;
2. In-school suspension;
3. Out-of-school suspension; or
4. The student’s expulsion or removal to a disciplinary alternative education program (DAEP) or a juvenile justice alternative education program (JJAEP).

“Team” means a threat assessment and safe and supportive school team established by the board under Education Code 37.115.

*Education Code 37.115(a)*

**Threat Assessment**  
Team

The board shall establish a threat assessment and safe and supportive school team to serve at each campus of the district and shall adopt policies and procedures for the teams.

The team is responsible for developing and implementing the safe and supportive school program in compliance with Texas Education Agency (TEA) rules at the district campus served by the team.

The policies and procedures adopted under Education Code 37.115 must:

1. Be consistent with the model policies and procedures developed by the Texas School Safety Center (TxSSC) [see Education Code 37.220];
2. Require each team to complete training provided by the TxSSC or a regional education service center (ESC) regarding evidence-based threat assessment programs; and
3. Require each team established under this section to report the required information regarding the team’s activities to TEA [see Reporting to TEA, below].

**Membership**

The superintendent shall ensure that the members appointed to each team have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law enforcement. A team may serve more

STUDENT WELFARE  
CRISIS INTERVENTION

FFB  
(LEGAL)

than one campus of a district, provided that each district campus is assigned a team.

Oversight  
Committee

The superintendent may establish a committee, or assign to an existing committee established by the district, the duty to oversee the operations of teams established for the district. A committee with oversight responsibility must include members with expertise in human resources, education, special education, counseling, behavior management, school administration, mental health and substance use, school safety and security, emergency management, and law enforcement.

Team Duties

Each team shall:

1. Conduct a threat assessment that includes assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior in accordance with district policies and procedures; and gathering and analyzing data to determine the level of risk and appropriate intervention, including:
  - a. Referring a student for mental health assessment; and
  - b. Implementing an escalation procedure, if appropriate, based on the team's assessment, in accordance with district policy;
2. Provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual; and
3. Support the district in implementing the district's multihazard emergency operations plan [see CKC].

Consent for Mental  
Health-Care Service

A team may not provide a mental health-care service to a student who is under 18 years of age unless the team obtains written consent from the parent of or the person standing in parental relation to the student before providing the mental health-care service. The consent must be submitted on a form developed by the district that complies with all applicable state and federal law. The student's parent or person standing in parental relation to the student may give consent for a student to receive ongoing services or may limit consent to one or more services provided on a single occasion.

*Education Code 37.115(c)-(g)*

Determination of  
Risk

On determination that a student or other individual poses a serious risk of violence to self or others, a team shall immediately report the team's determination to the superintendent. If the individual is a student, the superintendent shall immediately attempt to inform the

parent or person standing in parental relation to the student. These requirements do not prevent an employee of the school from acting immediately to prevent an imminent threat or respond to an emergency.

A team identifying a student at risk of suicide shall act in accordance with the district's suicide prevention program. If the student at risk of suicide also makes a threat of violence to others, the team shall conduct a threat assessment in addition to actions taken in accordance with the district's suicide prevention program.

A team identifying a student using or possessing tobacco, drugs, or alcohol shall act in accordance with district policies and procedures related to substance use prevention and intervention.

*Education Code 37.115(h)-(j)*

Reporting to TEA

A team must report to TEA in accordance with TEA-developed guidelines the following information regarding the team's activities and other information for each campus the team serves:

1. The occupation of each person appointed to the team;
2. The number of threats and description of the type of threats reported to the team;
3. The outcome of each assessment made by the team, including:
  - a. Any disciplinary action taken, including a change in school placement;
  - b. Any action taken by law enforcement; or
  - c. A referral to or change in counseling, mental health, special education, or other services;
4. The total number, disaggregated by student gender, race, and status as receiving special education services, being at risk of dropping out of school, being in foster care, experiencing homelessness, being a dependent of military personnel, being pregnant or a parent, having limited English proficiency, or being a migratory child, of, in connection with an assessment or reported threat by the team:
  - a. Citations issued for Class C misdemeanor offenses;
  - b. Arrests;
  - c. Incidents of uses of restraint;

- d. Changes in school placement, including placement in a JJAEP or DAEP;
  - e. Referrals to or changes in counseling, mental health, special education, or other services;
  - f. Placements in in-school suspension or out-of-school suspension and incidents of expulsion;
  - g. Unexcused absences of 15 or more days during the school year; and
  - h. Referrals to juvenile court for truancy; and
5. The number and percentage of school personnel trained in:
- a. A best-practices program or research-based practice under Health and Safety Code 161.325 [redesignated to Education Code 38.351, see FFEB], including the number and percentage of school personnel trained in suicide prevention or grief and trauma-informed practices;
  - b. Mental health or psychological first aid for schools;
  - c. Training relating to the safe and supportive school program; or
  - d. Any other program relating to safety identified by the commissioner.

*Education Code 37.115(k)*

**Liaison for Court-Related Students**

A district shall appoint at least one educator, as defined by Education Code 5.001(5), to act as a liaison officer for court-related students. The liaison officer shall provide counseling and other services for court-related students and their parents to establish or reestablish normal attendance and progress in school. *Education Code 37.014*

**Liaison for Students Who Are Homeless**

As a condition of receiving funds under the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), a district shall designate an appropriate staff person, able to carry out the required duties, as the district liaison for homeless children. A district will adopt policies and practices to ensure participation by the liaison in professional development and other technical assistance activities provided and approved by the statewide coordinator for education of homeless children and youths. *42 U.S.C. 11432(g)(1)(J)*

Notice

A district shall inform school personnel, service providers, and advocates working with homeless families, parents and guardians of homeless children, and homeless children of the duties of the liaison. [See FD for definition of "homeless children."]

Duties

The liaison shall ensure that:

1. Homeless children are identified by school personnel and through outreach and coordination activities with other entities and agencies;
2. Homeless children are enrolled in, and have a full and equal opportunity to succeed in, district schools;
3. Homeless families and homeless children have access to and receive educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act, early intervention services under Part C of the Individuals with Disabilities Education Act, and other district preschool programs;
4. Homeless families and homeless children receive referrals to health care, dental, mental health and substance abuse, housing, and other appropriate services;
5. The parents or guardians of homeless children are informed of the available educational and related opportunities and are provided meaningful opportunities to participate in the education of their children;
6. Public notice of the educational rights of homeless children is disseminated in locations frequented by parents or guardians of such children, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a

manner and form understandable to the parents and guardians of homeless children, and unaccompanied youths;

7. Enrollment disputes are mediated;
8. The parent or guardian of a homeless child, and any unaccompanied youth, are fully informed of all transportation services, including transportation to the school of origin, and are assisted in accessing transportation to the school of enrollment;
9. School personnel providing services under the McKinney-Vento Act receive professional development and other support; and
10. Unaccompanied youths:
  - a. Are enrolled in school;
  - b. Have opportunities to meet the same challenging state academic standards as the state establishes for other children; and
  - c. Are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid.

*42 U.S.C. 11432(g)(6)(A), (B)*

**Determination of Homeless Status**

A liaison who receives training under 42 U.S.C. 11432(f)(6) may affirm, without further action by the Department of Housing and Urban Development, that a child who is eligible for and participating in a district program, or the immediate family of such a child, who meets the eligibility requirements of the McKinney-Vento Act for an authorized program or service under Title IV of the Act, is eligible for such program or service. *42 U.S.C. 11432(g)(6)(D)*

**Liaison for Children in State Conservatorship**

Each district shall appoint at least one employee to act as a liaison officer to facilitate the enrollment in or transfer to a public school of a child in the district who is in the conservatorship of the state and submit the liaison's name and contact information to the Texas Education Agency (TEA) in a format and under the schedule determined by the commissioner of education.

TEA shall provide information to the liaisons on practices for facilitating the enrollment in or transfer to a public school of children who are in the conservatorship of the state.

*Education Code 33.904*

**Transition to Higher Education**

A district, in coordination with the Department of Family and Protective Services (DFPS), shall facilitate the transition of each child enrolled in the district who is eligible for a tuition and fee waiver under Education Code 54.366, and who is likely to be in the conservatorship of DFPS on the day preceding the child's 18th birthday to an institution of higher education by:

1. Assisting the child with the completion of any applications for admission or financial aid;
2. Arranging and accompanying the child on campus visits;
3. Assisting the child in researching and applying for private or institution-sponsored scholarships;
4. Identifying whether the child is a candidate for appointment to a military academy;
5. Assisting the child in registering and preparing for college entrance examinations, including, subject to the availability of funds, arranging for the payment of any examination fees by DFPS; and
6. Coordinating contact between the child and a liaison designated by the Higher Education Coordinating Board for students who were formerly in the conservatorship of DFPS.

*Family Code 264.1212 [See FFEA]*

**Transition Assistance for Highly Mobile Students**

Definitions

*Enrollment Conference*

*Records*

"Enrollment conference" means a student-centered meeting for a newly enrolled student to identify academic and extracurricular interests; introduce school processes and opportunities for engagement; develop course and instructional strategies; review credits and assessment information; determine social-emotional support; and communicate confidential information that may impact a student's success, if needed.

"Records" means documents in printed or electronic form that include, but are not limited to, student transcripts; individual course grades; academic achievement records; course credits, whether full or partial; individualized education program referrals; intervention data; immunizations; state assessment scores; student attendance data; disciplinary reports; graduation endorsements; special education/Section 504 committee records; performance acknowledgements; and personal graduation plans.

*19 TAC 89.1601(7)-(8)*

STUDENT WELFARE  
STUDENT SUPPORT SERVICES

FFC  
(LEGAL)

Transfer of Student  
Records

Each district must ensure that copies of student records are made available to schools to which students who are homeless or in substitute care transfer.

Each district is required to transfer student records within ten working days of receipt of a request from a district to which a student who is homeless or in substitute care enrolls, as required by Education Code 25.002(a-1) [see FD(LEGAL)]. The discretionary authority under Education Code 31.104(d) [see CMD(LEGAL)] to withhold records of a student if the student has not returned or paid for instructional materials or technological equipment does not exempt a district from the mandatory provision to send records to another public school in which the student enrolls.

Proof of enrollment in a different district permits retroactive withdrawal to the date a student enrolled in the new school. The date of enrollment in the new district is considered the date of withdrawal from the previous district.

Student records must be requested, sent, and received using the Texas Records Exchange (TREx) system.

If a district fails to receive the required information within ten working days, the requesting district may report the noncompliant district to the division responsible for TREx Support at TEA.

*19 TAC 89.1603*

Systems and  
Procedures

Each district shall develop systems to ease transition of a student who is homeless or in substitute care during the first two weeks of enrollment at a new school. These systems shall include the following:

1. Welcome packets containing applicable information regarding enrollment in extracurricular activities, club activities, information on fee waivers, tutoring opportunities, the student code of conduct, and contact information for pertinent school staff such as counselors, nurses, social workers, the foster care liaison, the homeless liaison, the principal and any assistant principals, and related contacts;
2. Introductions for new students that maintain student privacy and confidentiality to the school environment and school processes by district faculty, campus-based student leaders, or ambassadors; and
3. Mechanisms to ensure that a process is in place for all students who qualify to receive nutrition benefits upon enrollment, as all students who are homeless or in substitute care are eligible for United States Department of Agriculture Child

**Nutrition Programs.** The process must expedite communication with the district nutrition coordinator to ensure that eligible students are not charged in error or experience delays in receiving these benefits.

*19 TAC 89.1605(a)*

Pertinent staff members (such as principals, registrars, counselors, designated liaisons, nutrition coordinators, transportation specialists, etc.) should be knowledgeable concerning communication, processes, and procedures for facilitating successful school transitions for students who are homeless or in substitute care.

For each district, the TREx, the Personal Identification Database (PID), or the Person Enrollment Tracking (PET) application must be used to expedite coordination and communication between the sending and receiving schools.

*19 TAC 89.1605(c)–(d)*

Enrollment  
Conference

A district shall convene an enrollment conference with the student within the first two weeks of enrollment or within the first two weeks after the student is identified as homeless or in substitute care. The convening of the enrollment conference shall not delay or impede the enrollment of the student.

The enrollment conference shall address the student's credit recovery, credit completion, attendance plans and trauma-informed interventions, interests and strengths, discipline or behavior concerns, previous successes, college readiness, and social and emotional supports as well as district policies relating to transfers and withdrawals and communication preferences with parents or guardians.

The enrollment conference may be comprised of:

1. School administrators;
2. Homeless or foster care liaisons;
3. A social worker;
4. Teachers;
5. Counselors;
6. Dropout prevention specialists;
7. Attendance/truancy officers;
8. The relative caregiver, foster placement caregiver, or case manager;
9. The DFPS designated educational decision-maker;

10. The DFPS caseworker, Court Appointed Special Advocates (CASA) volunteer, or other volunteer, as applicable; and
11. A parent and/or guardian, unless the caseworker indicates the parent's and/or guardian's rights to participate have been restricted by the court.

*19 TAC 89.1605(b)*

Educational  
Placement

When a student who is homeless or in substitute care transfers before or during the school year, the receiving district shall initially place the student in educational programs and courses based on the student's prior enrollment in and current educational assessments from the sending school.

Educational programs include, but are not limited to, gifted and talented program services, bilingual or special language services for English learners, career and technical education, and early college high school.

Course placement includes, but is not limited to, honors, International Baccalaureate, Advanced Placement, vocational, technical, and career pathway courses.

Each district must ensure that a student who is homeless or in substitute care has the ability to earn the same endorsement categories, if applicable. If only one endorsement is offered, it must be multidisciplinary studies.

To the extent possible, each district shall ensure the continuation of a student's educational and course programs from the previous district and promote placement in academically challenging and career preparation courses.

*19 TAC 89.1609*

[For award of credit for students who are homeless or in substitute care, see EI. For special education services for students who are homeless or in substitute care, see EHBAA.]

Extracurricular  
Programs

Appropriate district staff must facilitate the process to complete and submit a University Interscholastic League (UIL) waiver of residence application form for a student who is homeless or in substitute care and plans to participate in varsity athletics or other UIL-sponsored activities.

Districts must comply with Education Code 25.001(f) [see FD] and a durational residence requirement may not prohibit a student in substitute care from fully participating in any activity sponsored by the district.

STUDENT WELFARE  
STUDENT SUPPORT SERVICES

FFC  
(LEGAL)

Students in foster care remaining in their school of origin but residing outside of the district of attendance shall be afforded a waiver, as allowed under UIL Constitution and Contest Rules Section 442: Residence in School District and Attendance Zone.

*19 TAC 89.1611*

Promotion of  
Postsecondary  
Information

District counselors or other designated staff shall work with district homeless and foster care liaisons to ensure that all students who are identified as homeless or in substitute care graduate with endorsements, if applicable, and have postsecondary plans identified in their personal graduation plans, to the extent required [see EIF].

District counselors or other designated staff must inform unaccompanied homeless youths of their rights and status as independent students for the purpose of applying for financial aid for higher education and provide verification of such status for the Free Application for Federal Student Aid (FASFA), pursuant to 42 United States Code 11432(g)(6)(A)(x).

Each district shall ensure that a student in substitute care who is enrolled in grade 11 or 12 in that district is provided information regarding tuition and fee exemptions under Education Code 54.366, for dual-credit or other courses provided by a public institution of higher education for which a high school student may earn joint high school and college credit.

*19 TAC 89.1613*

Notice of Events

Each district must provide notice in writing to the educational decision-maker and caseworker of a student who is homeless or in substitute care regarding events that may significantly impact the education of the student.

Events that may significantly impact the education of a child include:

1. Requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Education Code 29.003 [see EHBAA];
2. Admission, review, and dismissal committee meetings [see EHBAB];
3. Manifestation determination reviews required by Education Code 37.004(b) [see FOF];
4. Any disciplinary actions under Education Code Chapter 37 for which parental notice is required [see FO series];

5. Citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;
6. Reports of restraint and seclusion required by Education Code 37.0021 [see FO and FOF];
7. Use of corporal punishment as provided by Section 37.0011 [see FO]; and
8. Appointment of a surrogate parent for the child under Education Code 29.0151 [see EHBAE];

*19 TAC 89.1617; Education Code 25.007(b)(10)*

**Child Welfare  
Contact**

A district receiving Title 1, Part A funds must collaborate with the state or local child welfare agency to designate a point of contact if the child welfare agency notifies the district, in writing, that the agency has designated an employee to serve as a point of contact for the district. *20 U.S.C. 6312(c)(5)(A)*

**School-Community  
Guidance Center**

A district may establish a school-community guidance center designed to locate and assist children with problems that interfere with their education, including juvenile offenders and children with severe behavioral problems or character disorders.

Each center shall coordinate efforts of district personnel, local police departments, school attendance officers, and probation officers in working with students, dropouts, and parents in identifying and correcting factors that adversely affect the education of the children.

*Education Code 37.051*

Upon request from a superintendent, a governmental agency concerned with children that has jurisdiction in a district shall cooperate with the school-community guidance center and shall designate a liaison to work with the center in identifying and correcting problems affecting school-age children in the district. The governmental agency may establish or finance a school-community guidance center jointly with a district according to terms approved by the governing body of each participating entity. *Education Code 37.053*

**Cooperative  
Programs**

A board may develop cooperative programs with state youth agencies for children found to have engaged in delinquent conduct. *Education Code 37.052*

**Parental Notice and  
Access to  
Information**

Before a student is admitted to a school-community guidance center, the administrator of the center shall notify the student's parent or guardian that the student has been assigned to attend the center.

The notice must include:

1. The reason the student has been assigned to the center;
2. A statement that on request the parent or guardian is entitled to be fully informed in writing of any treatment method or testing program involving the student; and
3. A statement that the parent or guardian may request to be advised and to give written, signed consent for any psychological testing or treatment involving the student.

If after notification, the parent refuses to consent to testing or treatment of the student, the center may not provide any further psychological treatment or testing.

A parent or guardian of a student attending a center is entitled to inspect:

1. Any instructional or guidance material to be used by the student, including teachers' manuals, tapes, and films; and
2. The results of any treatment, testing, or guidance method involving the student.

The administrator of the center may set a schedule for inspection of materials that allows reasonable access but does not interfere with the conduct of classes or business activities of the school.

*Education Code 37.054*

#### **Parental Involvement**

On admitting a student to a school-community guidance center, a representative of a district, the student, and the student's parent or legal guardian shall develop an agreement that specifies the responsibilities of the parent and the student. The agreement must include:

1. A statement of the student's behavioral and learning objectives;
2. A requirement that the parent attend specified meetings and conferences for teacher review of the student's progress; and
3. The parent's acknowledgement that the parent understands and accepts the responsibilities imposed by the agreement regarding attendance at meetings and conferences and assistance in meeting objectives, defined by the district, to aid student remediation.

A superintendent may obtain a court order from a district court in the district requiring a parent to comply with such an agreement. A

parent who violates such a court order may be punished for contempt of court.

**Court Supervision**

If a district, the student, and the parent or guardian for any reason fail to reach an agreement, any party may request the juvenile court or its designee to conduct a hearing and enter an order establishing the responsibilities and duties of each of the parties as the court deems appropriate.

*Education Code 37.055-.056*

**Parental Consent  
and Review**

A board shall adopt guidelines to ensure that written consent is obtained from the parent, legal guardian, or other person entitled to enroll the student under Education Code 25.001(j) for the student to participate in those activities for which parental consent is required. *Education Code 33.003*

Each school shall obtain, and keep as part of the student's permanent record, this written consent by the parent or legal guardian. The consent form shall include specific information on the content of the program and the types of activities in which the student will be involved.

Each school, before implementing a comprehensive school counseling program, shall annually conduct a preview of the program for parents and guardians. All materials, including curriculum to be used during the year, must be available for a parent or guardian to preview during school hours. Materials or curriculum not included in the materials available on the campus for preview may not be used.

*Education Code 33.004*

**Child Consent to  
Counseling**

A child may consent to counseling for:

1. Suicide prevention,
2. Chemical addiction or dependency; or
3. Sexual, physical, or emotional abuse.

*Family Code 32.004(a)*

[For more information about consent for mental health treatment, see FFEB.]

**Comprehensive  
School Counseling  
Program**

A school counselor shall work with the school faculty and staff, students, parents, and the community to plan, implement, and evaluate a comprehensive school counseling program that conforms to the most recent edition of the Texas Model for Comprehensive School Counseling Programs developed by the Texas Counseling Association.

The school counselor shall design the developmental guidance and counseling program to include:

1. A guidance curriculum to help students develop their full educational potential, including the student's interests and career objectives.
2. A responsive services component to intervene on behalf of any student whose immediate personal concerns or problems

put the student's continued educational, career, personal, or social development at risk.

3. An individual planning system to guide a student as the student plans, monitors, and manages the student's own educational, career, personal, and social development.
4. System support to support the efforts of teachers, staff, parents, and other members of the community in promoting the educational, career, personal, and social development of students.

*Education Code 33.005*

**Higher Education  
Counseling**

Each school counselor at an elementary, middle, or junior high school shall advise students and their parents or guardians regarding the importance of postsecondary education, coursework designed to prepare students for postsecondary education, and financial aid availability and requirements.

During the first school year a student is enrolled in high school, and again during each year of a student's enrollment in high school, a school counselor shall provide information about higher education to the student and the student's parent or guardian. The information must cover:

1. The importance of postsecondary education;
2. The advantages of earning an endorsement and a performance acknowledgment and completing the distinguished level of achievement under the foundation high school program;
3. The disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;
4. Financial aid eligibility;
5. Instruction on how to apply for federal financial aid;
6. The center for financial aid information established under Education Code 61.0776;
7. The automatic admission of certain students to general academic teaching institutions as provided by Education Code 51.803;
8. The eligibility and academic performance requirements for the TEXAS Grant;

9. The availability of programs in a district under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs;
10. The availability of education and training vouchers and tuition and fee waivers to attend an institution of higher education as provided by Education Code 54.366 for a student who is or was previously in the conservatorship of the Department of Family and Protective Services; and
11. The availability of college credit awarded by institutions of higher education to veterans and military servicemembers for military experience, education, and training obtained during military service as described by the information materials developed by the commissioner in cooperation with the Texas Higher Education Coordinating Board under Labor Code 302.0031(h).

When providing information under item 10, above, the school counselor must report to the student and the student's parent or guardian the number of times the counselor has provided the information to the student.

When providing information under item 11, the school counselor must explain to any student who is enlisted or intends to enlist in the armed forces of the United States the informational materials developed under Labor Code 302.0031.

**Automatic Admission**

At the beginning of grades 10 and 11, a certified school counselor shall explain the requirements of automatic admission to a general academic teaching institution to each student who has a grade point average in the top 25 percent of the student's high school class. [See EIC]

*Education Code 33.007; 19 TAC 61.1071*

**Notice of Grant Programs**

In a manner that assists the district in implementing the district improvement plan, a district shall notify students in middle school, junior high school, and high school and those students' teachers, school counselors, and parents of:

1. The TEXAS Grant and the Teach for Texas Grant programs;
2. The eligibility requirements of each program;
3. The need for students to make informed curriculum choices to be prepared for success beyond high school; and
4. Sources of information on higher education admissions and financial aid.

*Education Code 56.308(b)(1)*



---

**Note:** For information about mental health curriculum and SHAC responsibilities, see EHAA. For information about threat assessments, see FFB.

---

**Mental Health Condition**

“Mental health condition” means a persistent or recurrent pattern of thoughts, feelings, or behaviors that:

1. Constitutes a mental illness, disease, or disorder, other than or in addition to epilepsy, substance abuse, or an intellectual disability; or
2. Impairs a person's social, emotional, or educational functioning and increases the risk of developing such a condition.

*Education Code 5.001(5-a)*

**Student Programs**

The Texas Education Agency (TEA), in coordination with the Health and Human Services Commission and regional education service centers (ESCs), shall provide and annually update a list of recommended best practice-based programs and research-based practices in the areas specified below for implementation in public elementary, junior high, middle, and high schools within the general education setting. Each district may select from the list a program or programs appropriate for implementation in the district.

**Subject Areas**

The list must include programs and practices in the following areas:

1. Early mental health prevention and intervention;
2. Building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse prevention and intervention;
4. Suicide prevention, intervention, and postvention;
5. Grief-informed and trauma-informed practices;
6. Positive school climates;
7. Positive behavior interventions and supports;
8. Positive youth development; and
9. Safe, supportive, and positive school climate.

“School climate” means the quality and character of school life, including interpersonal relationships, teaching and learning practices, and organizational structures, as experienced by students

enrolled in the district, parents of those students, and personnel employed by the district.

[For information on employee training, see DMA.]

Practices and  
Procedures

A district shall develop practices and procedures concerning each area listed above, including mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, that:

1. Include a procedure for providing educational material to all parents and families in the district that contains information on identifying risk factors, accessing resources for treatment or support provided on and off campus, and accessing available student accommodations provided on campus;
2. Include a procedure for providing notice of a recommendation for early mental health or substance abuse intervention regarding a student to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs, which may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;
3. Include a procedure for providing notice of a student identified as at risk of attempting suicide to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs;
4. Establish that the district may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the district for the purposes of identifying students in need of early mental health or substance abuse intervention or suicide prevention;
5. Set out available counseling alternatives for a parent or guardian to consider when his or her child is identified as possibly being in need of early mental health or substance abuse intervention or suicide prevention; and
6. Include procedures:
  - a. To support the return of a student to school following hospitalization or residential treatment for a mental health condition or substance abuse; and
  - b. For suicide prevention, intervention, and postvention.

The practices and procedures may address multiple subject areas [see Subject Areas, above]. The practices and procedures must

prohibit the use without the prior consent of a student's parent or guardian of a medical screening of the student as part of the process of identifying whether the student is possibly in need of early mental health or substance abuse intervention or suicide prevention.

The practices and procedures developed must be included in the annual student handbook and the district improvement plan under Education Code 11.252. [See BQ]

Nothing in these provisions is intended to interfere with the rights of parents or guardians and the decision-making regarding the best interest of the child. Practices and procedures developed in accordance with these provisions are intended to notify a parent or guardian of a need for mental health or substance abuse intervention so that a parent or guardian may take appropriate action. These provisions do not give districts the authority to prescribe medications. Any and all medical decisions are to be made by a parent or guardian of a student.

"Postvention" includes activities that promote healing necessary to reduce the risk of suicide by a person affected by the suicide of another.

*Education Code 38.351(a)-(f), (i)-(o)*

**Immunity**

The above requirements do not waive any immunity from liability of a district or of district officers or employees, create any liability for a cause of action against a district or against district officers or employees, or waive any immunity from liability under Civil Practice and Remedies Code 74.151. *Education Code 38.352*

**Consent to Examinations, Tests, or Treatment**

A district employee must obtain the written consent of a child's parent before the employee may conduct a psychological examination, test, or treatment, unless the examination, test, or treatment is required by:

1. TEA's policy concerning child abuse investigations and reports under Education Code 38.004; or
2. State or federal law regarding requirements for special education.

*Education Code 26.009(a)(1)* [See FNG]

[For more information about consent to medical treatment, including psychological treatment, see FFAC. For information about consent to counseling, see FFEA.]

**Professional's  
Authority**

A licensed or certified physician, psychologist, counselor, or social worker having reasonable grounds to believe that a child has been sexually, physically, or emotionally abused; is contemplating suicide; or is involved in chemical or drug addiction or dependency may:

1. Counsel the child without the consent of the child's parents, managing conservator, or guardian;
2. With or without the consent of a child who is a client, advise the parents, managing conservator, or guardian of the treatment given to or needed by the child;
3. Rely on the written statement of the child containing the grounds on which the child has capacity to consent to his or her own treatment as provided above.

**Exception: Court  
Order**

The physician, psychologist, counselor, or social worker may not counsel a child if consent is prohibited by a court order, unless consent is obtained as otherwise allowed by law.

*Family Code 32.004(b), (c)*

[See DP for more information about LSSP and school counselor responsibilities.]

**Consent to LSSP**

Informed consent for a licensed specialist in school psychology (LSSP) must be obtained in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA) and the U.S. Department of Education's rules governing parental consent when delivering school psychological services in the public schools, and is considered to meet the requirements for informed consent under the Texas State Board of Examiners of Psychologists (TSBEP) rules. No additional informed consent, specific to any TSBEP rules, is necessary in this context.

*22 TAC 465.38(g)*

**Professional  
Immunity**

A psychologist, counselor, or social worker licensed or certified by the state is not liable for damages except those damages that may result from his or her negligence or willful misconduct.

*Family Code 32.004(d)*

**Outside Counselors**

Neither a district nor an employee of a district may refer a student to an outside counselor for care or treatment of a chemical dependency or an emotional or psychological condition unless the district does all of the following:

1. Obtains prior written consent for the referral from the student's parent, managing conservator, or guardian.

2. Discloses to the student's parent, managing conservator, or guardian any relationship between the district and the outside counselor.
3. Informs the student and the student's parent, managing conservator, or guardian of any alternative public or private source of care or treatment reasonably available in the area.
4. Requires the approval of appropriate district personnel before a student may be referred for care or treatment or before a referral is suggested as being warranted.
5. Specifically prohibits any disclosure of a student record that violates state or federal law.

*Education Code 38.010*

[See FFEA for information on the comprehensive guidance program. See FFB for mental health-care services provided by the threat assessment and safe and supportive school team.]

**Psychotropics and  
Psychiatric  
Evaluations**

A district employee may not:

1. Recommend that a student use a psychotropic drug; or
2. Suggest any particular diagnosis; or
3. Use the refusal by a parent to consent to administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school-related activity.

Psychotropic drug means a substance that is used in the diagnosis, treatment, or prevention of a disease or as a component of a medication and intended to have an altering effect on perception, emotion, or behavior.

Education Code 38.016(b) does not:

1. Prevent an appropriate referral under the Child Find system required under 20 U.S.C. Section 1412, as amended; or
2. Prohibit a school district employee, or an employee of an entity with which the district contracts, who is a registered nurse, advanced nurse practitioner, physician, or nonphysician mental health professional licensed or certified to practice in this state from recommending that a child be evaluated by a physician or nonphysician mental health professional; or

3. Prohibit a school employee from discussing any aspect of a child's behavior or academic progress with the child's parent or another school district employee.

A board shall adopt a policy to ensure implementation and enforcement of Education Code 38.016. [See FFAC]

A violation of Education Code 38.016(b) does not override the immunity from personal liability granted in Education Code 22.0511 or other law or a district's sovereign or governmental immunity.

Nonphysician mental health professional has the meaning assigned by Education Code 38.0101 [see DP].

*Education Code 38.016*

[For information regarding administration of medication, see FFAC.]

Child Abuse  
Reporting

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

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

*Education Code 26.0091; Family Code 261.111(a)* [See FFG]

STUDENT WELFARE  
CHILD ABUSE AND NEGLECT

FFG  
(LEGAL)

**Sexual Abuse,  
Trafficking, and  
Maltreatment  
Policies and  
Programs**

A district shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004*

A district shall adopt and implement a policy addressing sexual abuse, sex trafficking, and other maltreatment of children, to be included in the district improvement plan [see BQ] and any information handbook provided to students and parents. *Education Code 38.0041(a)*

The policy included in any informational handbook provided to students and parents must address the following:

1. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, trafficking, and other forms of maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Actions a child who is a victim of sexual abuse, trafficking, or other maltreatment should take to obtain assistance and intervention; and
3. Available counseling options for students affected by sexual abuse, trafficking, or other maltreatment.

*19 TAC 61.1051(b)(3)*

**Definitions**

Child Abuse or  
Neglect

The definition of child abuse or neglect includes the trafficking of a child in accordance with Education Code 38.004.

Other Maltreatment

This term has the meaning assigned by Human Resources Code 42.002.

Trafficking of a  
Child

This term has the meaning assigned by Penal Code 20A.02(a)(5), (6), (7), or (8).

*19 TAC 61.1051(a)*

**Duty to Report**

By Any Person

Any person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. *Family Code 261.101(a)*

*Abuse of Persons  
with Disabilities*

A person having cause to believe that a person with a disability is in a state of abuse, neglect, or exploitation shall report the information immediately to the Texas Department of Family and Protective Services (DFPS).

A person commits a Class A misdemeanor if the person has cause to believe that a person with a disability has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report.

A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.

*Human Resources Code 48.051, .052, .054*

**By a Professional**

Any professional who has cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first suspects abuse or neglect.

A professional may not delegate to or rely on another person to make the report.

A "professional" is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, and juvenile detention or correctional officers.

*Family Code 261.101(b)*

**Adult Victims of Abuse**

A person or professional shall make a report in the manner required above if the person or professional has cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly person or person with a disability. *Family Code 261.101(b-1)*

**Psychotropic Drugs and Psychological Testing**

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

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

*Education Code 26.0091; Family Code 261.111(a) [See FFEB]*

**Contents of Report**

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:

STUDENT WELFARE  
CHILD ABUSE AND NEGLECT

FFG  
(LEGAL)

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.

*Family Code 261.102, .104*

**To Whom Reported**

If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is made under item 4, below, or the report involves a juvenile justice program or facility [see JJAEPs, below].

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. DFPS, Child Protective Services (CPS) Division;
3. A local office of CPS, where available; or
4. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

*Family Code 261.103(a); 19 TAC 61.1051(b)(1)–(2)*

JJAEPs

Any report of alleged abuse, neglect, or exploitation, as those terms are defined in Family Code 261.405, in a juvenile justice program or facility shall be made to the Texas Juvenile Justice Department and a local law enforcement agency for investigation. The term "juvenile justice program" includes a juvenile justice alternative education program. *Family Code 261.405(a)(4)(A), (b)*

**Immunity from Liability**

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. *Family Code 261.106*

A district may not suspend or terminate the employment of, or otherwise discriminate against, or take any other adverse employment action against a professional who makes a good faith report of abuse or neglect. *Family Code 261.110(b)* [See DG]

<b>Criminal Offenses</b>	
Failure to Report	<p>A person commits a Class A misdemeanor if he or she is required to make a report under Family Code 261.101(a) [see Duty to Report, above] and knowingly fails to make a report as provided by law.</p> <p>A person who is a professional commits a Class A misdemeanor if the person is required to make a report under Family Code 261.101(b) [see Duty to Report] and knowingly fails to make a report as provided by law. The professional commits a state jail felony if he or she intended to conceal the abuse or neglect.</p> <p><i>Family Code 261.109</i></p>
False Report	<p>A person commits an offense if, with the intent to deceive, the person knowingly makes a report of abuse and neglect that is false. The offense is a state jail felony, except that it is a felony of the third degree if the person has previously been convicted of the offense. <i>Family Code 261.107(a)</i></p>
Coercion	<p>A public servant, including as a school administrator, who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense. <i>Penal Code 39.06</i></p>
<b>Confidentiality of Report</b>	<p>A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act), and may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by an investigating agency. <i>Family Code 261.201(a)(1)</i></p> <p>Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. <i>Family Code 261.101(d)</i></p>
<b>SBEC Disciplinary Action</b>	<p>The State Board for Educator Certification (SBEC) may take any of the actions listed in 19 Administrative Code 249.15(a) (impositions, including revocation of a certificate and administrative penalties) based on satisfactory evidence that the person has failed to report or has hindered the reporting of child abuse pursuant to Family Code 261.001, or has failed to notify the SBEC or the school superintendent or director under the circumstances and in the manner required by Education Code 21.006 and 19 Administrative Code 249.14(d)–(f). <i>19 TAC 249.15(b)(4)</i></p>
<b>Investigations</b>	
Reports to District	<p>If DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public elementary or secondary school, and that the child is a student at the school, the department</p>

shall orally notify the superintendent of the district in which the employee is employed. *Family Code 261.105(d)*

On request, DFPS shall provide a copy of the completed report of its investigation to the board, the superintendent, and the school principal, unless the principal is alleged to have committed the abuse or neglect. The report shall be edited to protect the identity of the person who made the report. *Family Code 261.406(b)*

**Interview of Student**

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

**Interference with Investigation**

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

**Confidentiality**

A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Texas Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. *Human Resources Code 42.004*

**Reporting Policy**

A board shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261. *19 TAC 61.1051(b)*

The policies must require every school employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect to submit a written or oral report to at least one of the authorities listed above [see To Whom Reported, above] within 48 hours or less, as determined by the board, after learning of facts giving rise to the suspicion. *19 TAC 61.1051(b)(1)*

The policies must be consistent with the Family Code, Chapter 261, and 40 Administrative Code Chapter 700 (CPS) regarding investigations by DFPS, including regulations governing investigation of abuse by school personnel and volunteers. [See GRA]

The policies must require a report to DFPS if the alleged abuse or neglect involves a person responsible for the care, custody, or welfare of the child and must notify school personnel of the following:

1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 Administrative Code Chapter 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;

2. Applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including:
  - a. Family Code 261.302 and 261.303, prohibiting school officials from denying an investigator's request to interview a student at school; and
  - b. Family Code 261.302, prohibiting school officials from requiring the presence of a parent or school administrator during an interview by an investigator.
3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;
4. Confidentiality provisions relating to a report of suspected child abuse or neglect;
5. Any disciplinary action that may result from noncompliance with a district's reporting policy; and
6. The prohibition under Education Code 26.0091 [see Psychotropic Drugs and Psychological Testing, above].

*19 TAC 61.1051(b)(2)*

The policies may not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

The policies must:

1. Include the current toll-free number for DFPS;
2. Provide for cooperation with law enforcement child abuse investigations without the consent of the child's parent, if necessary, including investigations by DFPS; and
3. Include child abuse anti-victimization programs in elementary and secondary schools consisting of age-appropriate, research-based prevention designed to promote self-protection and prevent sexual abuse and trafficking.

*19 TAC 61.1051(b)(5)–(b)(8)*

Annual Distribution  
and Staff  
Development

The policies required by these provisions and adopted by the board shall be distributed to all personnel at the beginning of each school year. The policies shall be addressed in staff development programs at regular intervals determined by a board. *19 TAC 61.1051(c)* [See also DH and GRA]

[For training requirements under these provisions, see DMA.]

**Required Poster**

Using a format and language that is clear, simple, and understandable to students, each public school shall post, in English and in Spanish:

1. The current toll-free DFPS Abuse Hotline telephone number;
2. Instructions to call 911 for emergencies; and
3. Directions for accessing the DFPS Texas Abuse Hotline website<sup>1</sup> for more information on reporting abuse, neglect, and exploitation.

A district shall post the information specified above at each school campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The information must be on a poster (11x17 inches or larger) in large print and placed at eye-level to the student for easy viewing. Additionally, the current toll-free Texas Department of Family and Protective Services Abuse Hotline telephone number should be in bold print.

*Education Code 38.0042; 19 TAC 61.1051(e)-(f)*

---

<sup>1</sup> Texas Abuse Hotline website: <https://www.txabusehotline.org/>



**Program to Address  
Child Sexual Abuse,  
Trafficking, and  
Maltreatment**

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

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

**Training**

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

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

**Reporting Child  
Abuse and Neglect**

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

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

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

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

A person is required to make a report if the person has cause to believe that an adult was a victim of abuse or neglect as a child

and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

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

**Restrictions on Reporting**

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

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

**Making a Report**

Reports may be made to any of the following:

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

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

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

**Confidentiality**

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

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

**Immunity**

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

**Failing to Report Suspected Child Abuse or Neglect**

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

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

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

**Responsibilities Regarding Investigations**

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

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

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

---

<sup>1</sup> Texas Abuse Hotline Website: <http://www.txabusehotline.org>



<b>Table of Contents</b>	<b>Dating Violence .....</b>	<b>2</b>
	<b>Sexual Harassment.....</b>	<b>2</b>
	Designation of Title IX Coordinator .....	2
	Parties Entitled to Notice .....	3
	Reporting.....	3
	Notification of Policy .....	3
	Publication Requirements.....	3
	Complaint Procedures .....	4
	Response to Sexual Harassment .....	4
	Title IX Coordinator Response.....	6
	Process for Title IX Formal Complaint .....	7
	Recordkeeping .....	15
	Retaliation Prohibited .....	16
	Confidentiality.....	17

---

**Note:** The following legal provisions address dating violence and sexual harassment. For legal provisions addressing discrimination on the basis of disability, sex, and other protected characteristics, see FB.

---

**Dating Violence**

A district shall adopt and implement a dating violence policy to be included in the district improvement plan.

A dating violence policy must:

1. Include a definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Family Code 71.0021; and
2. Address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators, counseling for affected students, and awareness education for students and parents.

*Education Code 37.083, .0831 [See BQ]*

---

**Note:** References to Title IX, part, or subpart in the following legal provisions refer to Title IX and its corresponding regulations.

---

**Sexual Harassment**

A district may develop and implement a sexual harassment policy to be included in the district improvement plan. *Education Code 37.083 [See BQ]*

Sexual abuse of a student by an employee, when there is a connection between the physical sexual activity and the employee's duties and obligations as a district employee, violates a student's constitutional right to bodily integrity. Sexual abuse may include fondling, sexual assault, or sexual intercourse. *U.S. Const. Amend. 14; Doe v. Taylor Indep. Sch. Dist., 15 F.3d 443 (5th Cir. 1994)*

A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX. *34 C.F.R. 106.45; 20 U.S.C. 1681 [See also FB regarding Title IX]*

Designation of  
Title IX Coordinator

A district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator."

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LEGAL)

Parties Entitled to  
Notice

The district must notify applicants for admission and employment, students, parents or legal guardians, employees, and all professional organizations holding professional agreements with the district ("Parties Entitled to Notice") of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.

*34 C.F.R. 106.8(a)*

Reporting

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during nonbusiness hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

Notification of Policy

A district must notify the Parties Entitled to Notice, above, that the district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. The notification must state that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX to such district may be referred to the district's Title IX Coordinator, to the assistant secretary for civil rights of the Department of Education, or both.

*34 C.F.R. 106.2(d), .8(b)(1)*

Publication  
Requirements

A district must prominently display the contact information required to be listed for the Title IX Coordinator and the nondiscrimination policy described at Notification of Policy, above, on its website, if any, and in each handbook that it makes available to the Parties Entitled to Notice, above.

A district must not use or distribute a publication stating that the district treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by Title IX.

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

---

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

---

Complaint  
Procedures

A district must adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX and a Title IX formal complaint process that complies with 34 C.F.R. 106.45 for formal complaints as defined below.

A district must provide notice to the Parties Entitled to Notice, above, of the district's procedures and Title IX formal complaint process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the district will respond.

The requirements of this provision apply only to sex discrimination occurring against a person in the United States.

*34 C.F.R. 106.8(c)–(d)*

Response to Sexual  
Harassment

*Definitions*

"Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to a district's Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the district with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the district. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

"Consent" is not defined by the Title IX regulations, nor do the regulations require districts to adopt a particular definition of consent with respect to sexual assault.

"Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment

against a respondent and requesting that the district investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the district. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the district) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to a Title IX formal complaint, and must comply with the requirements of the Title IX formal complaint process, including the informal resolution process.

"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

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

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

"Supportive measures" means nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LEGAL)

or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or district-provided housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

*34 C.F.R. 106.2, .30(a)*

*Deliberate  
Indifference*

A district with actual knowledge of sexual harassment in an education program or activity of the district against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

*Education  
Program or  
Activity*

For the purposes of 34 C.F.R. 106.30 [see Definitions, above] and 106.45 [see Process for Title IX Formal Complaint, below], "education program or activity" includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

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

Title IX Coordinator  
Response

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator must respond in this manner with or without a formal complaint. *34 C.F.R. 106.44(b)(1)*

*Supportive  
Measures  
Required*

A district's response must treat complainants and respondents equitably by offering supportive measures and by following a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below] before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. [For Emergency Removal procedures, see below.]

*Constitutional  
Restrictions*

The Department of Education may not deem a district to have satisfied the district's duty to not be deliberately indifferent under Title

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LEGAL)

IX based on the district's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

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

*Response to a  
Formal Complaint*

In response to a formal complaint, a district must follow a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below]. *34 C.F.R. 106.44(b)(1)*

*Emergency  
Removal*

The Title IX regulations do not preclude a district from removing a respondent from the district's education program or activity on an emergency basis, provided that the district:

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
3. Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

*34 C.F.R. 106.44(c)*

*Administrative  
Leave*

The Title IX regulations do not preclude a district from placing a nonstudent employee respondent on administrative leave during the pendency of a Title IX formal complaint. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. *34 C.F.R. 106.44(d)*

*Process for Title IX  
Formal Complaint*

For the purpose of addressing formal complaints of sexual harassment, a district's process must comply with the following requirements. Any provisions, rules, or practices other than those required by this provision that a district adopts as part of its process for handling formal complaints of sexual harassment must apply equally to both parties. *34 C.F.R. 106.45(b)*

A district's Title IX formal complaint process must:

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a process that complies with the Title IX regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures

against a respondent. Remedies must be designed to restore or preserve equal access to the district's education program or activity. Such remedies may include the same individualized services described as supportive measures; however, remedies need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent;

2. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;
3. Require that any individual designated by a district as a Title IX Coordinator, investigator, decision-maker, or any person designated by a district to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A district must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and Title IX formal complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. A district must ensure that decision-makers receive training on any technology to be used at a live hearing, if any, and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. [See Hearings, below] A district also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. [See Investigation of a Formal Complaint, below] Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment;
4. Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process;
5. Include reasonably prompt time frames for conclusion of the Title IX formal complaint process, including reasonably

prompt time frames for filing and resolving appeals and informal resolution processes if the district offers informal resolution processes, and a process that allows for the temporary delay of the Title IX formal complaint process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;

6. Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility;
7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment;
8. Include the procedures and permissible bases for the complainant and respondent to appeal;
9. Describe the range of supportive measures available to complainants and respondents; and
10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

*34 C.F.R. 106.45(b)(1)*

*Notice of  
Allegations*

Upon receipt of a formal complaint, a district must provide the following written notice to the parties who are known:

1. Notice of the district's Title IX formal complaint process, including any informal resolution process.
2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
  - a. The identities of the parties involved in the incident, if known;

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LEGAL)

- b. The conduct allegedly constituting sexual harassment;  
and
- c. The date and location of the alleged incident, if known.

The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney and may inspect and review evidence [see Investigation of a Formal Complaint, below]. The written notice must inform the parties of any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Title IX formal complaint process.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations, above, the district must provide notice of the additional allegations to the parties whose identities are known.

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

*Dismissal of a  
Formal Complaint*

The district must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the district's education program or activity, or did not occur against a person in the United States, then the district must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of the district's code of conduct.

The district may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the district; or specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to 34 C.F.R. 106.45(b)(3), the district must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LEGAL)

*Consolidation of  
Formal  
Complaints*

A district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a Title IX formal complaint process involves more than one complainant or more than one respondent, references in this provision to the singular "party," "complainant," or "respondent" include the plural, as applicable.

34 C.F.R. 106.45(b)(3)–(4)

*Investigation of a  
Formal Complaint*

When investigating a formal complaint and throughout the Title IX formal complaint process, a district must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties provided that the district cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so for a Title IX formal complaint (if a party is not an "eligible student," as defined in 34 C.F.R. 99.3 then the district must obtain the voluntary, written consent of a "parent," as defined in 34 C.F.R. 99.3) [see FL(LEGAL) at Education Records];
2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
4. Provide the parties with the same opportunities to have others present during any Title IX formal complaint proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or Title IX formal complaint proceeding; however, the district may establish restrictions regarding

the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the district must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten days to submit a written response, which the investigator will consider prior to completion of the investigative report. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
7. Create an investigative report that fairly summarizes relevant evidence and, at least ten days prior to a hearing (if a hearing is required or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

**34 C.F.R. 106.45(b)(5)**

*Hearings*

The district's Title IX formal complaint process may, but need not, provide for a hearing. With or without a hearing, after the district has sent the investigative report to the parties pursuant to 34 C.F.R. 106.45(b)(5)(vii) [see Investigation of a Formal Complaint, above] and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. With or without a hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior

sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant. *34 C.F.R. 106.45(b)(6)(ii)*

*Determination  
Regarding  
Responsibility*

The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the district must apply the standard of evidence described at Process for Title IX Formal Complaint, above.

The written determination must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and
6. The district's procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

*34 C.F.R. 106.45(b)(7)(i)-(ii)*

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LEGAL)

*Implementation  
of Remedies*

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

*Appeals*

A district must offer both parties an appeal from a determination regarding responsibility, and from a district's dismissal of a formal complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

A district may offer an appeal equally to both parties on additional bases.

As to all appeals, the district must:

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. Ensure that the decision-maker(s) for the appeal complies with the standards in the Title IX regulations regarding conflict of interest and bias [see Process for Formal Title IX Complaint, item 3, above];
4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
5. Issue a written decision describing the result of the appeal and the rationale for the result; and
6. Provide the written decision simultaneously to both parties.

*34 C.F.R. 106.45(b)(8)*

*Informal  
Resolution*

A district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent

with Title IX. Similarly, a district may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the district:

1. Provides to the parties a written notice disclosing:
  - a. The allegations;
  - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and
  - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
2. Obtains the parties' voluntary, written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

*34 C.F.R. 106.45(b)(9)*

Recordkeeping

A district must maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A district must make these training materials publicly available on its website or if the district does not maintain a website the district must make these materials

available upon request for inspection by members of the public.

For each response required under Title IX Coordinator Response, above, a district must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the district must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity.

If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

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

Retaliation  
Prohibited

No district or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Complaints alleging retaliation may be filed according to the Process for Title IX Formal Complaint above.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by Title IX.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX formal complaint proceeding does not constitute retaliation prohibited by Title IX, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

*34 C.F.R. 106.71(a)-(b)*

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LEGAL)

Confidentiality

The district must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. *34 C.F.R. 106.71(a)*



STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

---

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

---

**Statement of Nondiscrimination**

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

**Discrimination**

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

**Prohibited Conduct**

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

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

**Prohibited Harassment**

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

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

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

**Examples**

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

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

**Sex-Based Harassment**

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

**Sexual Harassment  
By an Employee**

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

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

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

**By Others**

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

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

2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

**Examples**

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

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

**Gender-Based Harassment**

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

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

**Examples**

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

**Dating Violence**

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

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

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

**Examples**

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

**Reporting Procedures**

**Student Report**

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

**Employee Report**

Any District employee who suspects or receives direct or indirect notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy.

**Definition of District Officials**

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

*Title IX  
Coordinator*

Reports of discrimination based on sex, including sexual harassment, gender-based harassment, or dating violence, may be directed to the designated Title IX coordinator for students. [See FFH(EXHIBIT)]

*ADA /  
Section 504  
Coordinator*

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

*Superintendent*

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

**Alternative Reporting Procedures**

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

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

**Timely Reporting**

To ensure the District's prompt investigation, reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act.

**Notice to Parents**

The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult.

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

**Investigation of Reports Other Than Title IX**

The following procedures apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. [See FFH(LEGAL)] For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX, including sexual harassment, gender-based harassment, and dating violence, see the procedures below at Response to Sexual Harassment—Title IX.

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

**Initial Assessment**

Upon receipt or notice of a report, the District official shall determine whether the allegations, if proved, would constitute prohibited conduct as defined by this policy. If so, the District shall immediately undertake an investigation, except as provided below at Criminal Investigation.

If the District official determines that the allegations, if proved, would not constitute prohibited conduct as defined by this policy, the District official shall refer the complaint for consideration under FFI.

**Interim Action**

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the District shall promptly take interim action calculated to address prohibited conduct or bullying prior to the completion of the District's investigation.

District Investigation	<p>The investigation may be conducted by the District official or a designee, such as the principal, or by a third party designated by the District, such as an attorney. When appropriate, the principal shall be involved in or informed of the investigation.</p> <p>The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.</p>
Criminal Investigation	<p>If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, the District shall confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation. The District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the District shall promptly resume its investigation.</p>
Concluding the Investigation	<p>Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the District to delay its investigation, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.</p> <p>The investigator shall prepare a written report of the investigation. The report shall include a determination of whether prohibited conduct or bullying occurred. The report shall be filed with the District official overseeing the investigation.</p>
<i>Notification of Outcome</i>	<p>Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.</p>
District Action <i>Prohibited Conduct</i>	<p>If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.</p>
Corrective Action	<p>Examples of corrective action may include a training program for those involved in the report, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of</p>

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

areas where prohibited conduct has occurred, and reaffirming the District's policy against discrimination and harassment.

*Bullying*

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

*Improper Conduct*

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

Confidentiality

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

Appeal

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

**Response to Sexual Harassment—Title IX**

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

General Response

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

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

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

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

Title IX Formal  
Complaint Process

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

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

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
4. A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;
6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
7. A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a dismissal of a Title IX formal complaint or any allegations therein;
9. A description of the supportive measures available to the complainant and respondent;

STUDENT WELFARE  
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

FFH  
(LOCAL)

10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;
11. Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and
12. Other local procedures as determined by the Superintendent.

**Standard of Evidence**

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

**Retaliation**

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

**Examples**

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

**False Claim**

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

**Records Retention**

The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records control schedules, but for no less than the minimum amount of time required by law. [See CPC]

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

**Access to Policy and Procedures**

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



STUDENT ACTIVITIES

FM  
(LEGAL)

**UIL Rules and District Policies**

A student enrolled in a district or who participates in an extracurricular activity or a University Interscholastic League (UIL) competition is subject to district policy and UIL rules regarding participation only when the student is under the direct supervision of an employee of the school or district in which the student is enrolled or at any other time specified by resolution of a board. *Education Code 33.081(b)* [See FO regarding additional standards of conduct for extracurricular activities]

**Athletic Activities**  
UIL Forms

Each student participating in an extracurricular athletic activity must complete the UIL forms entitled "Preparticipation Physical Evaluation—Medical History" and "Acknowledgement of Rules." Each form must be signed by both the student and the student's parent or guardian. *Education Code 33.203(a)*

Notices

Each school that offers an extracurricular athletic activity shall:

1. Prominently display at its administrative offices the telephone number and electronic mail address that the commissioner of education maintains for reporting violations of Education Code Chapter 33, Subchapter F; and
2. Provide each student participant and the student's parent or guardian a copy of the text of Education Code 33.201–33.207 and a copy of the UIL's parent information manual. The document may be provided in an electronic format unless otherwise requested.

*Education Code 33.207(b), .208*

Safety Training

The UIL shall provide training to students participating in an extracurricular athletic activity related to:

1. Recognizing the symptoms of potentially catastrophic injuries, including head and neck injuries, concussions, injuries related to second impact syndrome, asthma attacks, heatstroke, cardiac arrest, and injuries requiring use of a defibrillator; and
2. The risks of using dietary supplements designed to enhance or marketed as enhancing athletic performance.

The training must be conducted by the UIL or by another organization as determined by the UIL, including the American Red Cross, the American Heart Association, or a similar organization.

*Education Code 33.202(d)–(e)*

Records

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the public proof of compliance for each person enrolled in the district who is required to receive safety training.

A campus that is determined by the superintendent to be out of compliance with the safety training requirements or the requirements regarding unsafe practices and safety precautions (see below) shall be subject to the range of penalties determined by the UIL.

*Education Code 33.206*

Unsafe Practices

A coach, trainer, or sponsor for an extracurricular athletic activity may not encourage or permit a student participant to engage in any unreasonably dangerous athletic technique that unnecessarily endangers the health of a student, including using a helmet or any other sports equipment as a weapon. *Education Code 33.204*

Safety Precautions

A coach, trainer, or sponsor for an extracurricular athletic activity shall at each athletic practice or competition ensure that:

1. Each student participant is adequately hydrated;
2. Any prescribed asthma medication for a student participant is readily available to the student;
3. Emergency lanes providing access to the practice or competition area are open and clear; and
4. Heatstroke prevention materials are readily available.

If a student participating in a practice or competition becomes unconscious during the activity, the student may not:

1. Return to the activity during which the student became unconscious; or
2. Participate in any extracurricular athletic activity until the student receives written authorization for such participation from a physician.

*Education Code 33.205*

Concussions

“Interscholastic athletic activity” includes practice and competition, sponsored or sanctioned by a district, including a home-rule district, or a public school, including any school for which a charter has been granted under Education Code Chapter 12, or the UIL. *Education Code 38.152*

“Concussion” means a complex pathophysiological process affecting the brain caused by a traumatic physical force or impact to the head or body, which may include temporary or prolonged altered brain function resulting in physical, cognitive, or emotional symptoms or altered sleep patterns, and involve loss of consciousness. *Education Code 38.151(4)*

STUDENT ACTIVITIES

FM  
(LEGAL)

*Concussion  
Oversight Team*

The board of a district with students enrolled who participate in an interscholastic athletic activity shall appoint or approve a concussion oversight team. *Education Code 38.153(a)*

Each concussion oversight team must include at least one physician and, to the greatest extent practicable, considering factors including the population of the metropolitan statistical area in which the district is located, district enrollment, and the availability of and access to licensed health-care professionals in the district or charter school area, must also include one or more of the following: an athletic trainer, an advanced practice nurse, a neuropsychologist, or a physician assistant. If a district employs an athletic trainer, the athletic trainer must be a member of the concussion oversight team. If a district employs a school nurse, the school nurse may be a member of the district concussion oversight team if requested by the school nurse.

Each member of the concussion oversight team must have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team. The members also must take a training course at least once every two years and submit proof of timely completion to the superintendent or designee in accordance with Education Code 38.158.

*Education Code 38.154, .158*

*Return-to-Play  
Protocol*

Each concussion oversight team shall establish a return-to-play protocol, based on peer-reviewed scientific evidence, for a student's return to interscholastic athletics practice or competition following the force or impact believed to have caused a concussion. *Education Code 38.153(b)*

*Required Annual  
Form*

A student may not participate in an interscholastic athletic activity for a school year until both the student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have signed a form for that school year that acknowledges receiving and reading written information that explains concussion prevention, symptoms, treatment, and oversight and that includes guidelines for safely resuming participation in an athletic activity following a concussion. The form must be approved by the UIL. *Education Code 38.155*

*Removal from  
Play*

A student shall be removed from an interscholastic athletics practice or competition immediately if one of the following persons believes the student might have sustained a concussion during the practice or competition: a coach; a physician; a licensed health-care professional, as defined by Education Code 38.151(5); a licensed chiropractor; a school nurse; or the student's parent or

guardian or another person with legal authority to make medical decisions for the student. *Education Code 38.156*

*Return to Play*

A student removed from an interscholastic athletics practice or competition under Education Code 38.156 may not be permitted to practice or compete again following the force or impact believed to have caused the concussion until:

1. The student has been evaluated, using established medical protocols based on peer-reviewed scientific evidence, by a treating physician chosen by the student or the student's parent or guardian or another person with legal authority to make medical decisions for the student;
2. The student has successfully completed each requirement of the return-to-play protocol established under Education Code 38.153 necessary for the student to return to play;
3. The treating physician has provided a written statement indicating that, in the physician's professional judgment, it is safe for the student to return to play; and
4. The student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have acknowledged that the student has completed the requirements of the return-to-play protocol necessary for the student to return to play, have provided the treating physician's written statement to the person responsible for compliance with the return-to-play protocol and the person who has supervisory responsibilities, and have signed a consent form indicating that the person signing:
  - a. Has been informed concerning and consents to the student participating in returning to play in accordance with the return-to-play protocol;
  - b. Understands the risks associated with the student returning to play and will comply with any ongoing requirements in the return-to-play protocol;
  - c. Consents to the disclosure to appropriate persons, consistent with the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, of the treating physician's written statement and, if any, the return-to-play recommendations of the treating physician; and
  - d. Understands the immunity provisions under Education Code 38.159.

A coach of an interscholastic athletics team may not authorize a student's return to play.

The superintendent or designee shall supervise an athletic trainer or other person responsible for compliance with the return-to-play protocol. The person who has supervisory responsibilities may not be a coach of an interscholastic athletics team.

*Education Code 38.157*

*Immunity*

These provisions do not:

1. Waive any immunity from liability of a district or of district officers or employees;
2. Create any liability for a cause of action against a district or against district officers or employees;
3. Waive any immunity from liability under Civil Practice and Remedies Code 74.151; or
4. Create any cause of action or liability for a member of a concussion oversight team arising from the injury or death of a student participating in an interscholastic athletics practice or competition, based on service or participation on the concussion oversight team.

*Education Code 38.159*

Football Helmet  
Safety  
Requirements

A district may not use a football helmet that is 16 years old or older in the district's football program. A district shall ensure that each football helmet used in the district's football program that is 10 years old or older is reconditioned at least once every two years.

A district shall maintain and make available to parents of students enrolled in the district documentation indicating the age of each football helmet used in the district's football program and the dates on which each helmet is reconditioned.

*Education Code 33.094(a)–(c)*

Steroid Testing

The UIL shall adopt rules for the annual administration of a steroid testing program under which high school students participating in an athletic competition sponsored or sanctioned by the league are tested at multiple times throughout the year for the presence of steroids [see FNF].

Results of such steroid tests are confidential and, unless required by court order, may be disclosed only to the student and the student's parent and the activity directors, principal, and assistant principals of the school attended by the student.

*Education Code 33.091(d)–(e)*

STUDENT ACTIVITIES

FM  
(LEGAL)

**Cardiac  
Assessment**

A district must provide a district student who is required under UIL rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned by the UIL, information about sudden cardiac arrest and electrocardiogram testing and notification of the option of the student to request the administration of an electrocardiogram, in addition to the physical examination.

A student may request an electrocardiogram from any health-care professional, including a health-care professional provided through a district program, provided that the health-care professional is appropriately licensed in Texas and authorized to administer and interpret electrocardiograms under the health-care professional's scope of practice, as established by the health-care professional's Texas licensing act.

*Immunity*

These provisions do not create a cause of action or liability or a standard of care, obligation, or duty that provides a basis for a cause of action or liability against a health-care professional described in the provision, the UIL, a district, or a district officer or employee for:

1. The injury or death of a student participating in or practicing for an athletic activity sponsored or sanctioned by the UIL based on or in connection with the administration or interpretation of or reliance on an electrocardiogram; or
2. The content or distribution of the information required under these provisions or the failure to distribute the required information.

*Education Code 33.096*

**Rodeos**

This section applies only to a primary or secondary school that sponsors, promotes, or otherwise is associated with a rodeo in which children who attend the school are likely to participate.

"Rodeo" means an exhibition or competition, without regard to whether the participants are compensated, involving activities related to cowboy skills, including:

1. Riding a horse, with or without a saddle, with the goal of remaining on the horse while it attempts to throw off the rider;
2. Riding a bull;
3. Roping an animal, including roping as part of a team;
4. Wrestling a steer; and

STUDENT ACTIVITIES

FM  
(LEGAL)

5. Riding a horse in a pattern around preset barrels or other obstacles.

**Educational Program**

A primary or secondary school to which this section applies shall, before the first rodeo associated with the school in each school year, conduct a mandatory educational program on safety, including the proper use of protective gear, for children planning to participate in the rodeo, in accordance with 25 Administrative Code 104.4. The educational program may consist of an instructional video, subject to the Department of State Health Services approval.

**Restriction on Participation**

A child may not participate in a rodeo associated with the child's school during a school year unless the child has completed the educational program not more than one year before the first day of the rodeo.

**Protective Gear for Bull Riding**

A child may not engage in bull riding, including engaging in bull riding outside a rodeo for the purpose of practicing bull riding, unless the child is wearing a protective vest and bull riding helmet in accordance with 25 Administrative Code 104.3.

*Health and Safety Code 768.001(6), .003; 25 TAC 104.2-.4*

**Eligibility**

A student otherwise eligible to participate in an extracurricular activity or a UIL competition is not ineligible because the student is enrolled in a course offered for joint high school and college credit, or in a course offered under a concurrent enrollment program, regardless of the location at which the course is provided. *Education Code 33.087*

**Military Dependents**

The district shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified. *Education Code 162.002 art. VI, § B [See FDD]*

**Suspension from Extracurricular Activities**

A student shall be suspended from participation in any extracurricular activity sponsored or sanctioned by a district or the UIL after a grade evaluation period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class other than a course described below at Exempt Courses.

**Length of Suspension**

A suspension continues for at least three school weeks and is not removed during the school year until the conditions of Reinstatement, described below, are met. A suspension shall not last beyond the end of a school year.

**Grade Evaluation Period**

"Grade evaluation period" means:

1. The six-week grade reporting period; or

STUDENT ACTIVITIES

FM  
(LEGAL)

2. The first six weeks of a semester and each grade reporting period thereafter, in the case of a district with a grade reporting period longer than six weeks.

*Education Code 33.081(c)*

School Week

The school week is defined as beginning at 12:01 a.m. on the first instructional day of the calendar week and ending at the close of instruction on the last instructional day of the calendar week, excluding holidays. *19 TAC 76.1001(b)*

Exempt Courses

The suspension and reinstatement provisions of Education Code 33.081(c) and (d) do not apply to an advanced placement or international baccalaureate course, or to an honors or dual credit course in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English. *Education Code 33.081(d-1)*

Honors classes for purposes of eligibility to participate in extracurricular activities are listed at 19 Administrative Code 74.30(a).

Districts may identify additional honors courses in the subject areas of English language arts, mathematics, science, social studies, or a language other than English for the purposes of extracurricular eligibility but must identify such courses before the semester in which any exemptions related to extracurricular activities occur.

Districts are neither required to nor restricted from considering courses as honors for the purpose of grade point average calculation.

*19 TAC 74.30*

Students with Disabilities

In the case of a student with a disability that significantly interferes with the student's ability to meet regular academic standards, suspension must be based on the student's failure to meet the requirements of the student's individualized education program (IEP). The determination of whether the disability substantially interferes with the student's ability to meet the requirements of the student's IEP must be made by the admission, review, and dismissal (ARD) committee.

For the purposes of this provision, "student with a disability" means a student who is eligible for a district's special education program under Education Code 29.003(b).

*Education Code 33.081(e)*

Practice or Rehearsal

A student suspended under Education Code 33.081 may practice or rehearse with other students for an extracurricular activity but

STUDENT ACTIVITIES

FM  
(LEGAL)

may not participate in a competition or other public performance.  
*Education Code 33.081(f)*

Reinstatement

Until the suspension is removed or the school year ends, a district shall review the grades of a student at the end of each three-week period following the date on which the suspension began. At the time of a review, the suspension is removed if the student's grade in each class, other than a course described above at Exempt Courses, is equal to or greater than the equivalent of 70 on a scale of 100. The principal and each of the student's teachers shall make the determination concerning the student's grades. *Education Code 33.081(d)*

Attendance and Participation

The State Board of Education (SBOE) by rule shall limit participation in and practice for extracurricular activities during the school day and the school week.

The board of a district may adopt a policy establishing the number of times a student who is otherwise eligible to participate in an extracurricular activity may be absent from class to participate in an extracurricular activity sponsored or sanctioned by the district, UIL, or an organization sanctioned by board resolution. The policy must permit a student to be absent from class at least ten times during the school year, and the policy prevails over any conflicting policy adopted by the SBOE.

*Education Code 33.081(a), .0811*

SBOE Rules

The following provisions apply to any UIL activity.

Other organizations requiring student participation that causes a student to miss a class may request sanction from a board. If sanctioned by resolution of the board, student participation in the organization's activities shall be subject to all provisions of statute and to 19 Administration Code 76.1001. If a board does not grant sanction, any absences incurred by a student while participating with that organization's activities shall be subject to the attendance provisions of the Education Code. *19 TAC 76.1001(f)* [See FEB]

Extracurricular Activities

An extracurricular activity is an activity sponsored by the UIL, a board, or an organization sanctioned by board resolution. The activity is not necessarily directly related to instruction of the essential knowledge and skills but may have an indirect relation to some areas of the curriculum.

Extracurricular activities include, but are not limited to, public performances, contests, demonstrations, displays, and club activities. In addition, an activity is subject to this policy if any one of the following criteria applies:

STUDENT ACTIVITIES

FM  
(LEGAL)

1. The activity is competitive;
2. The activity is held in conjunction with another activity that is considered extracurricular;
3. The activity is held off-campus, except in a case in which adequate facilities do not exist on campus;
4. The general public is invited; or
5. An admission is charged.

Exceptions

*Public Performances*

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved course that requires demonstration of the mastery of the essential knowledge and skills in a public performance, may participate in the performance if:

1. The general public is invited; and
2. The requirement for student participation in public is stated in the essential knowledge and skills of the course.

*State-Approved Music Courses*

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved music course that participates in UIL Concert and Sight-Reading Evaluation, may perform with the ensemble during the UIL evaluation performance.

*19 TAC 76.1001(a)*

Limits on Participation and Practice

*During the School Week*

Limitations on practice, rehearsal, and student participation during the school week shall be as follows:

1. For any given extracurricular activity, a student may not participate in more than one activity per school week, excluding holidays, except as provided in item 2, below.
2. A student may also participate in a tournament or post-district contest, as well as a contest postponed by weather or public disaster that may determine advancement to a post-district level of competition.
3. For each extracurricular activity, a district must limit students to a maximum of eight hours of practice and rehearsal outside the school day per school week.
4. The commissioner recommends that districts avoid scheduling extracurricular activities or public performances on the day or evening immediately preceding the day on which the statewide student assessment program is scheduled for grades 3–11.

*19 TAC 76.1001(d); Education Code 33.081(a)*

STUDENT ACTIVITIES

FM  
(LEGAL)

*During the  
School Day*

Limitations on practice and rehearsal during the school day shall be as follows:

1. A district must limit a student to one period of practice during the regularly scheduled school day for practice of extracurricular activities, such as athletics, drill team, or cheerleading.
2. The limit in item 1 does not prohibit a student from enrolling in any state-approved class. A student who is enrolled in a state-approved class that includes essential knowledge and skills that relate to the preparation for an extracurricular activity may practice that extracurricular activity for no more than one period during the school day.
3. A student may not be permitted to miss a scheduled academic class to practice for an unrelated extracurricular activity.
4. A district must limit extracurricular practice during the school day to ensure that class periods for extracurricular practice do not exceed the time allotted for other class periods.
5. Regardless of the schedule type in place (traditional or non-traditional), a school may elect to practice extracurricular activities daily, provided the total minutes allowed for the extracurricular practice is not greater than 300 minutes during the school week.

*19 TAC 76.1001(e); Education Code 33.081(a)*

**Record of Absences**

A district shall maintain an accurate record of extracurricular absences for each student in the district each school year. *19 TAC 76.1001(c)*

**Parental Notice and Consent**

A parent is entitled to full information regarding the school activities of a parent's child except as provided by Education Code 38.004 (child abuse investigations). *Education Code 26.008(a)*

**Anonymous Evaluations**

Anonymous evaluations of a student that determine whether the student may participate in a school-related program do not provide full information about the student's school activities. A district may by policy establish the parameters for parental contact with evaluating teachers, taking into account the type of evaluation, the information elicited in the evaluation, and scheduling and workload requirements of the teachers. *Byard v. Clear Creek Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 020-R5-1001 (June 17, 2002)*

**Videotaping and Recording**

A district employee is not required to obtain the consent of a child's parent before the employee may videotape the child or record the child's voice if the videotape or recording is to be used only for a

STUDENT ACTIVITIES

FM  
(LEGAL)

purpose related to a cocurricular or extracurricular activity. *Education Code 26.009(b)(2)*

**Discriminatory Club**

An extracurricular activity sponsored or sanctioned by a district, including an athletic event or an athletic team practice, may not take place at an athletic club located in the United States that denies any person full and equal enjoyment of equipment or facilities provided by the athletic club because of the person's race, color, religion, creed, national origin, or sex.

"Athletic club" means an entity that provides sports or exercise equipment or facilities to its customers or members or to the guests of its customers or members.

*Education Code 33.082*

**Special Olympics Recognition**

If a district allows high school students to earn a letter for academic, athletic, or extracurricular achievements, the district must allow high school students to earn a letter on the basis of a student's participation in a Special Olympics event. *Education Code 33.093*

**Student Election Clerks**

Unless applied toward instructional requirements [see EIA], a student who is appointed as a student election clerk under Election Code 32.0511 or as a student early voting clerk under Election Code 83.012, may apply the time served toward a service requirement for participation in a school-sponsored extracurricular activity at the discretion of the school sponsor. *Education Code 33.092*

**Before-School and After-School Programs**

The board may establish before-school or after-school programs for students enrolled in elementary or middle school grades. A program established under this section may operate before, after, or before and after school hours.

A student is eligible to participate in the district's before-school or after-school program if the student is enrolled in a public or private school or resides within the boundaries of the district.

A district shall conduct a request for proposals procurement process to enable the district to determine if contracting with a child-care facility that provides a before-school or after-school program, as defined by Human Resources Code 42.002, to provide the district's before-school or after-school program would serve the district's best interests. Following the request for proposals procurement process, the district may enter into a contract with a child-care facility or implement a before-school or after-school program operated by the district. If the district enters into a contract with a child-care facility, the contract must comply with the requirements of Education Code 44.031 and may not exceed a term of three years.

STUDENT ACTIVITIES

FM  
(LEGAL)

The board may adopt rules in accordance with Education Code 11.165 [see BAA] to provide access to school campuses before or after school hours for the purpose of providing a before-school or after-school program.

*Education Code 33.9031*



STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(LOCAL)

**Complaints**

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

**Other Complaint Processes**

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

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

**STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES**

FNG  
(LOCAL)

12. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.
13. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.

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

**Notice to Students and Parents**

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

**Guiding Principles**  
Informal Process

The Board encourages students and parents to discuss their concerns with the appropriate teacher, principal, or other campus administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

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

Formal Process

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

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

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

**Freedom from Retaliation**

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

**General Provisions**  
Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(LOCAL)

deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling  
Conferences

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

Response

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

Days

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

Representative

"Representative" shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.

The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

Consolidating  
Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

Untimely Filings

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(LOCAL)

level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

**Costs Incurred**

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

**Complaint and Appeal Forms**

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

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

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

**Level One**

Complaint forms must be filed:

1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

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

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

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

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

Absent extenuating circumstances, the administrator shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(LOCAL)

decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

**Level Two**

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

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

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

The Level One record shall include:

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

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

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

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

STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FNG  
(LOCAL)

**Level Three**

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

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

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

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

The Level Two record shall include:

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

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

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

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

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

**STUDENT RIGHTS AND RESPONSIBILITIES  
STUDENT AND PARENT COMPLAINTS/GRIEVANCES**

**FNG  
(LOCAL)**

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

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



**Complaints**

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

**Other Complaint Processes**

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

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

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

**Guiding Principles**  
**Informal Process**

The Board encourages the public to discuss concerns with an appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

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

**Formal Process**

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

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

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

**Freedom from Retaliation**

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

**General Provisions**  
**Filing**

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on

PUBLIC COMPLAINTS

GF  
(LOCAL)

the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling  
Conferences

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

Response

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

Days

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

Representative

"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process.

The individual may designate a representative through written notice to the District at any level of this process. If the individual designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

Consolidating  
Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

Untimely Filings

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual may appeal the dismissal by seeking review in writing within ten days from the date

**PUBLIC COMPLAINTS**

**GF  
(LOCAL)**

of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

**Costs Incurred**

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

**Complaint and  
Appeal Forms**

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

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

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

**Level One**

Complaint forms must be filed:

1. Within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

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

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

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

Absent extenuating circumstances, the administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other

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

**Level Two**

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

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

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

The Level One record shall include:

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

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

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

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

**Level Three**

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

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

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

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

The Level Two record shall include:

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

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

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

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

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

**PUBLIC COMPLAINTS**

**GF  
(LOCAL)**

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

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

COMMUNITY RELATIONS  
CONDUCT ON SCHOOL PREMISES

GKA  
(LEGAL)

<b>Table of Contents</b>	<b>Applicability of Criminal Laws .....</b>	<b>2</b>
	<b>Trespass .....</b>	<b>2</b>
	<b>Refusal of Entry or Ejection of Unauthorized Persons .....</b>	<b>2</b>
	<b>Vehicles on School Property .....</b>	<b>3</b>
	<b>Disruption of Lawful Assembly .....</b>	<b>3</b>
	Free Speech .....	4
	<b>Disruption of Classes .....</b>	<b>4</b>
	<b>Disruption of Transportation .....</b>	<b>4</b>
	<b>Tobacco and E-Cigarettes .....</b>	<b>5</b>
	Smoking in Buildings .....	5
	<b>Alcohol .....</b>	<b>5</b>
	Intoxicants .....	5
	<b>Fireworks .....</b>	<b>5</b>
	<b>Federal Gun-Free School Zones Act .....</b>	<b>5</b>
	<b>Possession of Weapons .....</b>	<b>7</b>
	“Premises” Defined .....	7
	Excepted Persons .....	7
	Transportation or Storage of Firearm in School Parking Area ....	8
	Volunteer Emergency Services Personnel .....	8
	<b>Exhibition of Firearm .....</b>	<b>9</b>
	<b>Trespass—Concealed Carry of Handgun .....</b>	<b>9</b>
	Notice / Sign—Concealed Carry of Handgun .....	9
	Exception .....	10
	Unauthorized Notice .....	10
	<b>Trespass—Open Carry of Handgun .....</b>	<b>10</b>
	Notice / Sign—Open Carry of Handgun .....	10
	Exception .....	11
	<b>Interscholastic Events .....</b>	<b>11</b>
	<b>Board Meetings .....</b>	<b>11</b>
	<b>Board Authorization .....</b>	<b>12</b>
	<b>Drones .....</b>	<b>12</b>
	Federal Law .....	12
	State Law .....	13

COMMUNITY RELATIONS  
CONDUCT ON SCHOOL PREMISES

GKA  
(LEGAL)

**Applicability of  
Criminal Laws**

The criminal laws of the state apply to the areas under the control and jurisdiction of the board. *Education Code 37.101*

**Trespass**

An unauthorized person who trespasses on the grounds of a school district commits a Class C misdemeanor. *Education Code 37.107*

**Refusal of Entry or  
Ejection of  
Unauthorized  
Persons**

A school administrator, school resource officer, or school district peace officer may refuse to allow persons to enter on or may eject a person from property under the district's control if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting and:
  - a. The administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; and
  - b. The person persists in that behavior.

Identification may be required of any person on property under the district's control.

A district shall maintain a record of each verbal warning issued, including the name of the person to whom the warning was issued and the date of issuance.

At the time a person is refused entry to or ejected from a school district's property, the district shall provide to the person written information explaining the appeal process.

If a parent or guardian of a child enrolled in a school district is refused entry to the district's property, the district shall accommodate the parent or guardian to ensure that the parent or guardian may participate in the child's admission, review, and dismissal committee or in the child's team established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in accordance with federal law.

The term of a person's refusal of entry to or ejection from a school district's property under this section may not exceed two years.

A district shall post on the district's website and each district campus shall post on any campus website a notice regarding these provisions, including the appeal process.

The board shall adopt a policy that uses the district's existing grievance process [see FNG, GF] to permit a person refused entry to or

COMMUNITY RELATIONS  
CONDUCT ON SCHOOL PREMISES

GKA  
(LEGAL)

ejected from property controlled by the district to appeal such refusal of entry or ejection. The policy must permit a person appealing under this section to address the board in person within 90 days of the commencement of the appeal, unless the appeal is granted before the board considers the appeal.

The board's decision to grant or deny an appeal under this section is final and may only be further appealed under the applicable provisions of Texas Education Code 7.057.

*Education Code 37.105; 19 TAC 103.1207*

**Vehicles on School  
Property**

A board may bar or suspend a person from driving or parking a vehicle on any school property as a result of the person's violation of any rule or regulation promulgated by the board or set forth in Education Code Chapter 37, Subchapter D. [See CLC] *Education Code 37.106*

**Disruption of Lawful  
Assembly**

A person commits a Class B misdemeanor if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of a public school.

Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school;
2. Seizing control of any building or portion of a building to interfere with any administrative, educational, research, or other authorized activity;
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
5. Obstructing or restraining the passage of any person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from the property or campus without the authorization of the administration of the school.

COMMUNITY RELATIONS  
CONDUCT ON SCHOOL PREMISES

GKA  
(LEGAL)

Free Speech

This provision shall not be construed to infringe upon any right of free speech or expression guaranteed by the constitutions of the United States or the state of Texas.

*Education Code 37.123*

**Disruption of  
Classes**

A person, other than a primary or secondary grade student enrolled in the school, commits a Class C misdemeanor if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age.

Disrupting the conduct of classes or other school activities includes:

1. Emitting noise of an intensity that prevents or hinders classroom instruction.
2. Enticing or attempting to entice a student away from a class or other school activity that the student is required to attend.
3. Preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend.
4. Entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or use of loud or profane language, disrupting class activities.

"School property" includes a public school campus or school grounds on which a public school is located, and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

"Public property" includes a street, highway, alley, public park, or sidewalk.

*Education Code 37.124*

**Disruption of  
Transportation**

A person, other than a primary or secondary grade student, commits a Class C misdemeanor if the person intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school, or to or from activities sponsored by a school, on a vehicle owned and/or operated by a district. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. *Education Code 37.126*

COMMUNITY RELATIONS  
CONDUCT ON SCHOOL PREMISES

GKA  
(LEGAL)

**Tobacco and  
E-Cigarettes**

A board shall prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property. School personnel shall enforce these policies on school property. *Education Code 38.006* [See FNCD for the definition of e-cigarette.]

**Smoking in  
Buildings**

A district shall not permit smoking within any indoor facility used for provision of routine or regular kindergarten, elementary, or secondary education or library services to children; or regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of employees who provide such services. *20 U.S.C. 6083; 20 U.S.C. 7183*

*Criminal Penalty*

A person commits an offense if the person is in possession of a burning tobacco product, smokes tobacco, or operates an e-cigarette in a facility of a public school.

*Defense*

It is a defense to prosecution that a district does not have prominently displayed a reasonably sized notice that smoking is prohibited by state law in such place and that an offense is punishable by a fine not to exceed \$500.

*Facilities for  
Extinguishment*

A district shall be equipped with facilities for extinguishment of smoking materials.

*Penal Code 48.01(a)-(c)*

**Alcohol**

A board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. *Education Code 38.007(a)* [See FNCF regarding alcohol-free zones.]

**Intoxicants**

A person commits a Class C misdemeanor if the person possesses an intoxicating beverage for consumption, sale, or distribution while:

1. On the grounds or in a building of a public school; or
2. Entering or inside any enclosure, field, or stadium where any athletic event sponsored or participated in by a public school is being held.

*Education Code 37.122* [See also FNCF]

**Fireworks**

A person may not explode or ignite fireworks within 600 feet of any school unless the person receives authorization in writing from the school. *Occupations Code 2154.251(a)(1)*

**Federal Gun-Free  
School Zones Act**

It is unlawful for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.

“School zone” means in, or on the grounds of, a school; or within a distance of 1,000 feet from the grounds of a school.

This prohibition does not apply to the possession of a firearm:

1. On private property not part of school grounds;
2. If the individual possessing the firearm is licensed to do so by the state, and the law of the state requires that, before an individual obtains such a license, the law enforcement authorities of the state verify that the individual is qualified under law to receive the license;
3. That is not loaded and in a locked container, or a locked firearms rack that is on a motor vehicle;
4. By an individual for use in a program approved by a school in the school zone;
5. By an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;
6. By a law enforcement officer acting in his or her official capacity; or
7. That is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

It is unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm at a place that the person knows is a school zone.

This prohibition does not apply to the discharge of a firearm:

1. On private property not part of school grounds;
2. As part of a program approved by a school in the school zone, by an individual who is participating in the program;
3. By an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or
4. By a law enforcement officer acting in his or her official capacity.

*18 U.S.C. 921(a)(25), .922(q)*

COMMUNITY RELATIONS  
CONDUCT ON SCHOOL PREMISES

GKA  
(LEGAL)

**Possession of  
Weapons**

A person commits a third degree felony if the person knowingly, intentionally, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon [see FNCG]:

1. Onto the physical premises (a building or portion of a building) of a school;
2. Onto any grounds or into a building in which an activity sponsored by a school is being conducted; or
3. On a passenger transportation vehicle of a school.

This offense does not apply if the person is acting pursuant to written regulations or written authorization of a district.

It is not a defense to prosecution that the person possessed a handgun and was licensed to carry a handgun.

*Penal Code 46.03(a)(1), (f)*

A person commits a third degree felony if the person intentionally, knowingly, or recklessly possesses or goes with a location-restricted knife on the premises where a high school sporting event or interscholastic event is taking place, unless the person is a participant in the event and a location-restricted knife is used in the event. [See FNCG] *Penal Code 46.03(a-1)*

**"Premises" Defined**

"Premises," for purposes of this policy, means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *Penal Code 46.035(f)(3)*

**Excepted Persons**

Penal Code 46.03 does not apply to:

1. Peace officers or special investigators regardless of whether engaged in the actual discharge of the officer's or investigator's duties;
2. Parole officers while engaged in the actual discharge of the officer's duties;
3. Community supervision and corrections department officers while engaged in the actual discharge of the officer's duties;
4. An active judicial officer who is licensed to carry a handgun;
5. An honorably retired peace officer or other qualified retired law enforcement officer, as defined by 18 U.S.C. Section 926C, who holds a certificate of proficiency and is carrying a photo identification verifying that the officer qualifies for this exception;

COMMUNITY RELATIONS  
CONDUCT ON SCHOOL PREMISES

GKA  
(LEGAL)

6. The attorney general or a United States attorney, district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a handgun;
7. An assistant United States attorney, assistant attorney general, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun;
8. A bailiff designated by an active judicial officer who is licensed to carry a handgun and engaged in escorting the judicial officer;
9. A juvenile probation officer who is authorized to carry a firearm; or
10. A person who is volunteer emergency services personnel if the person is carrying a handgun under the authority of Government Code, Chapter 411, Subchapter H; and engaged in providing emergency services.

*Penal Code 46.15(a)*

Transportation or  
Storage of Firearm  
in School Parking  
Area

A district may not prohibit a person who holds a license to carry a handgun under Government Code, Chapter 411, Subchapter H, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district, and may not regulate the manner in which the handgun, firearm, or ammunition is stored in the vehicle, provided that the handgun, firearm, or ammunition is not in plain view.

This does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of Education Code 37.125 or Penal Code 46.03 or 46.035, or other law.

*Education Code 37.0815*

Volunteer  
Emergency  
Services Personnel

A district is not liable in a civil action arising from the discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Government Code, Chapter 411, Subchapter H.

The discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Subchapter H, Chapter 411, Government Code, is outside the course and scope of the individual's duties as volunteer emergency services personnel.

The district does not waive immunity from suit or liability under the Texas Tort Claims Act or any other law.

COMMUNITY RELATIONS  
CONDUCT ON SCHOOL PREMISES

GKA  
(LEGAL)

“Volunteer emergency services personnel” includes a volunteer firefighter, an emergency medical services volunteer as defined by Health and Safety Code 773.003, and any individual who, as a volunteer, provides services for the benefit of the general public during emergency situations. The term does not include a peace officer or reserve law enforcement officer, as those terms are defined by Occupations Code 1701.001, who is performing law enforcement duties.

*Civil Practice & Remedies Code 112.001; Penal Code 46.01(18)*

**Exhibition of Firearm**

A person commits a third degree felony if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally:

1. Exhibits or uses a firearm:
  - a. In or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or
  - b. On a school bus being used to transport children to and from school-sponsored activities;
2. Threatens to exhibit or use a firearm in or on property described above or on a bus and was in possession of or had immediate access to the firearm.

A person commits a Class A misdemeanor if the person threatens to exhibit or use a firearm, but was not in possession of or did not have immediate access to the firearm.

*Education Code 37.125*

**Trespass—  
Concealed Carry of  
Handgun**

A license holder commits an offense if the license holder:

1. Carries a concealed handgun on the property of another without effective consent; and
2. Received notice that entry on the property by a license holder with a concealed handgun was forbidden.

An offense under Penal Code 30.06 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice that entry or remaining on the property with a concealed handgun was forbidden and subsequently failed to depart.

**Notice / Sign—  
Concealed Carry of  
Handgun**

For purposes of Penal Code 30.06, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication” means:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”; or
2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public.

Exception

It is an exception to Penal Code 30.06 that the property on which the license holder carries a concealed handgun is owned or leased by a district and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03 or 46.035.

*Penal Code 30.06* [See also FNCG]

Unauthorized  
Notice

A district may not take any action, including an action consisting of the provision of notice, by a communication described by Penal Code 30.06 or 30.07 that states or implies that a license holder who is carrying a handgun under the authority of Government Code Chapter 411 is prohibited from entering or remaining on a premises or other place owned or leased by the district unless license holders are prohibited from carrying a handgun on the premises or other place by Penal Code 46.03 or 46.035 or other law. *Gov’t Code 411.209*

**Trespass—Open  
Carry of Handgun**

A holder of a license to openly carry a handgun commits an offense if the license holder:

1. Openly carries a handgun on property of another without effective consent; and
2. Received notice that entry on the property by a license holder openly carrying a handgun was forbidden.

Notice / Sign—  
Open Carry of  
Handgun

For purposes of Penal Code 30.07, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication means”:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.07, Penal Code

COMMUNITY RELATIONS  
CONDUCT ON SCHOOL PREMISES

GKA  
(LEGAL)

(trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly"; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

An offense under Penal Code 30.07 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice by oral communication that entry or remaining on the property with an openly carried handgun was forbidden and subsequently failed to depart.

**Exception**

It is an exception to Penal Code 30.07 that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03 or 46.035.

*Penal Code 30.07*

**Interscholastic Events**

Unless authorized by law, a license holder commits a Class A misdemeanor if the license holder intentionally, knowingly, or recklessly carries a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place.

Penal Code 46.035(b)(2) does not apply if the license holder is a participant in the event and a handgun is used in the event.

*Penal Code 46.035(b)(2)*

**Board Meetings**

Unless authorized by law, a license holder commits a Class A misdemeanor if the license holder intentionally, knowingly, or recklessly carries a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of the board is held and if the meeting is an open meeting under the Open Meetings Act.

Penal Code 46.035(c) does not apply unless the license holder was given effective notice under Penal Code 30.06 or 30.07 [see Notice/Sign—Concealed Carry of Handgun and Notice/Sign—Open Carry of Handgun, above].

*Penal Code 46.035(c), (i)*

ATIONS  
SCHOOL PREMISES

GKA  
(LEGAL)

GKA  
(LEGAL)

It is lawful to capture an image using an unmanned aircraft in this state for the reasons listed in Government Code 423.002, including:

1. With the consent of the individual who owns or lawfully occupies the real property captured in the image; or
2. From a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception.

*Gov't Code 423.002(a)*

under Penal Meetings, pursuant to a Gen. Op. GA-AL]

airspace of the craft weighing that is on

ins a small un-ling communi-all unmanned operation of the stem.

of civil small Part 107. Part

F.R. Part 101; or elects to con-9 U.S.C. 44807,

without specific Aviation Admin-following limita-

poses.

within the pro-'s set of safety with the FAA.

ght of the person ocated and in di-

.at u  
craft

not interfere

**Please . . .**

**distribute this packet (executive summaries  
of Localized Update 115) to your board.**





# *Information Only*

## **Consent Agenda Item: 4.B.1**

**Meeting Date: October 27, 2020**

**Submitted By: David Bright, Assistant Supt. for Finance & Operations**

<b>Business and Support Services</b>	Review of Monthly Financial Reports for Month of August 2020.
<b>Summary</b>	<p>Although there is no statutory or policy requirement for the Board to do so, reviewing the Monthly Financial Report is a good practice for the Board to follow in overseeing the management of the District.</p> <p>The report provides the Board with a current comparison of actual revenue and expenditures to the budget adopted for the General Fund.</p> <p>The Tax Collections Report provides the Board with the District's current tax collections for the fiscal year.</p> <p>The Cash Flow Report provides the Board with both a historical and current perspective of the District's monthly cash flow.</p>
<b>ECISD Board Policy</b>	None.
<b>Effective Date</b>	August 31, 2020
<b>Previous Board Action</b>	Approval of 2019-2020 General Operating Budget on August 27, 2019.
<b>Future Action Expected</b>	The Board will review the monthly financial statements at each regular monthly board meeting.
<b>Background Information and Significant Issues</b>	<p>The unaudited fund balance in the General Fund (Fund 199 only) on August 31, 2019 was \$8,649,964, which is 25.76% of the approved General Fund operating expenditures (as defined in the AEIS Report) of \$33,584,123.</p> <p>Fund balance designated for replacement of artificial turf at Ricebird Stadium is \$150,000, leaving an undesignated fund balance of \$8,499,964; or 25.34% of the approved General Fund operating expenditures (as defined in the AEIS Report).</p>

**Fiscal Impact** None.

**Student and Public Benefit** Closely monitoring actual revenue and expenditures as compared to the adopted budget each month helps to ensure the efficient use of public funds.

**Procedural and Reporting Implications** None.

**Public Comments** None.

**Alternatives** None.

**Other Comments and Related Issues** **Financial Report.** In the General Operating Fund, we have received 97.75% of our amended revenue projections; and expended 95.66% of our amended expenditure estimates.

Compared to the same time last year, our revenue increased by \$2,715,755 and our expenditures increased by \$2,369,222.

	2015-2016		2016-2017		2017-2018		2018-2019		2019-2020	
	Rev	Exp	Rev	Exp	Rev	Exp	Rev	Exp	Rev	Exp
<b>Sep</b>	9.16%	13.52%	9.52%	12.19%	10.17%	12.97%	10.71%	11.82%	11.48%	12.51%
<b>Oct</b>	17.27%	21.34%	17.85%	20.11%	19.45%	20.95%	20.45%	18.94%	21.76%	19.51%
<b>Nov</b>	22.80%	28.98%	27.59%	28.12%	28.89%	27.56%	31.14%	27.01%	30.13%	26.27%
<b>Dec</b>	39.16%	35.12%	41.32%	34.35%	41.90%	33.49%	44.04%	33.33%	43.81%	33.89%
<b>Jan</b>	59.00%	42.07%	58.41%	41.42%	59.09%	40.75%	62.84%	39.50%	59.77%	40.59%
<b>Feb</b>	65.53%	49.94%	65.27%	50.86%	65.17%	48.31%	68.87%	48.64%	66.22%	49.16%
<b>Mar</b>	67.50%	56.42%	67.46%	57.88%	67.29%	54.67%	71.28%	56.61%	68.06%	55.71%
<b>Apr</b>	72.22%	64.06%	72.39%	65.38%	72.22%	61.22%	76.61%	63.10%	72.80%	62.19%
<b>May</b>	77.76%	72.65%	76.21%	72.04%	76.12%	68.27%	80.77%	69.97%	76.68%	68.65%
<b>Jun</b>	82.90%	79.64%	81.90%	78.37%	81.98%	74.00%	88.34%	76.32%	82.62%	75.67%
<b>Jul</b>	88.57%	85.51%	84.87%	81.71%	88.73%	80.73%	95.33%	83.60%	86.83%	79.07%
<b>Aug</b>	101.01%	99.54%	100.85%	97.42%	100.85%	97.42%	100.78%	99.12%	97.75%	95.66%

**Tax Collection Report.** Our 2019-20 beginning tax levy of \$15,041,843 has been adjusted by -\$57,565 giving us a new adjusted levy of \$14,984,278 and we have currently collected \$14,606,931 which amounts to 97.48% of the adjusted levy. This leaves an uncollected balance of \$377,347.

Delinquent collections YTD are \$227,483 plus \$210,074 in penalty and interest.

	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
<b>Oct</b>	0.23%	0.00%	0.12%	0.28%	0.23%	0.17%

<b>Nov</b>	7.96%	1.76%	8.01%	8.48%	12.27%	7.10%
<b>Dec</b>	36.39%	38.01%	38.96%	38.26%	39.13%	39.24%
<b>Jan</b>	79.99%	81.34%	78.42%	79.61%	81.05%	78.42%
<b>Feb</b>	94.03%	94.03%	91.96%	92.41%	92.28%	92.22%
<b>Mar</b>	95.49%	95.25%	93.39%	93.94%	93.90%	93.97%
<b>Apr</b>	96.39%	95.99%	94.03%	94.97%	95.03%	94.58%
<b>May</b>	96.91%	96.69%	95.38%	96.06%	96.21%	95.55%
<b>Jun</b>	97.58%	97.59%	96.01%	96.62%	96.71%	96.27%
<b>Jul</b>	97.86%	98.00%	96.53%	97.23%	97.30%	97.11%
<b>Aug</b>	98.21%	98.06%	96.79%	97.49%	97.53%	97.48%
<b>Sep</b>	98.28%	98.13%	96.98%	97.60%	97.73%	

**Cash Flow Report.** The following spreadsheet shows the actual cash flow compared to the projected (historical) cash flow for the month.

Fiscal Year	Month			Year-to-Date		
	2018-2019	2019-2020	Difference	2018-2019	2019-2020	Difference
<b>Revenue</b>	\$2,397,544	\$4,474,728	\$2,077,184	\$35,886,546	\$38,516,306	\$2,629,760
<b>Expenditures</b>	\$6,613,268	\$8,404,207	\$1,790,939	\$36,243,526	\$36,580,450	\$336,924
<b>Balance</b>	(\$4,215,724)	(\$3,929,479)	\$286,245	(\$356,980)	\$1,935,856	\$2,292,836

**Attachments**

- Monthly Financial Report – as of August 31, 2020
- Tax Collection Recap 2019-2020
- Cash Flow Report 2019-2020

**Submitted by:**

David Bright, Assistant Superintendent of Finance and Operations

**Recommendation:**

This is an information report only.

**Bob Callaghan, Superintendent of Schools**

199	GENERAL FUND	Actual Sep-19	Actual Oct-19	Actual Nov-19	Actual Dec-19	Actual Jan-20	Actual Feb-20	Actual Mar-20	Actual Apr-20	Actual May-20	Actual Jun-20	Actual Jul-20	Actual Aug-19	Actual Aug-20	2018-19 Totals	
<b>REVENUE:</b>																
<b>5700</b>	<b>Local Revenue:</b>															
5711	Taxes Current Year	26,569	24,224	987,432	4,575,528	5,574,034	1,962,144	237,475	84,500	140,510	102,371	118,020	32,439	48,561	13,914,813	
5712	Taxes Prior Years	4,599	30,448	13,043	8,511	22,632	19,532	29,018	14,026	22,834	15,103	23,700	11,144	18,868	275,374	
5717	Excess Tax Proceeds	0	0	783	0	0	32,827	0	0	0	0	0	0	0	13,174	
5719	Pen, Int, & Other	9,923	8,124	8,107	11,307	12,288	25,978	34,407	13,464	22,237	20,991	27,304	10,686	15,997	230,739	
5730	Tuition and Fees	5,780	5,200	6,040	5,160	5,660	5,860	5,080	-320	0	0	2,745	1,040	-900	68,905	
5740	Other Local Sources	21,581	20,125	16,761	102,097	22,220	22,194	18,143	13,237	131,064	28,102	49,616	59,357	103,303	395,245	
5750	Co/Curr Activities	23,200	27,649	14,261	1,827	9,093	5,102	653	1,396	0	0	0	18,205	3,897	119,399	
5760	Other Sources	0	0	0	0	0	0	0	0	0	0	0	90	0	1,080	
	<b>Total Local Rev:</b>	<b>91,651</b>	<b>115,770</b>	<b>1,046,427</b>	<b>4,704,429</b>	<b>5,645,927</b>	<b>2,073,636</b>	<b>324,775</b>	<b>126,303</b>	<b>316,645</b>	<b>166,568</b>	<b>221,385</b>	<b>132,961</b>	<b>189,726</b>	<b>15,018,730</b>	
<b>5800</b>	<b>State Revenue:</b>															
5811	Available School Fund	0	137,822	52,266	101,883	30,415	30,415	53,272	52,936	103,861	103,861	145,353	196,060	263,143	1,631,888	
5812	Foundation Entitlement	4,216,721	3,450,673	1,814,994	0	0	0	0	1,402,307	908,887	1,821,751	2,242,394	1,465,230	1,526,267	14,101,254	
5812	Founda Ent-Prior Yr	0	0	0	0	0	0	0	0	0	0	30,450	0	730,293	281,860	
5819	Foundation Rev-Other	38,957	0	0	0	0	0	0	0	0	0	0	205,795	0	205,795	
5820	Misc State Program Rev	0	0	0	0	0	0	11,714	0	0	0	0	3,700	17,553	3,700	
5831	TRS On-Behalf	130,372	130,371	129,667	135,583	134,214	135,290	134,016	133,524	137,032	138,778	131,743	198,524	301,308	1,434,024	
	<b>Total State Rev:</b>	<b>4,386,050</b>	<b>3,718,866</b>	<b>1,996,927</b>	<b>237,466</b>	<b>164,629</b>	<b>165,705</b>	<b>199,002</b>	<b>1,588,767</b>	<b>1,149,780</b>	<b>2,064,390</b>	<b>2,549,940</b>	<b>2,069,309</b>	<b>2,838,564</b>	<b>17,658,521</b>	
<b>5900</b>	<b>Federal Revenue:</b>															
5930	Federal	69	2,183	4,933	54,116	39,964	1,658	0	78,171	2,664	24,356	8,419	13,812	40,600	769,655	
	<b>Total Federal Rev:</b>	<b>69</b>	<b>2,183</b>	<b>4,933</b>	<b>54,116</b>	<b>39,964</b>	<b>1,658</b>	<b>0</b>	<b>78,171</b>	<b>2,664</b>	<b>24,356</b>	<b>8,419</b>	<b>13,812</b>	<b>40,600</b>	<b>769,655</b>	
<b>7900</b>	<b>Other Res/Non-Oper</b>															
	Other Res/Non-Oper	0	0	0	0	0	0	0	0	0	59,578	0	0	0	0	
	<b>Total Other Res:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>59,578</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
	<b>Total Revenue:</b>	<b>4,477,770</b>	<b>3,836,819</b>	<b>3,048,287</b>	<b>4,996,012</b>	<b>5,850,520</b>	<b>2,241,000</b>	<b>523,777</b>	<b>1,793,241</b>	<b>1,469,089</b>	<b>2,314,892</b>	<b>2,779,744</b>	<b>2,216,082</b>	<b>3,068,890</b>	<b>33,446,906</b>	
<b>EXPENDITURES:</b>																
<b>6000</b>	<b>Expenditures:</b>															
6100	Payroll Costs	738,411	2,041,053	2,072,958	2,087,954	2,050,398	2,070,231	2,069,038	2,004,066	2,046,949	2,082,049	1,979,181	3,502,814	3,450,341	22,752,454	
6200	Contracted Services	306,073	321,306	337,321	439,506	185,179	585,276	204,796	295,574	329,825	337,007	262,855	611,368	543,781	4,092,866	
6300	Supplies & Materials	162,416	324,274	85,848	118,115	189,032	185,979	109,645	125,534	133,668	84,518	111,075	351,049	371,471	1,816,826	
6400	Other Operating	389,432	59,676	36,816	200,448	38,341	212,744	12,404	6,470	186,717	48,784	231,665	20,107	71,892	1,668,979	
6500	Debt Services	750	0	0	0	0	198,075	0	0	0	0	0	28,075	25,950	229,025	
6600	Capital Outlay	5,061	46,890	0	7,863	11,937	87,710	510,795	0	43,545	0	174,129	189,652	709,850	1,220,153	
8900	Other Uses/Non Operating	0	0	0	0	0	0	0	0	0	0	0	0	1,316,506	1,451,578	
	<b>Total Expenditures:</b>	<b>1,602,143</b>	<b>2,793,200</b>	<b>2,532,943</b>	<b>2,853,886</b>	<b>2,474,889</b>	<b>3,340,015</b>	<b>2,906,677</b>	<b>2,431,644</b>	<b>2,740,703</b>	<b>2,552,359</b>	<b>2,758,905</b>	<b>4,703,065</b>	<b>6,489,791</b>	<b>33,231,881</b>	
<b>ENDING BALANCE</b>		<b>2,875,627</b>	<b>1,043,619</b>	<b>515,344</b>	<b>2,142,126</b>	<b>3,375,631</b>	<b>-1,099,016</b>	<b>-2,382,900</b>	<b>-638,403</b>	<b>-1,271,614</b>	<b>-237,466</b>	<b>20,839</b>	<b>-2,486,984</b>	<b>-3,420,901</b>		
<b>GF FB as of 8/31/19</b>		<b>8,649,964</b>														
		11,525,591	12,569,211	13,084,554	15,226,680	18,602,311	17,503,295	15,120,396	14,481,993	13,210,378	12,972,912	12,993,751	8,649,965	9,572,851		

240	FOOD SERVICE	Actual Sep-19	Actual Oct-19	Actual Nov-19	Actual Dec-19	Actual Jan-20	Actual Feb-20	Actual Mar-20	Actual Apr-20	Actual May-20	Actual Jun-20	Actual Jul-20	Actual Aug-19	Actual Aug-20	2018-19 Totals
<b>REVENUE:</b>															
<b>5700</b>	<b>Local Revenue:</b>														
5740	Earnings from Temp Dep	0	0	1,400	0	0	1,606	0	0	1,740	0	0	754	968	2,898
<b>Total Local Ren:</b>		49,227	55,000	39,878	33,160	44,272	49,046	18,412	392	1,741	808	26	55,542	10,744	418,573
<b>5800</b>	<b>State Revenue</b>														
5829	Misc St Program Rev.	0	0	0	0	0	0	0	9,461	0	0	0	0	0	9,987
5831	TRS On-Behalf Benefit	0	0	0	0	0	0	0	0	0	0	0	1,983	0	1,983
<b>Total State Rev:</b>		0	0	0	0	0	0	0	9,461	0	0	0	1,983	0	11,969
<b>5900</b>	<b>Federal Revenue</b>														
5921	School Breakfast	0	38,871	41,471	31,817	27,526	31,728	33,584	16,567	15,132	0	0	22,055	11,956	308,634
5922	National School Lunch	0	128,977	142,284	103,747	91,847	117,413	124,040	42,635	24,073	0	0	79,919	32,559	1,080,648
5923	USDA Donated Com	11,073	11,073	11,073	11,073	11,073	11,073	11,073	11,073	11,073	11,073	11,073	15,586	20,880	140,002
5929	Fed Rev TEA-Sum Feed	0	0	0	0	0	0	0	0	0	21,962	12,426	3,283	8,837	13,969
<b>Total Federal Rev:</b>		11,073	178,921	194,828	146,637	130,446	160,214	168,697	70,275	50,278	33,035	23,499	120,843	74,232	1,543,252
<b>7900</b>	<b>Other Res/Non-Oper:</b>														
7940	Other Res/Non-Oper	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total Other Res:</b>		0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total Revenue:</b>		60,300	233,921	234,706	179,797	174,719	209,260	187,109	80,127	52,019	33,844	23,525	178,367	84,977	1,973,795
<b>EXPENDITURES:</b>															
<b>6000</b>	<b>Expenditures:</b>														
6100	Payroll & Benefits	8,765	61,708	61,755	61,735	60,685	61,726	61,687	57,579	63,094	56,207	68,259	104,727	106,244	667,634
6200	Contracted Services	0	147,553	124,294	115,217	89,692	56,713	3,853	197,312	13,208	16,088	14,594	96,865	45,493	1,110,530
6300	Supplies & Materials	11,461	11,464	11,425	11,227	11,093	11,087	11,082	11,088	13,517	11,086	73,268	19,727	28,962	147,940
6400	Other Operating	0	78	0	167	0	93	0	92	0	0	0	92	0	709
6600	Capital Outlay	0	0	0	0	0	0	0	0	0	0	0	0	0	6,786
<b>Total Expenditures:</b>		20,226	220,803	197,474	188,346	161,469	129,620	76,622	266,071	89,819	83,381	156,121	221,411	180,699	1,933,599
<b>ENDING BALANCE</b>		40,074	53,192	90,424	81,875	95,125	174,765	285,252	99,309	61,509	11,972	-120,624	40,196	-216,347	

511	DEBT SERVICE	Actual Sep-19	Actual Oct-19	Actual Nov-19	Actual Dec-19	Actual Jan-20	Actual Feb-20	Actual Mar-20	Actual Apr-20	Actual May-20	Actual Jun-20	Actual Jul-20	Actual Aug-19	Actual Aug-20	2018-19 Totals
<b>REVENUE:</b>															
5700	<b>Local Revenue:</b>														
5711	Taxes Current Year	863	1,315	53,605	248,391	302,596	106,519	12,892	4,587	7,628	5,557	6,407	1,054	2,636	451,803
5712	Taxes Prior Years	-491	1,334	633	319	877	700	1,701	965	913	666	933	504	726	10,284
5719	Pen, Int, & Other	425	447	391	143	297	1,145	2,228	758	1,149	1,146	1,371	427	796	7,841
5742	Earnings Fm Temp Dep	201	189	178	279	524	500	428	385	391	388	415	1,110	197	8,269
	<b>Total Local Rev:</b>	998	3,285	54,807	249,132	304,294	108,863	17,249	6,695	10,081	7,757	9,126	3,095	4,355	478,196
5800	<b>State Revenue:</b>														
5829	St Rev Dist By TEA	0	0	0	0	0	0	0	0	8,660	0	0	0	0	0
	<b>Total State Rev:</b>	0	0	0	0	0	0	0	0	8,660	0	0	0	0	0
7900	<b>Other Res/Non-Oper:</b>														
7911	Issuance of Bonds	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7916	Issuance of Bonds	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7915	Operating Transfers	0	0	0	0	0	0	0	0	0	0	0	0	1,316,506	1,451,578
	<b>Total Other Res:</b>	0	0	0	0	0	0	0	0	0	0	0	0	1,316,506	1,451,578
	<b>Total Revenue:</b>	998	3,285	54,807	249,132	304,294	108,863	17,249	6,695	18,741	7,757	9,126	3,095	1,320,861	1,929,774
<b>EXPENDITURES:</b>															
6000	<b>Expenditures:</b>														
6500	Debt Service														
6511	Bond Principal	0	0	0	0	0	0	0	0	0	0	0	1,260,000	1,330,000	1,260,000
6521	Interest on Bonds	0	0	0	0	0	403,717	0	0	0	0	0	428,792	403,717	857,584
6599	Other Debt Fees	750	0	750	0	22,782	1,000	450	0	0	0	0	0	0	2,950
8949	Other Uses-Bond Escrow	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	<b>Total Expenditures:</b>	750	0	750	0	22,782	404,717	450	0	0	0	0	1,688,792	1,733,717	2,120,534
	<b>ENDING BALANCE</b>	248	3,533	57,590	306,722	588,234	292,380	309,179	315,874	334,615	342,372	351,498	-190,759	-61,358	
<b>Total Approved Budget</b>															
<b>199, 240, 511</b>															
	<b>TOTAL REVENUE</b>	4,539,069	4,074,025	3,337,800	5,424,941	6,329,533	2,559,123	728,135	1,880,063	1,539,849	2,356,493	2,812,396	2,397,544	4,474,728	37,350,475
	<b>TOTAL EXP</b>	1,623,119	3,014,003	2,731,167	3,042,232	2,659,140	3,874,352	2,983,749	2,697,715	2,830,522	2,635,740	2,915,026	6,613,268	8,404,207	37,286,013
	<b>ENDING BALANCE</b>	2,915,949	3,975,971	4,582,604	6,965,313	10,635,706	9,320,477	7,064,863	6,247,211	4,956,538	4,677,292	4,574,661	64,462	645,182	

**EL CAMPO INDEPENDENT SCHOOL DISTRICT**  
**MONTHLY FINANCIAL REPORT**  
 October 27, 2020

**Comparison of Revenue and Expenditures**  
**to the Budget for the General Operating, Food Service & Debt Service Fund**  
 9-1-19 to 8-31-20

**ESTIMATED REVENUE:**

	<i>Original Budget</i>	<i>Amended Budget</i>	<i>Revenue Realized</i>	<i>Revenue Balance</i>
<i>Local:</i>	\$16,021,409	\$16,101,409	\$16,102,592	\$1,183
<i>State:</i>	\$21,564,380	\$21,603,337	\$21,078,207	(\$525,130)
<i>Federal:</i>	\$1,958,089	\$1,958,089	\$1,499,271	(\$458,818)
<i>Other Resources:</i>	\$0	\$1,316,506	\$1,376,084	\$59,578
<i>Total:</i>	\$39,543,878	\$40,979,341	\$40,056,154	(\$923,187)

**ESTIMATE EXPENDITURES:**

<i>Original Budget</i>	<i>Amended Budget</i>	<i>Expended</i>	<i>Outstanding Encumbrances</i>	<i>Expenditures Year to Date</i>	<i>Balance for Year</i>
\$38,610,371	\$41,198,287	\$39,410,971	\$0	\$39,410,971	\$1,787,316

**COMPARISONS TO AUGUST 31 OF PRIOR YEAR:**

	<i>2018-2019</i>	<i>2019-2020</i>	<i>Increase/ Decrease</i>
<i>Revenues:</i>	\$37,340,399	\$40,056,154	\$2,715,755
<i>Expenditures:</i>	\$37,041,749	\$39,410,971	\$2,369,222
<i>Cash Position:</i>	\$12,207,293	\$12,520,806	\$313,513
<b>PRIOR MONTH CASH POSITION as of 7/31/20:</b>		\$14,573,316	

<b>GENERAL FUND - FUND BALANCE</b>	<b>GENERAL OPERATING</b>	<b>FUND BALANCE</b>	<b>% of OPERATING</b>
GENERAL FUND - FUND BALANCE as of 8-31-17:	\$28,363,926	\$7,424,287	26.18%
GENERAL FUND - FUND BALANCE as of 8-31-18:	\$29,567,038	\$8,434,939	28.53%
GENERAL FUND - FUND BALANCE as of 8-31-19:	\$33,584,123	\$8,649,964	25.76%

**BUDGET AMENDMENTS:**

Funds for Food Service Furniture-Fund 240	\$56,000
Funds to budget Early Education Allotment	\$345,484
Funds to budget Dyslexia Allotment	\$62,879
Funds to budget the College, Career, & Military Readiness (CCMR) Allotment	\$45,000
Funds to purchase a new bus	\$19,706
Funds to cover cost overruns for the High School A/C	\$11,584
Funds for 5 new buses	\$500,215
Funds for replacement roof for the High School Cafeteria	\$43,545

NOTE: Cash Position includes Local, State, and Federal Funds. Does not include Capital Projects.

**TAX COLLECTION RECAP  
2019-20**

Reporting Period	Beginning Levy	Adjustments	Adjusted Levy	Current Tax Year Collections	% Collected	% Collected Prior Year	Delinquent Collections	Penalty & Interest	Total Collections	Current Tax Year Uncollected
<b>Monthly Recap</b>										
Oct-19	\$15,041,843	-\$20,621	\$15,021,222	25,539	0.17%	0.23%	\$31,782	\$8,571	\$65,892	
Nov-19	\$15,041,843	-\$26,420	\$15,015,423	1,041,037	6.93%	12.04%	\$13,677	\$8,498	\$1,063,211	
Dec-19	\$15,041,843	-\$30,659	\$15,011,184	4,823,918	32.14%	26.85%	\$8,831	\$11,449	\$4,844,198	
Jan-20	\$15,041,843	-\$36,378	\$15,005,465	5,876,629	39.16%	41.87%	\$23,510	\$12,585	\$5,912,725	
Feb-20	\$15,041,843	-\$39,257	\$15,002,586	2,068,663	13.79%	11.21%	\$20,232	\$27,122	\$2,116,017	
Mar-20	\$15,041,843	-\$52,192	\$14,989,651	250,366	1.67%	1.62%	\$30,719	\$36,635	\$317,720	
Apr-20	\$15,041,843	-\$53,735	\$14,988,108	89,087	0.59%	1.11%	\$14,991	\$14,222	\$118,300	
May-20	\$15,041,843	-\$52,072	\$14,989,771	148,137	0.99%	1.15%	\$23,746	\$23,386	\$195,270	
June-20	\$15,041,843	-\$52,072	\$14,989,771	107,928	0.72%	0.48%	\$15,769	\$22,137	\$145,834	
July-20	\$15,041,843	-\$53,529	\$14,988,314	124,427	0.83%	0.59%	\$24,633	\$28,676	\$177,736	
Aug-20	\$15,041,843	-\$57,565	\$14,984,278	51,197	0.34%	0.23%	\$19,594	\$16,793	\$87,584	
<b>Year To Date</b>				<b>14,606,931</b>	<b>97.48%</b>	<b>97.53%</b>	<b>227,483</b>	<b>210,074</b>	<b>\$15,044,488</b>	<b>\$377,347</b>

# Information Only

## Consent Agenda Item: 4.B.2

Meeting Date: October 27, 2020

Submitted By: David Bright, Assistant Supt. for Finance & Operations

<b>Business and Support Services</b>	Review of Monthly Financial Reports for Month of September 2020.
<b>Summary</b>	<p>Although there is no statutory or policy requirement for the Board to do so, reviewing the Monthly Financial Report is a good practice for the Board to follow in overseeing the management of the District.</p> <p>The report provides the Board with a current comparison of actual revenue and expenditures to the budget adopted for the General Fund.</p> <p>The Tax Collections Report provides the Board with the District's current tax collections for the fiscal year.</p> <p>The Cash Flow Report provides the Board with both a historical and current perspective of the District's monthly cash flow.</p>
<b>ECISD Board Policy</b>	None.
<b>Effective Date</b>	September 30, 2020
<b>Previous Board Action</b>	Approval of 2020-2021 General Operating Budget on August 25, 2020.
<b>Future Action Expected</b>	The Board will review the monthly financial statements at each regular monthly board meeting.
<b>Background Information and Significant Issues</b>	<p>The unaudited fund balance in the General Fund (Fund 199 only) on August 31, 2020 was \$9,572,851, which is 27.87% of the approved General Fund operating expenditures (as defined in the AEIS Report) of \$34,346,040.</p> <p>Fund balance designated for replacement of artificial turf at Ricebird Stadium is \$200,000, leaving an undesignated fund balance of \$9,372,851; or 27.29% of the approved General Fund operating expenditures (as defined in the AEIS Report).</p>

**Fiscal Impact** None.

**Student and Public Benefit** Closely monitoring actual revenue and expenditures as compared to the adopted budget each month helps to ensure the efficient use of public funds.

**Procedural and Reporting Implications** None.

**Public Comments** None.

**Alternatives** None.

**Other Comments and Related Issues** **Financial Report.** In the General Operating Fund, we have received 13.32% of our amended revenue projections; and expended 12.08% of our amended expenditure estimates.  
Compared to the same time last year, our revenue increased by \$771,234 and our expenditures decreased by \$103,387.

	2016-2017		2017-2018		2018-2019		2019-2020		2020-2021	
	Rev	Exp	Rev	Exp	Rev	Exp	Rev	Exp	Rev	Exp
<b>Sep</b>	9.52%	12.19%	10.17%	12.97%	10.71%	11.82%	11.48%	12.51%	13.32%	12.08%
<b>Oct</b>	17.85%	20.11%	19.45%	20.95%	20.45%	18.94%	21.76%	19.51%		
<b>Nov</b>	27.59%	28.12%	28.89%	27.56%	31.14%	27.01%	30.13%	26.27%		
<b>Dec</b>	41.32%	34.35%	41.90%	33.49%	44.04%	33.33%	43.81%	33.89%		
<b>Jan</b>	58.41%	41.42%	59.09%	40.75%	62.84%	39.50%	59.77%	40.59%		
<b>Feb</b>	65.27%	50.86%	65.17%	48.31%	68.87%	48.64%	66.22%	49.16%		
<b>Mar</b>	67.46%	57.88%	67.29%	54.67%	71.28%	56.61%	68.06%	55.71%		
<b>Apr</b>	72.39%	65.38%	72.22%	61.22%	76.61%	63.10%	72.80%	62.19%		
<b>May</b>	76.21%	72.04%	76.12%	68.27%	80.77%	69.97%	76.68%	68.65%		
<b>Jun</b>	81.90%	78.37%	81.98%	74.00%	88.34%	76.32%	82.62%	75.67%		
<b>Jul</b>	84.87%	81.71%	88.73%	80.73%	95.33%	83.60%	86.83%	79.07%		
<b>Aug</b>	100.85%	97.42%	100.85%	97.42%	100.78%	99.12%	97.75%	95.66%		

**Tax Collection Report.** Our 2019-20 beginning tax levy of \$15,041,843 has been adjusted by -\$57,683 giving us a new adjusted levy of \$14,984,160 and we have currently collected \$14,626,179 which amounts to 97.61% of the adjusted levy. This leaves an uncollected balance of \$357,980.

Delinquent collections YTD are \$242,167 plus \$222,079 in penalty and interest.

	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
--	-----------	-----------	-----------	-----------	-----------	-----------

<b>Oct</b>	0.23%	0.00%	0.12%	0.28%	0.23%	0.17%
<b>Nov</b>	7.96%	1.76%	8.01%	8.48%	12.27%	7.10%
<b>Dec</b>	36.39%	38.01%	38.96%	38.26%	39.13%	39.24%
<b>Jan</b>	79.99%	81.34%	78.42%	79.61%	81.05%	78.42%
<b>Feb</b>	94.03%	94.03%	91.96%	92.41%	92.28%	92.22%
<b>Mar</b>	95.49%	95.25%	93.39%	93.94%	93.90%	93.97%
<b>Apr</b>	96.39%	95.99%	94.03%	94.97%	95.03%	94.58%
<b>May</b>	96.91%	96.69%	95.38%	96.06%	96.21%	95.55%
<b>Jun</b>	97.58%	97.59%	96.01%	96.62%	96.71%	96.27%
<b>Jul</b>	97.86%	98.00%	96.53%	97.23%	97.30%	97.11%
<b>Aug</b>	98.21%	98.06%	96.79%	97.49%	97.53%	97.48%
<b>Sep</b>	98.28%	98.13%	96.98%	97.60%	97.73%	97.61%

**Cash Flow Report.** The following spreadsheet shows the actual cash flow compared to the projected (historical) cash flow for the month.

Fiscal Year	Month			Year-to-Date		
	2019-2020	2020-2021	Difference	2019-2020	2020-2021	Difference
<b>Revenue</b>	\$4,539,069	\$5,309,439	\$770,370	\$4,539,069	\$5,309,439	\$770,370
<b>Expenditures</b>	\$1,623,119	\$1,976,422	\$353,303	\$1,623,119	\$1,976,422	\$353,303
<b>Balance</b>	\$2,915,950	\$3,333,017	\$417,067	\$2,915,950	\$3,333,017	\$417,067

**Attachments**

- Monthly Financial Report – as of August 31, 2020
- Tax Collection Recap 2019-2020
- Cash Flow Report 2020-2021

**Submitted by:**

David Bright, Assistant Superintendent of Finance and Operations

**Recommendation:**

This is an information report only.

**Bob Callaghan, Superintendent of Schools**

199	GENERAL FUND	Actual Sep-19	Actual Sep-20	Actual Oct-19	Actual Nov-19	Actual Dec-19	Actual Jan-20	Actual Feb-20	Actual Mar-20	Actual Apr-20	Actual May-20	Actual Jun-20	Actual Jul-20	Actual Aug-20	2019-20 Totals
<b>REVENUE:</b>															
<b>5700</b>	<b>Local Revenue:</b>														
5711	Taxes Current Year	26,569	18,257	24,224	987,432	4,575,528	5,574,034	1,962,144	237,475	84,500	140,510	102,371	118,020	48,561	13,881,368
5712	Taxes Prior Years	4,599	14,027	30,448	13,043	8,511	22,632	19,532	29,018	14,026	22,834	15,103	23,700	18,868	222,315
5717	Excess Tax Proceeds	0	0	0	783	0	0	32,827	0	0	0	0	0	0	33,609
5719	Pen, Int, & Other	9,923	11,353	8,124	8,107	11,307	12,288	25,978	34,407	13,464	22,237	20,991	27,304	15,997	210,127
5730	Tuition and Fees	5,780	3,960	5,200	6,040	5,160	5,660	5,860	5,080	-320	0	0	2,745	-900	40,305
5740	Other Local Sources	21,581	10,059	20,125	16,761	102,097	22,220	22,194	18,143	13,237	131,064	28,102	49,616	103,303	548,442
5750	Co/Curr Activities	23,200	31,839	27,649	14,261	1,827	9,093	5,102	653	1,396	0	0	0	3,897	87,078
5760	Other Sources	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	<b>Total Local Rev:</b>	91,651	89,494	115,770	1,046,427	4,704,429	5,645,927	2,073,636	324,775	126,303	316,645	166,568	221,385	189,726	15,023,243
<b>5800</b>	<b>State Revenue:</b>														
5811	Available School Fund	0	52,687	137,822	52,266	101,883	30,415	30,415	53,272	52,936	103,861	103,861	145,353	263,143	1,075,227
5812	Foundation Entitlement	4,216,721	3,870,873	3,450,673	1,814,994	0	0	0	0	1,402,307	908,887	1,821,751	2,242,394	1,526,267	17,383,994
5812	Founda Ent-Prior Yr	0	1,109,607	0	0	0	0	0	0	0	0	0	30,450	730,293	760,743
5819	Foundation Rev-Other	38,957	0	0	0	0	0	0	0	0	0	0	0	0	38,957
5820	Misc State Program Rev	0	0	0	0	0	0	0	11,714	0	0	0	0	17,553	29,267
5830	TRS On-Behalf	130,372	151,479	130,371	129,667	135,583	134,214	135,290	134,016	133,524	137,032	138,778	131,743	301,308	1,771,898
	<b>Total State Rev:</b>	4,386,050	5,184,646	3,718,866	1,996,927	237,466	164,629	165,705	199,002	1,588,767	1,149,780	2,064,390	2,549,940	2,838,564	21,060,086
<b>5900</b>	<b>Federal Revenue:</b>														
5930	Federal	69	3,224	2,183	4,933	54,116	39,964	1,658	0	78,171	2,664	24,356	8,419	40,599	257,133
	<b>Total Federal Rev:</b>	69	3,224	2,183	4,933	54,116	39,964	1,658	0	78,171	2,664	24,356	8,419	40,599	257,133
<b>7900</b>	<b>Other Res/Non-Oper</b>														
	Other Res/Non-Oper	0	0	0	0	0	0	0	0	0	0	59,578	0	0	59,578
	<b>Total Other Res:</b>	0	0	0	0	0	0	0	0	0	0	59,578	0	0	59,578
	<b>Total Revenue:</b>	4,477,770	5,277,364	3,836,819	3,048,287	4,996,012	5,850,520	2,241,000	523,777	1,793,241	1,469,089	2,314,892	2,779,744	3,068,889	36,400,040
<b>EXPENDITURES:</b>															
<b>6000</b>	<b>Expenditures:</b>														
6100	Payroll Costs	738,411	842,110	2,041,053	2,072,958	2,087,954	2,050,398	2,070,231	2,069,038	2,004,066	2,046,949	2,082,049	1,979,181	3,450,341	24,692,629
6200	Contracted Services	306,073	355,453	321,306	337,321	439,506	185,179	585,276	204,796	295,574	329,825	337,007	262,855	543,781	4,148,501
6300	Supplies & Materials	162,416	82,074	324,274	85,848	118,115	189,032	185,979	109,645	125,534	133,668	84,518	111,075	371,471	2,001,575
6400	Other Operating	389,432	616,981	59,676	36,816	200,448	38,341	212,744	12,404	6,470	186,717	48,784	231,665	71,892	1,495,390
6500	Debt Services	750	750	0	0	0	0	198,075	0	0	0	0	0	25,950	224,775
6600	Capital Outlay	5,061	47,450	46,890	0	7,863	11,937	87,710	510,795	0	43,545	0	174,129	709,850	1,597,779
8900	Other Uses/Non Operating	0	0	0	0	0	0	0	0	0	0	0	0	1,316,506	1,316,506
	<b>Total Expenditures:</b>	1,602,143	1,944,817	2,793,200	2,532,943	2,853,886	2,474,889	3,340,015	2,906,677	2,431,644	2,740,703	2,552,359	2,758,905	6,489,791	35,477,155
<b>ENDING BALANCE</b>		2,875,627	3,332,547	1,043,619	515,344	2,142,126	3,375,631	-1,099,016	-2,382,900	-638,403	-1,271,614	-237,466	20,839	-3,420,902	
<b>GF FB as of 8/31/20</b>		9,572,850													
		11,525,591	12,905,397	13,949,016	14,464,360	16,606,485	19,982,117	18,883,101	16,500,202	15,861,798	14,590,184	14,352,718	14,373,557	10,952,655	

240	FOOD SERVICE	Actual Sep-19	Actual Sep-20	Actual Oct-19	Actual Nov-19	Actual Dec-19	Actual Jan-20	Actual Feb-20	Actual Mar-20	Actual Apr-20	Actual May-20	Actual Jun-20	Actual Jul-20	Actual Aug-20	2019-20 Totals
<b>REVENUE:</b>															
<b>5700</b>	<b>Local Revenue:</b>														
5740	Earnings from Temp Dep	0	0	0	1,400	0	0	1,606	0	0	1,740	0	0	968	5,714
5750	Lunch	36,330	13,258	39,021	29,347	24,979	32,101	35,921	10,557	-98	1	0	0	6,332	214,490
5750	Breakfast	3,199	867	2,921	2,029	1,759	2,421	2,531	600	0	0	0	0	318	15,779
5750	A La Carte	9,698	3,035	10,223	7,103	6,157	8,474	8,858	2,100	0	0	0	0	1,114	53,727
5750	Catering/Vending	0	1,106	2,835	0	265	1,276	130	5,156	490	0	0	808	2,012	12,972
5750	Summer Food Service	0	0	0	0	0	0	0	0	0	0	808	-782	0	26
	<b>Total Local Ren:</b>	<b>49,227</b>	<b>18,266</b>	<b>55,000</b>	<b>39,878</b>	<b>33,160</b>	<b>44,272</b>	<b>49,046</b>	<b>18,412</b>	<b>392</b>	<b>1,741</b>	<b>808</b>	<b>26</b>	<b>10,744</b>	<b>302,708</b>
<b>5800</b>	<b>State Revenue</b>														
5829	Misc St Program Rev.	0	0	0	0	0	0	0	0	9,461	0	0	0	0	9,461
5831	TRS On-Behalf Benefit	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	<b>Total State Rev:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9,461</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9,461</b>
<b>5900</b>	<b>Federal Revenue</b>														
5921	School Breakfast	0	0	38,871	41,471	31,817	27,526	31,728	33,584	16,567	15,132	0	0	11,956	248,652
5922	National School Lunch	0	0	128,977	142,284	103,747	91,847	117,413	124,040	42,635	24,073	0	0	32,559	807,575
5923	USDA Donated Com	11,073	11,483	11,073	11,073	11,073	11,073	11,073	11,073	11,073	11,073	11,073	11,073	20,880	142,684
5929	Fed Rev TEA-Sum Feed	0	0	0	0	0	0	0	0	0	0	21,962	12,426	8,837	43,225
	<b>Total Federal Rev:</b>	<b>11,073</b>	<b>11,483</b>	<b>178,921</b>	<b>194,828</b>	<b>146,637</b>	<b>130,446</b>	<b>160,214</b>	<b>168,697</b>	<b>70,275</b>	<b>50,278</b>	<b>33,035</b>	<b>23,499</b>	<b>74,232</b>	<b>1,242,137</b>
<b>7900</b>	<b>Other Res/Non-Oper:</b>														
7940	Other Res/Non-Oper	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	<b>Total Other Res:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>Total Revenue:</b>	<b>60,300</b>	<b>29,749</b>	<b>233,921</b>	<b>234,706</b>	<b>179,797</b>	<b>174,719</b>	<b>209,260</b>	<b>187,109</b>	<b>80,127</b>	<b>52,019</b>	<b>33,844</b>	<b>23,525</b>	<b>84,977</b>	<b>1,554,305</b>
<b>EXPENDITURES:</b>															
<b>6000</b>	<b>Expenditures:</b>														
6100	Payroll & Benefits	8,765	19,385	61,708	61,755	61,735	60,685	61,726	61,687	57,579	63,094	56,207	68,259	106,244	729,446
6200	Contracted Services	0	510	147,553	124,294	115,217	89,692	56,713	3,853	197,312	13,208	16,088	14,594	45,493	824,016
6300	Supplies & Materials	11,461	11,824	11,464	11,425	11,227	11,093	11,087	11,082	11,088	13,517	11,086	73,268	28,962	216,760
6400	Other Operating	0	-864	78	0	167	0	93	0	92	0	0	0	0	430
6600	Capital Outlay	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	<b>Total Expenditures:</b>	<b>20,226</b>	<b>30,855</b>	<b>220,803</b>	<b>197,474</b>	<b>188,346</b>	<b>161,469</b>	<b>129,620</b>	<b>76,622</b>	<b>266,071</b>	<b>89,819</b>	<b>83,381</b>	<b>156,121</b>	<b>180,699</b>	<b>1,770,652</b>
	<b>ENDING BALANCE</b>	<b>40,074</b>	<b>-1,106</b>	<b>12,011</b>	<b>49,244</b>	<b>40,695</b>	<b>53,944</b>	<b>133,585</b>	<b>244,072</b>	<b>58,129</b>	<b>20,329</b>	<b>-29,209</b>	<b>-161,805</b>	<b>-257,527</b>	

511 DEBT SERVICE	Actual Sep-19	Actual Sep-20	Actual Oct-19	Actual Nov-19	Actual Dec-19	Actual Jan-20	Actual Feb-20	Actual Mar-20	Actual Apr-20	Actual May-20	Actual Jun-20	Actual Jul-20	Actual Aug-20	2019-20 Totals
<b>REVENUE:</b>														
<b>5700 Local Revenue:</b>														
5711 Taxes Current Year	863	991	1,315	53,605	248,391	302,596	106,519	12,892	4,587	7,628	5,557	6,407	2,636	752,995
5712 Taxes Prior Years	-491	657	1,334	633	319	877	700	1,701	965	913	666	933	726	9,277
5719 Pen, Int, & Other	425	652	447	391	143	297	1,145	2,228	758	1,149	1,146	1,371	796	10,295
5742 Earnings Fm Temp Dep	201	26	189	178	279	524	500	428	385	391	388	415	197	4,074
<b>Total Local Rev:</b>	<b>998</b>	<b>2,326</b>	<b>3,285</b>	<b>54,807</b>	<b>249,132</b>	<b>304,294</b>	<b>108,863</b>	<b>17,249</b>	<b>6,695</b>	<b>10,081</b>	<b>7,757</b>	<b>9,126</b>	<b>4,355</b>	<b>776,642</b>
<b>5800 State Revenue:</b>														
5829 St Rev Dist By TEA	0	0	0	0	0	0	0	0	0	8,660	0	0	0	8,660
<b>Total State Rev:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8,660</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8,660</b>
<b>7900 Other Res/Non-Oper:</b>														
7911 Issuance of Bonds	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7916 Issuance of Bonds	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7915 Operating Transfers	0	0	0	0	0	0	0	0	0	0	0	0	1,316,506	1,316,506
<b>Total Other Res:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,316,506</b>	<b>1,316,506</b>
<b>Total Revenue:</b>	<b>998</b>	<b>2,326</b>	<b>3,285</b>	<b>54,807</b>	<b>249,132</b>	<b>304,294</b>	<b>108,863</b>	<b>17,249</b>	<b>6,695</b>	<b>18,741</b>	<b>7,757</b>	<b>9,126</b>	<b>1,320,861</b>	<b>2,101,808</b>
<b>EXPENDITURES:</b>														
<b>6000 Expenditures:</b>														
<b>6500 Debt Service</b>														
6511 Bond Principal	0	0	0	0	0	0	0	0	0	0	0	0	1,330,000	1,330,000
6521 Interest on Bonds	0	0	0	0	0	0	403,717	0	0	0	0	0	403,717	807,434
6599 Other Debt Fees	750	750	0	750	0	22,782	1,000	450	0	0	0	0	0	25,732
8949 Other Uses-Bond Escrow	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total Expenditures:</b>	<b>750</b>	<b>750</b>	<b>0</b>	<b>750</b>	<b>0</b>	<b>22,782</b>	<b>404,717</b>	<b>450</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,733,717</b>	<b>2,163,166</b>
<b>ENDING BALANCE</b>	<b>248</b>	<b>1,576</b>	<b>4,861</b>	<b>58,918</b>	<b>308,050</b>	<b>589,562</b>	<b>293,708</b>	<b>310,507</b>	<b>317,202</b>	<b>335,943</b>	<b>343,700</b>	<b>352,826</b>	<b>-60,029</b>	
<b>Total Approved Budget 199, 240, 511</b>														
<b>TOTAL REVENUE</b>	<b>4,539,069</b>	<b>5,309,439</b>	<b>4,074,025</b>	<b>3,337,800</b>	<b>5,424,941</b>	<b>6,329,533</b>	<b>2,559,123</b>	<b>728,135</b>	<b>1,880,063</b>	<b>1,539,849</b>	<b>2,356,493</b>	<b>2,812,396</b>	<b>4,474,727</b>	<b>40,056,154</b>
<b>TOTAL EXP</b>	<b>1,623,119</b>	<b>1,976,422</b>	<b>3,014,003</b>	<b>2,731,167</b>	<b>3,042,232</b>	<b>2,659,140</b>	<b>3,874,352</b>	<b>2,983,749</b>	<b>2,697,715</b>	<b>2,830,522</b>	<b>2,635,740</b>	<b>2,915,026</b>	<b>8,404,207</b>	<b>39,410,972</b>
<b>ENDING BALANCE</b>	<b>2,915,949</b>	<b>3,333,017</b>	<b>4,393,039</b>	<b>4,999,672</b>	<b>7,382,381</b>	<b>11,052,773</b>	<b>9,737,544</b>	<b>7,481,930</b>	<b>6,664,279</b>	<b>5,373,606</b>	<b>5,094,359</b>	<b>4,991,729</b>	<b>1,062,249</b>	

**EL CAMPO INDEPENDENT SCHOOL DISTRICT**  
**MONTHLY FINANCIAL REPORT**  
 October 27, 2020

Comparison of Revenue and Expenditures  
 to the Budget for the General Operating, Food Service & Debt Service Fund  
 9-1-20 to 9-30-20

**ESTIMATED REVENUE:**

	<i>Original Budget</i>	<i>Amended Budget</i>	<i>Revenue Realized</i>	<i>Revenue Balance</i>
<i>Local:</i>	\$16,057,139	\$16,057,139	\$110,086	(\$15,947,053)
<i>State:</i>	\$21,811,927	\$21,825,207	\$5,184,646	(\$16,640,561)
<i>Federal:</i>	\$1,977,166	\$1,977,166	\$14,707	(\$1,962,459)
<i>Other Resources:</i>	\$0	\$0	\$0	\$0
<i>Total:</i>	\$39,846,232	\$39,859,512	\$5,309,440	(\$34,550,072)

**ESTIMATE EXPENDITURES:**

<i>Original Budget</i>	<i>Amended Budget</i>	<i>Expended</i>	<i>Outstanding Encumbrances</i>	<i>Expenditures Year to Date</i>	<i>Balance for Year</i>
\$39,513,100	\$39,616,380	\$1,976,422	\$2,806,562	\$4,782,984	\$34,833,396

**COMPARISONS TO SEPTEMBER 30 OF PRIOR YEAR:**

	<i>2019-2020</i>	<i>2020-2021</i>	<i>Increase/ Decrease</i>
<i>Revenues:</i>	\$4,539,069	\$5,309,440	\$770,371
<i>Expenditures:</i>	\$4,887,235	\$4,782,984	(\$104,251)
<i>Cash Position:</i>	\$13,705,489	\$13,187,590	(\$517,899)
<b>PRIOR MONTH CASH POSITION as of 8/31/20:</b>		\$12,520,806	

<b>GENERAL FUND - FUND BALANCE</b>	<b>GENERAL OPERATING</b>	<b>FUND BALANCE</b>	<b>% of OPERATING</b>	
GENERAL FUND - FUND BALANCE as of 8-31-17:	\$28,363,926	\$7,424,287	26.18%	
GENERAL FUND - FUND BALANCE as of 8-31-18:	\$29,567,038	\$8,434,939	28.53%	
GENERAL FUND - FUND BALANCE as of 8-31-19:	\$33,584,123	\$8,649,964	25.76%	
GENERAL FUND - FUND BALANCE as of 8-31-20:	\$34,346,040	\$9,572,850	27.87%	unaudited

**BUDGET AMENDMENTS:**

Funds for COVID 19 supplies	\$90,000
-----------------------------	----------

NOTE: Cash Position includes Local, State, and Federal Funds. Does not include Capital Projects.

**TAX COLLECTION RECAP  
2019-20**

Reporting Period	Beginning Levy	Adjustments	Adjusted Levy	Current Tax Year Collections	% Collected	% Collected Prior Year	Delinquent Collections	Penalty & Interest	Total Collections	Current Tax Year Uncollected
<b>Monthly Recap</b>										
Oct-19	\$15,041,843	-\$20,621	\$15,021,222	25,539	0.17%	0.23%	\$31,782	\$8,571	\$65,892	
Nov-19	\$15,041,843	-\$26,420	\$15,015,423	1,041,037	6.93%	12.04%	\$13,677	\$8,498	\$1,063,211	
Dec-19	\$15,041,843	-\$30,659	\$15,011,184	4,823,918	32.14%	26.85%	\$8,831	\$11,449	\$4,844,198	
Jan-20	\$15,041,843	-\$36,378	\$15,005,465	5,876,629	39.16%	41.87%	\$23,510	\$12,585	\$5,912,725	
Feb-20	\$15,041,843	-\$39,257	\$15,002,586	2,068,663	13.79%	11.21%	\$20,232	\$27,122	\$2,116,017	
Mar-20	\$15,041,843	-\$52,192	\$14,989,651	250,366	1.67%	1.62%	\$30,719	\$36,635	\$317,720	
Apr-20	\$15,041,843	-\$53,735	\$14,988,108	89,087	0.59%	1.11%	\$14,991	\$14,222	\$118,300	
May-20	\$15,041,843	-\$52,072	\$14,989,771	148,137	0.99%	1.15%	\$23,746	\$23,386	\$195,270	
June-20	\$15,041,843	-\$52,072	\$14,989,771	107,928	0.72%	0.48%	\$15,769	\$22,137	\$145,834	
July-20	\$15,041,843	-\$53,529	\$14,988,314	124,427	0.83%	0.59%	\$24,633	\$28,676	\$177,736	
Aug-20	\$15,041,843	-\$53,529	\$14,988,314	51,197	0.34%	0.23%	\$19,594	\$16,793	\$87,584	
Sept-20	\$15,041,843	-\$57,683	\$14,984,160	19,248	0.13%	0.19%	\$14,684	\$12,005	\$45,937	
<b>Year To Date</b>				<b>14,626,179</b>	<b>97.61%</b>	<b>97.73%</b>	<b>242,167</b>	<b>222,079</b>	<b>\$15,090,425</b>	<b>\$357,980</b>

# ***Information Only***

**Consent Agenda Item: 4.B.3**

**Meeting Date: October 27, 2020**

**Submitted By: David Bright, Assistant Superintendent for Finance and Operations**

**Business and Support Services**

Review of Checks Written – September 2020

**Summary**

Although there is no statutory or policy requirement for the Board to review the bills paid during the previous month, a monthly review providing the Board an opportunity to ask questions regarding specific expenditures is a good practice for the Board to follow in overseeing the management of the District.

It is very helpful to the administration and helps in conducting an effective board meeting if questions are identified and asked prior to the meeting.

These bills have already been paid, and were previously authorized by the Board when you adopted the 2019-2020 General Operating Budget.

**ECISD Board Policy**

None.

**Effective Date**

September 30, 2020

**Previous Board Action**

Approval of 2020-2021 General Operating Budget on August 25, 2020 authorizing the expenditure of funds.

**Future Action Expected**

The Board will review the checks written for the previous month prior to each regular monthly board meeting.

**Background Information and Significant Issues**

None.

**Fiscal Impact**

Historical comparison of monthly check totals:

	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>2019-2020</b>	<b>2020-2021</b>
<b>September</b>	\$1,033,938.71	\$1,031,015.79	\$1,052,671.02	\$1,252,160.22	\$1,430,733.77
<b>October</b>	\$612,795.03	\$615,403.39	\$865,293.51	\$1,056,049.90	
<b>November</b>	\$1,169,787.64	\$1,041,346.73	\$1,015,743.04	\$664,161.80	
<b>December</b>	\$664,688.91	\$862,671.89	\$617,427.10	\$1,046,214.62	
<b>January</b>	\$1,090,651.74	\$887,610.54	\$847,546.49	\$641,404.47	
<b>February</b>	\$1,064,617.04	\$717,930.31	\$845,469.44	\$1,065,827.01	
<b>March</b>	\$713,711.66	\$606,138.91	\$835,179.38	\$894,418.57	
<b>April</b>	\$801,504.57	\$911,663.00	\$798,454.62	\$799,043.32	
<b>May</b>	\$845,031.62	\$795,284.57	\$730,489.82	\$705,674.91	
<b>June</b>	\$741,139.54	\$775,625.86	\$791,598.44	\$569,718.88	
<b>July</b>	\$1,045,946.97	\$433,133.73	\$1,007,717.35	\$724,540.33	
<b>August</b>	\$936,491.89	\$1,277,244.77	\$1,076,206.11	\$2,162,210.77	
<b>Total</b>	<b>\$10,720,305.32</b>	<b>\$9,955,069.49</b>	<b>\$10,483,796.32</b>	<b>\$11,581,424.80</b>	<b>\$1,430,733.77</b>

**Student and Public Benefit** Close monitoring of monthly bills paid and monthly cash flow helps to ensure the efficient use of public funds.

**Procedural and Reporting Implications** None.

**Public Comments** None.

**Alternatives** None.

**Other Comments and Related Issues** None.

**Attachments** List of checks written during the month are available in electronic format and were emailed to each member of the Board.

**Submitted By** David Bright, Assistant Superintendent of Finance and Operations

**Action Required** No action required. This is an information report only.

**Recommendation** Information only.  
**Bob Callaghan, Superintendent of Schools**



## For the Month of September

Check Nbr	Trans Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
		AT&T LONG DISTANCE	004369	805382507-AUG	199-00-2110.01-000-100000	AUGUST LONG DISTANCE CHAR	703.02	N
			004369	805382507-AUG	199-00-2110.01-000-100000	REVERSAL	-703.02	N
						<b>Totals for Vendor 02256</b>	<b>.00</b>	
		VALERIE ROYE COFFMA	900008	AUG 17-25	199-00-2110.01-000-100000	INDISTRICT TRAVEL	129.66	N
			900008	AUG 17-25	199-00-2110.01-000-100000	REVERSAL	-129.66	N
						<b>Totals for Vendor 07471</b>	<b>.00</b>	
		FORECAST5 ANALYTICS	900008	INV13280 (20/21)	199-41-6299.00-720-199000	5SIGHT LICENSE AGREEMENT 20	7,210.00	N
			900008	INV13280 (20/21)	199-41-6299.00-720-199000	REVERSAL	-7,210.00	N
						<b>Totals for Vendor 09248</b>	<b>.00</b>	
		KELSEY JOHNS	000009	EC VS TERRY	199-36-6412.93-001-1910VB	VOLLEYBALL MEALS	396.00	N
			000009	EC VS TERRY	199-36-6412.93-001-1910VB	REVERSAL	-396.00	N
		VISUAL TECHNIQUES, IN	006339	41436	199-11-6397.00-001-111TEC	BIGFOOT PA SYSTEMS	4,149.00	N
			006339	41436	199-11-6397.00-001-111TEC	REVERSAL	-4,149.00	N
			006339	41436	199-11-6397.00-041-111TEC	BIGFOOT PA SYSTEMS	4,149.00	N
			006339	41436	199-11-6397.00-041-111TEC	REVERSAL	-4,149.00	N
						<b>Totals for Vendor 05589</b>	<b>.00</b>	
066951	09-25-2020	EL CAMPO I.S.D.	DEDCH		863-00-2159.00-322-100000	SEP DED MISCELLANEOUS DEDU	1,140.00	N
066952	09-25-2020	TEXAS TEACHERS ALTE	DEDCH		863-00-2159.00-306-100000	SEP DED MISCELLANEOUS DEDU	860.00	N
066953	09-25-2020	TEXAS STATE TEACHER	DEDCH		863-00-2159.00-005-100000	SEP DED TSTA DUES	314.00	N
066954	09-25-2020	ASSOC OF TX PROF ED	DEDCH		863-00-2159.00-006-100000	SEP DED TSTA DUES	2,189.50	N
066955	09-25-2020	SOUTHERN FARM BURE	DEDCH		863-00-2153.00-036-100000	SEP DED LIFE INSURANCE	516.78	N
066956	09-25-2020	TEXAS AFT AMP	DEDCH		863-00-2159.00-041-100000	SEP DED TSTA DUES	87.50	N
066957	09-25-2020	TX CLASSROOM TEACH	DEDCH		863-00-2159.00-043-100000	SEP DED TSTA DUES	617.85	N
086725	09-08-2020	KELSEY JOHNS	000009	EC VS	199-36-6412.93-001-1910VB	VOLLEYBALL MEALS	396.00	N
086726	09-08-2020	KELSEY JOHNS	900009	EC VS TERRY	199-36-6412.93-001-1910VB	VOLLEYBALL MEALS	396.00	N
086727	09-08-2020	TEXAS EDUCATIONAL M	900008	SEPTEMBER	199-11-6299.00-001-128W00	SEPTEMBER SALARIES	4,932.08	N
			900008	SEPTEMBER	199-11-6299.01-001-111W00	SEPTEMBER SALARIES	4,259.17	N
						<b>Totals for Check 086727</b>	<b>9,191.25</b>	
086728	09-11-2020	ARAMARK INC	000009	KC00966451-	240-00-2110.01-000-100000	FOOD SVC EXP-AUGUST	35,008.22	N
086729	09-11-2020	THE BREAKFAST NOOK	000009	5246-50;5255-32	199-00-2110.01-000-100000	CONVOCAION EXPENSE	132.80	N
086730	09-11-2020	CBISD	000009	2005 (2020/21)	199-36-6497.00-001-191000	DISTRICT 12-4A OPERATION FEE	500.00	N
086731	09-11-2020	CENTERPOINT ENERGY	004010	DIST-AUG	199-00-2110.01-000-100000	AUG-NATURAL GAS EXPENSE	2,651.28	N
086732	09-11-2020	CITY OF EL CAMPO UTIL	004011	AUGUST 2020	199-00-2110.01-000-100000	AUG CITY UTILITIES	13,369.30	N
086733	09-11-2020	CLAIMS ADMINISTRATIV	900008	57641-1ST QTR	199-00-1490.01-000-100000	1STR QTR INSTALLMENT-WORKE	74,210.00	N
086734	09-11-2020	ECHS LIFE SKILLS	000009	0007	199-41-6399.00-720-199000	PARKING TAGS	50.00	N
086735	09-11-2020	EL CAMPO EMS	000009	EMS SVCS 8/27-	199-00-2110.01-000-100000	AUG EMS SERVICES-JV	262.50	N

For the Month of September

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
086736	09-11-2020	EL CAMPO LEADER NE	004362	PROPOSED TAX	199-00-2110.01-000-100000	BUDGET &PROPOSED TAX MEETI	310.59	N
			004362	SUBSTITUTE AD	199-00-2110.01-000-100000	SUBSTITUTE ADS	70.01	N
			004362	ECISD	199-00-2110.01-000-100000	ECISD POSITIONS AD	30.57	N
			004362	FOOTBALL	199-00-2110.01-000-100000	FOOTBALL PREVIEW AD	428.34	N
			004362	ECISD	199-00-2110.01-000-100000	ECISD POSITIONS AD	30.57	N
<b>Totals for Check 086736</b>							<b>870.08</b>	
086737	09-11-2020	EQUITY CENTER	000009	2020/2021-75	199-41-6495.00-702-199000	2020-21 MEMBERSHIP FEE	3,586.00	N
086738	09-11-2020	FERGUSON ENTERPRIS	000009	H509437	199-00-2110.01-000-100000	TRIGGER SPRAYERS	494.00	N
				H511513	199-00-2110.01-000-100000	CREDIT	-44.00	N
				H510765	199-00-2110.01-000-100000	RETURN	-158.00	N
<b>Totals for Check 086738</b>							<b>292.00</b>	
086739	09-11-2020	FORECAST5 ANALYTICS	000009	INV13280 (20/21	199-41-6299.00-720-199000	5SIGHT LICENSE AGREEMENT 20	7,210.00	N
086740	09-11-2020	THE GOODYEAR TIRE &	000009	253-1011386	199-00-2110.01-000-100000	TRANS EXP	315.87	N
086741	09-11-2020	INTEGRATED SYSTEMS	900008	0709731-20/21	199-53-6299.00-001-199W00	SKYWARD/INTG SYSTEMS HOSTI	2,167.20	N
			900008	0709731-20/21	199-53-6299.00-041-199W00	SKYWARD/INTG SYSTEMS HOSTI	2,167.20	N
			900008	0709731-20/21	199-53-6299.00-102-199W00	SKYWARD/INTG SYSTEMS HOSTI	2,167.20	N
			900008	0709731-20/21	199-53-6299.00-103-199W00	SKYWARD/INTG SYSTEMS HOSTI	2,167.20	N
			900008	0709731-20/21	199-53-6299.00-107-199W00	SKYWARD/INTG SYSTEM HOSTIN	2,167.20	N
<b>Totals for Check 086741</b>							<b>10,836.00</b>	
086742	09-11-2020	MCCOY'S BUILDING SUP	005624	9677129	199-00-2110.01-000-100000	AUG CARPENTER EXP	669.92	N
086743	09-11-2020	MCLEMORE BUILDING	000009	139481-AUG	199-00-2110.01-000-100000	AUG CUSTODIAL SERVICES	72,578.35	N
086744	09-11-2020	NORTHSIDE CENTER, IN	000009	SEPT-DEC 2020	199-11-6269.00-999-111W00	BUILDING RENTAL SEPT-DEC	10,000.00	N
086745	09-11-2020	PITNEY BOWES, INC.	004424	3311895729(6-9)	199-00-2110.01-000-100000	JUNE-SEPT LEASE	651.51	N
086746	09-11-2020	SEALY HIGH SCHOOL	900009	ECHS VARSITY	199-36-6499.90-001-1910CC	CROSS COUNTRY ENTRY FEE	95.00	N
086747	09-11-2020	SHINER ISD	000009	ECHS VARSITY	199-36-6499.90-001-1910CC	CROSS COUNTRY ENTRY FEE	90.00	N
086748	09-11-2020	SKYWARD	000009	0000204193-20/2	199-53-6239.00-001-199W00	SKYWARD HOSTING 20-21	5,692.52	N
			000009	0000204193-20/2	199-53-6239.00-041-199W00	SKYWARD HOSTING 20-21	5,692.51	N
			000009	0000204193-20/2	199-53-6239.00-102-199W00	SKYWARD HOSTING 20-21	5,692.51	N
			000009	0000204193-20/2	199-53-6239.00-103-199W00	SKYWARD HOSTING 20-21	5,692.51	N
			000009	0000204193-20/2	199-53-6239.00-107-199W00	SKYWARD HOSTING 20-21	5,692.51	N
<b>Totals for Check 086748</b>							<b>28,462.56</b>	
086749	09-11-2020	SOUTH TEXAS STRUTTE	000009	AUD REN REIM	199-00-2110.01-000-100000	AUDITORIUM RENTAL REIMBURS	800.00	N
086750	09-11-2020	ST. JOSEPH HIGH SCHO	900009	ECHS VARSITY	199-36-6499.90-001-1910CC	CROSS COUNTRY ENTRY FEE	75.00	N
086751	09-11-2020	SZH ARCHITECTURE	000009	201924-03	199-81-6629.00-001-199000	HS WEIGHT ROOM DESIGN	47,450.00	N
086752	09-11-2020	TASSP	000009	54695-DLUHOS	199-23-6495.00-041-199000	DUES-RACHEL DLUHOS	255.00	N
			000009	55665-	199-23-6495.00-041-199000	DUES-SAM WORTHAM	255.00	N
<b>Totals for Check 086752</b>							<b>510.00</b>	
086753	09-11-2020	TEPSA	006322	300050213-	199-23-6495.00-102-199000	DUES-DANA JUNG	394.00	N
			006322	300050211-	199-23-6495.00-102-199000	DUES-KYLE POENITZSCH	394.00	N
			006322	300050212-	199-23-6495.00-102-199000	DUES-ELIZABETH TUPA	394.00	N
<b>Totals for Check 086753</b>							<b>1,182.00</b>	

## For the Month of September

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
086754	09-11-2020	TX ELEM PRIN/SUP ASS	006246	MAURI COUEY	199-23-6495.00-107-199000	MEMBERSHIP RENEWAL-COUEY,	344.00	N
			006246	DEBORAH	199-23-6495.00-107-199000	MEMBERSHIP RENEWAL-CAPAK	344.00	N
<b>Totals for Check 086754</b>							<b>688.00</b>	
086755	09-11-2020	TEX ASSN OF COMMUNI	000009	2020-21 DUES	199-41-6495.00-720-199000	2020/21 MEMBERSHIP FEE	800.00	N
086756	09-11-2020	TEXAS DEPT OF PUBLIC	004351	CRS2020081989	199-00-2110.01-000-100000	AUG BACKGROUND CHECKS	9.00	N
086757	09-11-2020	TIME CLOCK PLUS	000009	550863-20/21 SC	199-53-6299.01-750-199W00	TIME CLOCK PLUS EMPLOYEE LI	7,994.00	N
086758	09-11-2020	TIVA	000009	2020/21-	199-36-6497.70-001-122000	COSMETOLOGY DUES	310.00	N
086759	09-11-2020	TERESE TOMPKINS	000009	EC VAR VS	199-36-6412.63-001-191000	C/L MEAL EXPENSE	180.00	N
086760	09-11-2020	WALSH GALLEGOS TRE	000009	593959	199-00-2110.01-000-100000	AUG LEGAL EXPENSES	94.50	N
086761	09-11-2020	WHARTON CO. ELECTRI	004348	ECMS-AUG	199-00-2110.01-000-100000	ECMS AUG ELECTRICITY	8,815.00	N
086762	09-11-2020	WHARTON CO. ELECTRI	004349	M&T - AUG	199-00-2110.01-000-100000	MAINT&TRANS AUG	2,032.00	N
086763	09-17-2020	ABLENET, INC	006266	CI201326	199-11-6399.00-999-1230VI	VISION MATERIALS	540.00	N
086764	09-17-2020	AMAZON CAPITAL	000009	1PWXFKT7LVPF	199-00-2110.01-000-100000	MOBILE UTILITY CART	850.72	N
				1K9FVVQYP3KF	199-00-2110.01-000-100000	SHIPPING CREDIT	-0.83	N
				1RWWCKRR1NF	199-00-2110.01-000-100000	SHIPPING CREDIT	-4.28	N
				1PWXFKT76DW	199-00-2110.01-000-100000	SHIPPING CREDIT	-4.30	N
				1Y9TGCPG6Q4Y	199-00-2110.01-000-100000	SHIPPING CREDIT	-21.71	N
				1Y9TGCPG71LN	199-00-2110.01-000-100000	SHIPPING CREDIT	-21.71	N
				13CL7TW6MPVD	199-00-2110.01-000-100000	SHIPPING CREDIT	-6.89	N
				16WNXYN674QF	199-00-2110.01-000-100000	SHIPPING CREDIT	-2.97	N
<b>Totals for Check 086764</b>							<b>788.03</b>	
086765	09-17-2020	AMPLIFIED IT, LLC	006287	24369	199-11-6299.00-001-111TEC	G Suite Enterprise SW	2,049.60	N
			006287	24369	199-11-6299.00-041-111TEC	G Suite Enterprise SW	2,049.60	N
			006287	24369	199-11-6299.00-102-111TEC	G Suite Enterprise SW	2,049.60	N
			006287	24369	199-11-6299.00-103-111TEC	G Suite Enterprise SW	2,049.60	N
			006287	24369	199-11-6299.00-107-111TEC	G Suite Enterprise SW	2,049.60	N
<b>Totals for Check 086765</b>							<b>10,248.00</b>	
086766	09-17-2020	ANDERSON-SHIRO HIGH	900008	ECHS VARSITY'	199-36-6499.90-001-1910CC	CROSS COUNTRY ENTRY FEE	100.00	N
086767	09-17-2020	AQUA BEVERAGE CO/O	006469	993254	199-21-6499.00-999-199000	ADMINISTRATION EXP	44.93	N
			006469	993244	199-41-6499.00-720-199000	ADMINISTRATION EXP	18.49	N
<b>Totals for Check 086767</b>							<b>63.42</b>	
086768	09-17-2020	AT&T LONG DISTANCE	004369	805382507-AUG	199-00-2110.01-000-100000	AUGUST LONG DISTANCE CHAR	702.02	N
086769	09-17-2020	AT&T MOBILITY	004370	826438882X0901	199-00-2110.01-000-100000	AUGUST MOBILE PHONE-HOT SP	1,641.80	N
086770	09-17-2020	AVID CENTER	900009	00060455	199-00-2110.01-000-100000	AVID DIGITAL EXPERIENCE REG	850.00	N
086771	09-17-2020	CLARA BAKER	900009	AUG 18-28	199-00-2110.01-000-100000	INDISTRICT AUG TRAVEL	39.79	N
086772	09-17-2020	BAYES ACHIEVEMENT C	000009	30367-AUG	199-00-2110.01-000-100000	AUG SPEECH THERAPY	187.50	N
086773	09-17-2020	TERRI BELTRAN	900009	SEPT 13-AUG 31	199-00-2110.01-000-100000	INDISTRICT TRAVEL	115.01	N

## For the Month of September

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
086774	09-17-2020	RENEE BOHUSLAR	900008	LUNCH REFUND	240-00-5751.00-000-100000	LUNCH REFUND	17.55	N
086775	09-17-2020	DAVID BRIGHT	000008	OCT - AUG 2020	199-00-2110.01-000-100000	INDISTRICT TRAVEL	44.85	N
086776	09-17-2020	RACHEL CASTRO	900008	RED ZONE	199-00-2110.01-000-100000	RED ZONE MARCH 2020 TUITION	60.00	N
086777	09-17-2020	CRISIS PREVENTION IN	006084	CUS0225735	437-00-2110.01-000-100000	NCI BLENDED INSTRUT CERT PG	3,450.00	N
086778	09-17-2020	DEXYP	900008	800532345	199-41-6499.00-720-199000	ONLINE ADVERTISING	9.00	N
086779	09-17-2020	ECHS CULINARY ARTS	900008	REIMBURSEME	199-11-6399.79-001-122000	HOME EC SUPPLIES	168.64	N
086780	09-17-2020	EL CAMPO MEMORIAL H	000009	BABCOCK,	199-00-2110.01-000-100000	AUG BUS PHYSICAL	125.00	N
			000009	CAVAZOS,	199-00-2110.01-000-100000	AUG BUS PHYSICAL	125.00	N
			000009	DOMINGUEZ,	199-00-2110.01-000-100000	AUG BUS PHYSICAL	125.00	N
			000009	FIGIROVA,	199-00-2110.01-000-100000	AUG BUS PHYSICAL	125.00	N
			000009	GEORGE,	199-00-2110.01-000-100000	AUG BUS PHYSICAL	125.00	N
			000009	KRENEK,	199-00-2110.01-000-100000	AUG BUS PHYSICAL	125.00	N
			000009	MIRANDA,	199-00-2110.01-000-100000	AUG BUS PHYSICAL	125.00	N
			000009	NEMEC, MARY	199-00-2110.01-000-100000	AUG BUS PHYSICAL	125.00	N
			000009	PAVLU, ALFRED	199-00-2110.01-000-100000	AUG BUS PHYSICAL	125.00	N
			000009	POPP, TRENT	199-00-2110.01-000-100000	AUG BUS PHYSICAL	125.00	N
			000009	SABRSULA,	199-00-2110.01-000-100000	AUG BUS PHYSICAL	125.00	N
			000009	SHUMBERA,	199-00-2110.01-000-100000	AUG BUS PHYSICAL	125.00	N
			000009	SOHRT,	199-00-2110.01-000-100000	AUG BUS PHYSICAL	125.00	N
			000009	WILSON,	199-00-2110.01-000-100000	AUG BUS PHYSICAL	125.00	N
						<b>Totals for Check 086780</b>	<b>1,750.00</b>	
086781	09-17-2020	EL CAMPO MEMORIAL H	900009	2020-08-AUG	437-00-2110.01-000-100000	THERAPY SERVICES	640.00	N
086782	09-17-2020	ENTERPRISE FM TRUST	006466	FBN4038125-	199-13-6269.00-999-111W00	DIST RENTAL VEHICLE FLEET	509.39	N
			006466	FBN4038215-	199-34-6269.00-999-123W00	DIST RENTAL VEHICLE FLEET	1,018.79	N
			006466	FBN4038215-	199-34-6269.00-999-123W00	DIST RENTAL VEHICLE FLEET	646.20	N
			006466	FBN4038215-	199-34-6269.00-999-123W00	DIST RENTAL VEHICLE FLEET	874.98	N
			006466	FBN4038215-	199-34-6269.00-999-123W00	DIST RENTAL VEHICLE FLEET	499.18	N
			006466	FBN4038215-	199-34-6269.00-999-199W00	DIST RENTAL VEHICLE FLEET	499.18	N
			006466	FBN4038215-	199-36-6269.00-999-199W00	DIST RENTAL VEHICLE FLEET	509.40	N
			006466	FBN4038215-	199-36-6269.70-001-122W00	DIST RENTAL VEHICLE FLEET	989.76	N
			006466	FBN4038215-	199-36-6269.70-001-122W00	DIST RENTAL VEHICLE FLEET	989.76	N
			006466	FBN4038215-	199-36-6269.70-001-122W00	DIST RENTAL VEHICLE FLEET	473.94	N
			006466	FBN4038215-	199-36-6269.70-001-122W00	DIST RENTAL VEHICLE FLEET	1,019.03	N
			006466	FBN4038215-	199-51-6269.00-999-199W00	DIST RENTAL VEHICLE FLEET	452.99	N
			006466	FBN4038215-	199-51-6269.00-999-199W00	DIST RENTAL VEHICLE FLEET	600.07	N
			006466	FBN4038215-	199-51-6269.00-999-199W00	DIST RENTAL VEHICLE FLEET	557.66	N
			006466	FBN4038215-	199-51-6269.00-999-199W00	DIST RENTAL VEHICLE FLEET	452.99	N
			006466	FBN4038215-	199-51-6269.00-999-199W00	DIST RENTAL VEHICLE FLEET	601.59	N
						<b>Totals for Check 086782</b>	<b>10,694.91</b>	
086783	09-17-2020	EPES SOFTWARE	006264	5936	199-11-6299.00-001-111TEC	Activity Fund Software Upgrade	299.00	N

## For the Month of September

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
086784	09-17-2020	FRONTLINE EDUCATION	900008	INVUS123761	199-21-6299.02-999-199W00	AESOP-ABSENCE & SUB MGT SY	221.81	N
			900008	INVUS123761	199-23-6299.02-001-199W00	AESOP-ABSENCE & SUB MGT SY	2,439.97	N
			900008	INVUS123761	199-23-6299.02-041-199W00	AESOP-ABSENCE & SUB MGT SY	1,693.86	N
			900008	INVUS123761	199-23-6299.02-102-199W00	AESOP-ABSENCE & SUB MGT SY	1,330.89	N
			900008	INVUS123761	199-23-6299.02-103-199W00	AESOP-ABSENCE & SUB MGT SY	1,653.53	N
			900008	INVUS123761	199-23-6299.02-107-199W00	AESOP-ABSENCE & SUB MGT SY	1,310.73	N
			900008	INVUS123761	199-23-6299.02-999-123W00	AESOP-ABSENCE & SUB MGT SY	302.48	N
			900008	INVUS123761	199-34-6299.02-999-199W00	AESOP-ABSENCE & SUB MGT SY	40.31	N
			900008	INVUS123761	199-41-6299.02-720-199W00	AESOP-ABSENCE & SUB MGT SY	262.16	N
			900008	INVUS123761	199-51-6299.02-999-199W00	AESOP-ABSENCE & SUB MGT SY	282.31	N
<b>Totals for Check 086784</b>							<b>9,538.05</b>	
086785	09-17-2020	GABBART COMMUNICAT	006289	135521	199-11-6299.00-001-111TEC	DISTRICT WEBSITE SOFTWARE	3,482.51	N
			006289	135521	199-11-6299.00-041-111TEC	DISTRICT WEBSITE SOFTWARE	3,482.51	N
			006289	135521	199-11-6299.00-102-111TEC	DISTRICT WEBSITE SOFTWARE	3,482.51	N
			006289	135521	199-11-6299.00-103-111TEC	DISTRICT WEBSITE SOFTWARE	3,482.51	N
			006289	135521	199-11-6299.00-107-111TEC	DISTRICT WEBSITE SOFTWARE	3,482.49	N
<b>Totals for Check 086785</b>							<b>17,412.53</b>	
086786	09-17-2020	NICHOLAS GRIGAR	900008	383631-REIM	199-36-6411.08-001-199000	TMEA MEMBERHIP/REG FEES	190.00	N
086787	09-17-2020	GULF COAST PAPER CO	006041	1911681	199-00-2110.01-000-100000	HAND SANITIZER/DISPENSERS	687.69	N
			006298	1925123	199-11-6399.00-041-111000	TRASH CANS FOR SCHOOL	172.70	N
<b>Totals for Check 086787</b>							<b>860.39</b>	
086788	09-17-2020	RUNAY LAWRENCE	900008	SHAYLEIGH	240-00-5751.00-000-100000	LUNCH REFUND	21.55	N
086789	09-17-2020	LAURA ANN MAJOR	900009	12-AUG	437-00-2110.01-000-100000	SPEECH SERVICES-AUG	1,900.00	N
086790	09-17-2020	MCLEMORE BUILDING	006434	139552-SEPT	199-51-6249.01-999-199000	CUSTODIAL SERVICES	72,578.35	N
086791	09-17-2020	NAVASOTA ISD	900008	20/21 DIST ADMI	199-36-6497.00-001-191000	DISTRICT 26-AAAA ADM/START F	2,500.00	N
			900008	20/21	199-36-6497.00-001-191000	DISTRICT 26-AAAA MEMBERSHIP	500.00	N
<b>Totals for Check 086791</b>							<b>3,000.00</b>	
086792	09-17-2020	NORTH AMERICAN SOL	900008	209552 (20/21 S	199-34-6429.00-999-199000	AUTO LIABILITY 20-21	37,589.00	N
			900008	209552 (20/21 S	199-34-6429.00-999-199000	AUTO PHYSICAL DAMAGE 20-21	22,920.00	N
			900008	209552 (20/21 S	199-41-6429.00-702-199000	CYBER SUITE INS 20-21	1,373.00	N
			900008	209552 (20/21 S	199-41-6429.00-702-199000	GEN LIABILITY & EMPLOY BENEFI	2,681.00	N
			900008	209552 (20/21 S	199-41-6429.00-702-199000	EDUCATOR'S LEGAL LIABILITY 20	11,539.00	N
			900008	209552 (20/21 S	199-51-6429.00-999-199000	EQUIPMENT INS 20-21	5,598.00	N
			900008	209552 (20/21 S	199-51-6429.00-999-199000	PROPERTY INS 20-21	502,622.00	N
<b>Totals for Check 086792</b>							<b>584,322.00</b>	
086793	09-17-2020	R&R PRINTING	006327	51796	199-11-6399.00-107-111000	NAME PLATES	60.00	N
086794	09-17-2020	RAPTOR TECHNOLOGIE	006352	62943 (20/21)	199-11-6299.00-001-111TEC	ALR - Campus Security SW	550.00	N
			006352	62943 (20/21)	199-11-6299.00-041-111TEC	ALR - Campus Security SW	550.00	N
			006352	62943 (20/21)	199-11-6299.00-102-111TEC	ALR - Campus Security SW	550.00	N
			006352	62943 (20/21)	199-11-6299.00-103-111TEC	ALR - Campus Security SW	550.00	N
			006352	62943 (20/21)	199-11-6299.00-107-111TEC	ALR - Campus Security SW	550.00	N
<b>Totals for Check 086794</b>							<b>2,750.00</b>	

## For the Month of September

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
086795	09-17-2020	REALLY GREAT READIN	900008	24250	199-00-2110.01-000-100000	HDWORD DIGITAL PLAYGROUN S	420.00	N
086796	09-17-2020	RELIANT	900009	1110303309070	199-00-2110.01-000-100000	JULY ELECTRICAL CHARGES	1,884.65	N
086797	09-17-2020	RESERVE ACCOUNT	006478	22751341	199-41-6399.00-750-199000	DISTRICTWIDE POSTAGE	5,000.00	N
086798	09-17-2020	MATTHEW SCHOENER	900008	SWEENY	199-00-2110.01-000-100000	AUG TRAVEL	59.23	N
086799	09-17-2020	SDS PHYSICAL THERAP	900008	AUG 2020	437-00-2110.01-000-100000	THERAPY SERVICES	393.75	N
086800	09-17-2020	SEVERIN INTERMEDIAT	000009	INV235889(20/21	199-41-6299.00-720-199000	TALENTEDHIRE ESSENTIALS TRA	3,879.21	N
086801	09-17-2020	SHOPPA'S FARM SUPPL	900009	1188150	199-00-2110.01-000-100000	MAINT EXP	221.02	N
086802	09-17-2020	TELECOMMUNICATIONS	006485	125725085-SEPT	199-51-6259.00-999-199W00	MAINT INTERNET SERVICE	72.73	N
086803	09-17-2020	TX ELEM PRIN/SUP ASS	006382	CROWELL,	199-23-6495.00-103-199000	MEMBERSHIP DUES	394.00	N
			006382	BUSH, EMILY	199-23-6495.00-103-199000	MEMBERSHIP DUES	394.00	N
<b>Totals for Check 086803</b>							<b>788.00</b>	
086804	09-17-2020	TEXAS ASSN OF SCHOO	900008	5833476-POLICY	199-41-6219.00-702-199000	POLICY ONLINE MAINT 20-21	1,075.00	N
			900008	582312-POLICY	199-41-6299.00-702-199000	POLICY SERVICE SUBSCRIP 20-2	1,300.00	N
			900008	586673-ANN	199-41-6299.00-702-199000	ANNUAL SUBSCRIPTION RENEW	900.00	N
			900008	586673-ANN	199-41-6299.00-750-199000	ANNUAL SUBSCRIPTION RENEW	900.00	N
			900008	580831-	199-41-6499.00-701-199000	BOARDBOOK SUBSCRIPTION 20-	1,250.00	N
<b>Totals for Check 086804</b>							<b>5,425.00</b>	
086805	09-17-2020	TEXAS STATE BILLING S	900009	AUG 7&14	199-00-2110.01-000-100000	AUG MEDICAID BILLING FEES	2,709.97	N
086806	09-17-2020	TFS LEASING A PGM O F	006497	69355373-SEPT	437-21-6269.00-751-123000	TOSHIBA LEASE-SP ED	124.95	N
086807	09-17-2020	UNIVERSITY OF TEXAS	900008	EL CAMPO ISD	199-36-6499.69-001-199000	2020-21 UIL FEES	1,950.00	N
086808	09-17-2020	VARSITY SPIRIT FASHIO	006282	36003004	199-36-6499.63-001-191000	OPER EXP-CHEERLEADERS	359.25	N
086809	09-17-2020	GABRIEL VILLARREAL	900008	ANDERSON/SHI	199-36-6412.90-001-1910CC	CROSS COUNTRY MEALS	60.00	N
086810	09-17-2020	SAMIRA VILLEDA	900009	RED ZONE	199-00-2110.01-000-100000	RED ZONE MARCH 2020 TUITION	120.00	N
086811	09-17-2020	VISUAL TECHNIQUES, IN	006339	41436	199-11-6397.00-001-111TEC	BIGFOOT PA SYSTEMS	4,274.00	N
			006339	41436	199-11-6397.00-041-111TEC	BIGFOOT PA SYSTEMS	4,274.00	N
<b>Totals for Check 086811</b>							<b>8,548.00</b>	
086812	09-17-2020	EDWARD YORK	900009	PHY REIM	199-34-6239.00-999-199000	PHYSICAL REIM	14.95	N
086813	09-24-2020	CARDINAL'S SPORT TEA	006111	O763277-01	199-00-2110.01-000-100000	FOOTBAL CLEAR VISORS	8,560.00	N
086814	09-24-2020	CENTERPOINT ENERGY	006479	M&T-SEPT	199-51-6258.00-999-199000	DISTRICT NATURAL GAS EXPENS	122.06	N
086815	09-24-2020	DEPARTMENT OF INFOR	004363	20081463N	199-00-2110.01-000-100000	T1 LINE CHARGE-AUG	539.28	N
086816	09-24-2020	EXECUTIVE STITCHES	006419	12982	199-23-6499.00-001-199000	HOMECOMING EXPENSES	100.00	N
086817	09-24-2020	FLOWERS ETC & GIFTS,	006415	124510	199-23-6499.00-001-199000	HOMECOMING EXPENSES	77.80	N
086818	09-24-2020	GENESIS EDUCATION A	900008	ECHS (20)	199-11-6299.70-001-122000	NURSE AID TRAINING	6,600.00	N
086819	09-24-2020	LEAD4WARD, LLC	006245	1307	199-13-6399.01-999-111Y00	FIELD GUIDE RENEWALS	1,125.00	N
086820	09-24-2020	STEPHANIE LONGORIA	092401	SOPHIA	199-00-5739.01-000-100000	RED ZONE TUITION REFUND	60.00	N

## For the Month of September

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
086821	09-24-2020	N2Y, LLC	006257	INV-1026475	437-11-6299.01-751-123000	UNIQUE LEARNING SYSTEMS	3,613.80	N
			006302	INV-1025662	437-11-6299.01-751-123000	NEWS 2 YOU LEARNING	307.82	N
<b>Totals for Check 086821</b>							<b>3,921.62</b>	
086822	09-24-2020	NATIONAL SPEECH AND	900009	59401	199-36-6497.12-001-199000	ECHS NSDA DUES 20/21	476.00	N
086823	09-24-2020	NOTARY ASSOCIATION	900009	GARZA,	199-34-6399.02-999-199000	NOTARY STAMP	81.95	N
086824	09-24-2020	PRINCETON HIGH SCHO	000009	345467	199-36-6497.12-001-199000	REGISTRATION FEE	197.00	N
086825	09-24-2020	QEP, INC.	006363	38146	199-11-6399.11-103-111000	LANGUAGE ARTS SUPPLIES	91.52	N
086826	09-24-2020	SOUTHERN FLORAL CO	006254	101665	199-11-6399.05-001-122000	FLORAL DESIGN LAB SUPPLIES	1,239.29	N
086827	09-24-2020	T-MOBILE	006531	969007252-SEPT	199-34-6299.00-999-199000	GPS TRACKING SERVICES- BUSE	481.01	N
086828	09-24-2020	TASSP	006279	52585-WELLS	199-23-6495.00-001-199000	ADMIN-DUES-WELLS	255.00	N
			006279	51484-ARAGUZ	199-23-6495.00-001-199000	ADMIN-DUES -ARAGUEZ	255.00	N
			006279	53600-SAENZ	199-23-6495.00-001-199000	ADMIN-DUES-SAENZ	255.00	N
			006279	51805-FUECHEC	199-23-6495.00-001-199000	ADMIN-DUES-FUECHEC	255.00	N
			006279	56138-	199-23-6495.00-001-199000	ADMIN-DUES-RODRIGUEZ	255.00	N
<b>Totals for Check 086828</b>							<b>1,275.00</b>	
086829	09-24-2020	TEXAS ASSN OF SCHOO	006181	587496	199-00-2110.01-000-100000	IAQ INVESTIGATION/ASSESSMEN	3,360.00	N
086830	09-24-2020	TEXAS LIBRARY ASSOCI	900008	24785-MORTON,	199-12-6411.00-001-111000	MEMBERSHIP &INSURANCE	207.00	N
086831	09-24-2020	TEXAS MOTION SPORTS	005876	10676-	199-00-2110.01-000-100000	DERBY DOLLS HOOPS	1,775.00	N
086832	09-24-2020	TEXAS SPEECH COMMU	900009	20200562	199-36-6497.12-001-199000	ECHS JOURNAL AND MEMEBER	310.00	N
086833	09-24-2020	TERESE TOMPKINS	090009	EC VS ST	199-36-6412.63-001-191000	CHEER MEALS	180.00	N
086834	09-24-2020	TERESE TOMPKINS	990009	EC VS	199-36-6412.63-001-191000	CHEER MEALS	180.00	N
086835	09-24-2020	TERESE TOMPKINS	999009	EC VS	199-36-6412.63-001-191000	CHEER MEALS	180.00	N
086836	09-24-2020	U, INCORPORATED	006263	R5657537	199-11-6299.70-001-122000	AUTO TECH SAFETY TRAINING	299.00	N
086837	09-24-2020	THE VICTORIA ADVOCA	880008	ECHS-0074899	199-12-6329.01-001-111000	SUBSCRIPTION	107.36	N
086838	09-30-2020	ADVANCED GRAPHICS	006249	72146	199-11-6399.00-041-111000	LANYARDS	583.50	N
086839	09-30-2020	AMAZON CAPITAL	006357	16KWX3TFXY1C	199-11-6399.61-999-124000	SUPPLIES FOR HOMELESS STUD	25.97	N
			006357	1MLYQJN96Y7G	199-11-6399.61-999-124000	SUPPLIES FOR HOMELESS STUD	90.01	N
			006357	1WQTJHJLLDPQ	199-11-6399.61-999-124000	SUPPLIES FOR HOMELESS STUD	246.41	N
			006532	1TNXVTFMLT9W	211-11-6399.35-107-130000	CLASSROOM SUPPLIES & MATER	2,225.69	N
			006259	1HQRDKNR6C4	313-31-6339.00-751-023000	TESTING MATERIALS/KIT	211.68	N
<b>Totals for Check 086839</b>							<b>2,799.76</b>	
086840	09-30-2020	AMERICA'S SOFTWARE	006575	11183	199-11-6299.70-001-122000	COSMETOLOGY TECH SUPPORT	995.00	N
086841	09-30-2020	STACY AMESTOY	093001	TRAV TO 9/28	313-31-6411.00-751-123000	INDISTRICT TRAVEL	241.62	N
086842	09-30-2020	AUTOZONE PARTS INC.	006305	1550176525	199-34-6399.01-999-199000	SHOP SUPPLIES-TRANSPORTATI	3.99	N
			006306	1550170259	199-34-6399.03-999-199000	MAINT VEHICLE REPAIR PARTS	29.99	N
<b>Totals for Check 086842</b>							<b>33.98</b>	
086843	09-30-2020	AVID CENTER	006388	00060454	199-13-6411.35-001-111YAV	WORKSHOP REGISTRATION	850.00	N

## For the Month of September

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
086844	09-30-2020	PATRICIA BABCOCK	900009	SEPT 1-29	437-21-6411.01-751-123000	INDISTRICT TRAVEL	101.20	N
086845	09-30-2020	ASHLEY BARNES	900009	AUG 3-31	199-00-2110.01-000-100000	INDISTRICT TRAVEL	109.25	N
			092801	EDUPHORIA	199-12-6411.00-999-111Y00	WORKSHOP REGISTRATION	39.00	N
			093001	TRAV TO 9/29	199-12-6411.00-999-111Y00	INDISTRICT TRAVEL	105.80	N
<b>Totals for Check 086845</b>							<b>254.05</b>	
086846	09-30-2020	BAYES ACHIEVEMENT C	092901	30309	315-11-6216.10-751-123000	SEPTEMBER RESIDENTIAL PLAC	19,261.80	N
086847	09-30-2020	CRISTELA BORREGO	092801	292652	313-31-6411.00-751-023000		10.00	N
			093001	TRAVEL TO 9/28	313-31-6411.00-751-123000	INDISTRICT TRAVEL	354.32	N
<b>Totals for Check 086847</b>							<b>364.32</b>	
086848	09-30-2020	AMY B. BOSSE	900009	VICTORIA	437-21-6411.00-751-123000	TRAVEL EXP	66.13	N
086849	09-30-2020	KEVIN BROWN	900009	JV VS	199-36-6299.00-001-191W00	JV FOOTBALL HEADLINESMAN	100.00	N
			990009	EC JV VS	199-36-6299.00-001-191W00	SUBVARSITY FB LINESMAN	100.00	N
<b>Totals for Check 086849</b>							<b>200.00</b>	
086850	09-30-2020	BRP SERVICES, LLC	900008	10052-EC VS ST	199-36-6411.94-001-191000	FOOTBALL MEALS	213.36	N
			900008	10052-EC VS ST	199-36-6412.94-001-191000	FOOTBALL MEALS	498.14	N
<b>Totals for Check 086850</b>							<b>711.50</b>	
086851	09-30-2020	LINDSAY BULLARD	099009	EC VB VS	199-36-6299.00-001-191W00	VOLLEYBALL WORKER	50.00	N
			099009	JV FB VS	199-36-6299.00-001-191W00	JV FOOTBALL WORKER	25.00	N
			099009	EC VB VS ST	199-36-6299.00-001-191W00	VAR VB WORKER	25.00	N
<b>Totals for Check 086851</b>							<b>100.00</b>	
086852	09-30-2020	CESD	006537	34641	199-13-6411.35-001-137000	CONFERENCE REGISTRATION	380.00	N
086853	09-30-2020	CHEMSEARCH FE	006443	7096595	199-51-6249.00-999-199000	HVAC -BIO AMP	1,800.00	N
086854	09-30-2020	VALERIE ROYE COFFMA	900008	AUG 17-25	437-00-2110.01-000-100000	INDISTRICT TRAVEL	129.66	N
			900009	AGU 31-SEPT 29	437-21-6411.00-751-123000	INDISTRICT TRAVEL	225.69	N
<b>Totals for Check 086854</b>							<b>355.35</b>	
086855	09-30-2020	COMMUNITIES IN SCHO	006489	1379	199-11-6291.00-041-124000	CIS PROGRAM	1,800.00	N
086856	09-30-2020	DATA RECOGNITION CO	006325	145774	199-31-6339.00-999-199Y00	LAS LINKS ONLINE	458.38	N
086857	09-30-2020	ARTURO M DEBO	900008	EC JV VS	199-52-6299.00-001-191W00	JV FOOTBALL SECURITY	140.00	N
086858	09-30-2020	DEMCO	006247	6842400	199-11-6399.00-107-111000	INSTRUCTIONAL SUPPLIES	1,052.05	N
086859	09-30-2020	DEWITT POTH AND SON	006558	620163-0	199-11-6399.00-001-111000	SHELVING UNIT	1,649.40	N
			006404	619139-0	199-23-6397.00-001-199000	REFRIGERATOR	1,034.76	N
<b>Totals for Check 086859</b>							<b>2,684.16</b>	
086860	09-30-2020	DLUHOS REFRIGERATIO	006290	4016	240-35-6299.00-999-199000	CAFETERIAS	100.00	N
			006290	4022	240-35-6299.00-999-199000	CAFETERIAS	410.00	N
<b>Totals for Check 086860</b>							<b>510.00</b>	
086861	09-30-2020	DSS DRIVING SAFETY S	006359	20-1476854	199-34-6299.00-999-199000	DRUG TESTING	780.00	N
			006359	20-1476926	199-34-6299.00-999-199000	DRUG TESTING	200.00	N
<b>Totals for Check 086861</b>							<b>980.00</b>	
086862	09-30-2020	ROBERT DEAN EASTER	900008	9/16 JV	199-36-6412.94-001-191000	JV FOOTBALL TEAM MEALS	315.86	N

## For the Month of September

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
086863	09-30-2020	SHARON EASTER	900009	EC JV VS	199-36-6299.00-001-191W00	JV FOOTBALL WORKER	25.00	N
			900009	EC JV VS	199-36-6299.00-001-191W00	JV/FRESH FOOTBALL WORKER	75.00	N
			900009	EC FRE VS	199-36-6299.00-001-191W00	FRESHMAN FOOTBALL WORKER	25.00	N
			900009	ECMS VS	199-36-6299.00-041-191W00	ECMS GAME WORKER	40.00	N
<b>Totals for Check 086863</b>							<b>165.00</b>	
086864	09-30-2020	ECHS LIFE SKILLS	000099	0008	199-41-6399.00-720-199000	PARKING TAGS	30.00	N
086865	09-30-2020	EDUCATION	093004	11284	199-31-6291.00-999-199000	CARDONEX RENEWAL	24,500.00	N
086866	09-30-2020	EDUCATION	006610	11124	199-11-6395.00-999-111Y00	SOFTWARE RENEWALS	4,800.00	N
086867	09-30-2020	EDUCATION GALAXY, LL	006488	202344	211-11-6395.35-103-130000	MATH/READING LICENSE	4,298.09	N
086868	09-30-2020	EDUPHORIA! INCORPOR	006336	4770	199-11-6395.00-999-111Y00	SOFTWARE RENEWAL	8,269.25	N
			006338	4769	199-11-6395.01-999-111Y00	SOFTWARE RENEWAL	1,640.00	N
<b>Totals for Check 086868</b>							<b>9,909.25</b>	
086869	09-30-2020	EL CAMPO COUNTRY CL	900009	20/21 TEAM	199-36-6499.01-001-191W00	GOLF COURSE FEES-TEAM	3,312.00	N
			900009	20/21 ADMIN	199-41-6499.00-701-199000	GOLF COURSE FEES-ADMIN	1,656.00	N
<b>Totals for Check 086869</b>							<b>4,968.00</b>	
086870	09-30-2020	EL CAMPO PARTS, INC.	006361	206254	199-34-6399.00-999-199000	BUS FLEET REPAIR PARTS	439.47	N
			006361	205661	199-34-6399.00-999-199000	BUS FLEET REPAIR PARTS	309.98	N
			006365	206820	199-34-6399.01-999-199000	SHOP SUPPLIES-TRANSPORTATI	49.98	N
<b>Totals for Check 086870</b>							<b>799.43</b>	
086871	09-30-2020	ELMA ESCOBAR	092901	TRAV TO 9/24	212-31-6411.00-999-024000	INDISTRICT TRAVEL	67.79	N
086872	09-30-2020	ESTRELLITA, INC.	006334	25909	199-11-6399.40-999-124000	INSTRUCTIONAL MATERIALS	4,834.08	N
			006334	25909	199-13-6291.00-999-130000	STAFF DEVELOPMENT	799.00	N
<b>Totals for Check 086872</b>							<b>5,633.08</b>	
086873	09-30-2020	JASON FLETCHER	900009	ECMS VS	199-36-6299.00-041-191W00	ECMS FB OFFICIAL	145.00	N
086874	09-30-2020	YVETTE GARCIA	900008	AUG 10-30	199-00-2110.01-000-100000	INDISTRICT TRAVEL	19.67	N
			093001	TRAV TO 9/29	199-11-6411.00-041-124000	INDISTRICT TRAVEL	26.17	N
<b>Totals for Check 086874</b>							<b>45.84</b>	
086875	09-30-2020	JESSE GARCIA	900009	ECMS VB VS	199-36-6299.00-041-191W00	ECMS VOLLEYBALL OFFICIAL	110.00	N
086876	09-30-2020	KELLY GARNER	000009	VICTORIA MEET	199-36-6412.90-001-1910SM	SWIM TEAM MEALS	128.00	N
086877	09-30-2020	GENERATION GENIUS, I	006561	GG0044966-R1	211-11-6395.35-107-130000	SOFTWARE RENEWAL	795.00	N
086878	09-30-2020	NOEL JOHN GRAMMER	900009	ECMS VB VS	199-36-6299.00-041-191W00	ECMS VOLLEYBALL OFFICIAL	110.00	N
086879	09-30-2020	KIM HAILEY	900009	SEPT 1-29	437-31-6411.00-751-123000	INDISTRICT TRAVEL	309.29	N
086880	09-30-2020	ROY HARRIS	900009	EC JV VS	199-36-6299.00-001-191W00	JV FOOTBALL REFEREE	100.00	N
086881	09-30-2020	HEINEMANN	006360	7247536	199-13-6399.01-999-111Y00	STAFF DEV MATERIALS	38.50	N
086882	09-30-2020	MATTHEW HERRERA	000009	EC JV/FR VS	199-36-6299.00-001-191W00	JV/FRESH FOOTBALL OFFICIAL	210.00	N
086883	09-30-2020	KRISTIN HOLTON	000009	AUG 28-SEPT 25	459-11-6411.00-751-123000	INDISTRICT TRAVEL	664.13	N
086884	09-30-2020	MELISSA HUGGINS	000009	ECMS FB VS	199-52-6299.00-041-191W00	ECMS FOOTBALL SECURITY	140.00	N

## For the Month of September

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
086885	09-30-2020	IMAGINE LEARNING, INC	006268	767548	211-11-6395.35-102-130000	SITE LICENSE	4,000.00	N
			006268	767548	211-11-6395.35-103-130000	SITE LICENSE	4,000.00	N
<b>Totals for Check 086885</b>							<b>8,000.00</b>	
086886	09-30-2020	ISTATION	006274	SIN017871	199-11-6395.35-102-130000	SUBSCRIPTION RENEWAL	1,480.00	N
			006274	SIN017871	199-11-6395.35-107-130000	SUBSCRIPTION RENEWAL	1,850.00	N
<b>Totals for Check 086886</b>							<b>3,330.00</b>	
086887	09-30-2020	STEPHANIE JENSEN	000009	CONSTITUTION	199-11-6399.18-001-111000	CONSTITUTION DAY SUPP	279.80	N
086888	09-30-2020	KELSEY JOHNS	999009	CDL	199-34-6239.00-999-199000	CDL	85.00	N
086889	09-30-2020	KAYDI KACER	093003		244-11-6499.00-001-122000	CPR TRAINING REIMBURSEMENT	352.00	N
086890	09-30-2020	THOMAS C. KASPAR	900008	EC FR/JV VS	199-36-6299.00-001-191W00	JV/FRESH FOOTBALL REFEREE	195.00	N
086891	09-30-2020	LEROY A. KOCIAN, JR.	900009	EC JV VS	199-36-6299.00-001-191W00	SUB VARSITY FOOTBALL OFFICIA	100.00	N
086892	09-30-2020	TURK KRENEK	000009	AUG 28-SEPT 29	199-12-6411.00-999-111TEC	INDISTRICT TRAVEL	54.05	N
086893	09-30-2020	KYRISH TRUCK CENTER	006368	X501027864:01	199-34-6399.00-999-199000	BUS PARTS	100.51	N
086894	09-30-2020	LEACH'S LITERACY TRAI	093002	1069	199-13-6291.35-107-136000	STAFF DEV TRAINING	2,400.00	N
			093002	1063	199-13-6291.35-107-136000	STAFF DEV TRAINING	3,400.00	N
<b>Totals for Check 086894</b>							<b>5,800.00</b>	
086895	09-30-2020	LIBERTY SOURCE, LP	006283	1502229	199-11-6395.35-102-136000	SOFTWARE RENEWAL	4,192.50	N
			006283	1502229	199-11-6395.35-107-136000	SOFTWARE RENEWAL	1,885.00	N
<b>Totals for Check 086895</b>							<b>6,077.50</b>	
086896	09-30-2020	VICKY LIMAS	900008	SP BOARD	199-41-6399.00-701-199000	BOARD MEETING MEALS	67.20	N
086897	09-30-2020	JENNIFER LIMBAUGH	000009	SEPT 2-29	437-11-6411.00-751-123000	INDISTRICT TRAVEL	294.00	N
086898	09-30-2020	LONE STAR LEARNING	006565	57242	211-11-6395.35-103-130000	SOFTWARE LICENSE	2,104.81	N
086899	09-30-2020	JENNIFER LOVEDAY	900008	AUG 31-SEPT 25	199-52-6411.00-999-199W00	INDISTRICT TRAVEL	52.39	N
086900	09-30-2020	LOWMAN CONSULTING,	006244	1650	289-11-6399.35-041-124000	CURRICULUM MATERIALS	1,875.00	N
086901	09-30-2020	LAURA ANN MAJOR	990009	SEPT 1-29, 2020	437-11-6216.03-751-123000	SPEECH SERVICES-SEPT	2,960.00	N
086902	09-30-2020	TANA MARTIN	095801	EDUPHORIA	199-31-6411.01-999-199Y00	WORKSHOP REGISTRATION	39.00	N
086903	09-30-2020	MICHAEL K. MATTHEWS	900009	ECHS VB	199-36-6299.00-001-191W00	ECHS VOLLEYBALL OFFICIAL	140.00	N
			900009	HS VB VS ST	199-36-6299.00-001-191W00	ECHS VOLLEYBALL OFFICIAL	95.00	N
<b>Totals for Check 086903</b>							<b>235.00</b>	
086904	09-30-2020	KIM MICKELSON	093001	TRAV TO 9/25	313-31-6411.00-751-023000	INDISTRICT TRAVEL	6.48	N
			093001	TRAV TO 9/25	313-31-6411.00-751-123000	INDISTRICT TRAVEL	70.92	N
<b>Totals for Check 086904</b>							<b>77.40</b>	
086905	09-30-2020	MID AMERICAN ENERGY	006435	AUG/SEPT 2020	199-51-6257.00-999-199000	DISTRICT ELECTRICITY	62,511.45	N
086906	09-30-2020	DEBBIE MONDANE	900008	SEPT 1-25	386-11-6411.00-999-123000	INDISTRICT TRAVEL	572.24	N
086907	09-30-2020	CHARLES MUTH	900009	HS VB VS	199-36-6299.00-001-191W00	ECHS VOLLEYBALL OFFICIAL	140.00	N
			900009	HS VB VS	199-36-6299.00-001-191W00	ECHS VOLLEYBALL OFFICIAL	110.00	N
<b>Totals for Check 086907</b>							<b>250.00</b>	

## For the Month of September

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
086908	09-30-2020	NEW DISTRIBUTING	006599	INV-03423-2009	199-34-6311.00-999-199000	FUEL	5,633.74	N
086909	09-30-2020	SUSAN NOHAVITZA	900009	EC VB VS	199-36-6299.00-001-191W00	ECHS VOLLEYBALL WORKER	25.00	N
086910	09-30-2020	NWEA	006278	40621	199-31-6339.00-999-137000	TESTING MATERIALS	1,500.00	N
086911	09-30-2020	NXKEM USA LLC	006448	1126069	199-34-6399.01-999-199000	DIESEL ADDITIVES	2,164.50	N
086912	09-30-2020	OFFICE DEPOT	006549	126870075001	199-11-6329.11-107-111000	LANGUAGE ARTS INSTRUCT SUP	375.00	N
			006374	124686951001	199-11-6399.00-107-111000	CLASSROOM SUPPLIES	372.70	N
<b>Totals for Check 086912</b>							<b>747.70</b>	
086913	09-30-2020	DONALD OLDAG	900009	AUG 28-SEPT 29	199-51-6411.00-999-199W00	INDISTRICT TRAVEL	64.63	N
086914	09-30-2020	ABELARDO JAIME OLIVA	900009	HS VB VS ST	199-36-6299.00-001-191W00	ECHS VOLLEYBALL OFFICIAL	95.00	N
086915	09-30-2020	CESAR OLMEDO	900009	HS VB VS	199-52-6299.00-001-191W00	ECHS VOLLEYBALL SECURITY	140.00	N
086916	09-30-2020	OVERDRIVE, INC.	092901	H-0069917	199-12-6329.00-001-111Y00	LIBRARY DOWNLOAD FEE	3,000.00	N
086917	09-30-2020	PAINT PERFECTION	000009	51 ECMS MEALS	199-36-6412.90-041-191000	ECMS VOLLEYBALL MEALS	408.00	N
086918	09-30-2020	GARY DEAN PFLUGHAU	900009	EC FR VS	199-36-6299.00-001-191W00	FRESHMAN VOLLEYBALL OFFICI	45.00	N
086919	09-30-2020	THE PLAYWELL GROUP,	006345	26294	199-51-6247.01-999-199000	MYATT & HUTCHIN	8,637.82	N
086920	09-30-2020	POSITIVE PROMOTIONS	006384	06600485	199-11-6399.00-103-111000	GENERAL SUPPLIES	434.95	N
086921	09-30-2020	PROQUEST LLC	006471	70647695	199-12-6299.00-001-111000	SIRS RESEARCH;ELIBRARY;RES	3,014.36	N
086922	09-30-2020	REALLY GREAT READIN	006502	24649	199-11-6399.00-041-123000	SUBSCRIPTION RENEWAL	95.00	N
			006502	24649	199-11-6399.00-102-123000	SUBSCRIPTION RENEWAL	190.00	N
			006502	24649	199-11-6399.00-103-123000	SUBSCRIPTION RENEWAL	190.00	N
			006502	24649	199-11-6399.35-041-124000	SUBSCRIPTION RENEWAL	95.00	N
			006502	24649	199-11-6399.35-041-137000	SUBSCRIPTION RENEWAL	95.00	N
			006502	24649	199-11-6399.35-102-130000	SUBSCRIPTION RENEWAL	1,140.00	N
			006502	24649	199-11-6399.35-102-136000	SUBSCRIPTION RENEWAL	1,045.00	N
			006502	24649	199-11-6399.35-102-137000	SUBSCRIPTION RENEWAL	285.00	N
			006502	24649	199-11-6399.35-103-137000	SUBSCRIPTION RENEWAL	285.00	N
			006502	24649	199-11-6399.35-107-136000	SUBSCRIPTION RENEWAL	760.00	N
<b>Totals for Check 086922</b>							<b>4,180.00</b>	
086923	09-30-2020	REGION 12 ESC	006324	090267	199-33-6411.00-102-199000	TRAINING	55.00	N
			006324	090267	199-33-6411.00-102-199000	TRAINING	55.00	N
			006307	090266	199-33-6411.00-103-199000	STAFF DEVELOPMENT	55.00	N
			006333	090268	199-33-6411.00-107-199000	STAFF DEVELOPMENT	55.00	N
			006521	090522	199-53-6239.00-001-199W00	SUPPORT AGREEMENT	990.00	N
			006521	090522	199-53-6239.00-041-199W00	SUPPORT AGREEMENT	990.00	N
			006521	090522	199-53-6239.00-102-199W00	SUPPORT AGREEMENT	990.00	N
			006521	090522	199-53-6239.00-103-199W00	SUPPORT AGREEMENT	990.00	N
			006521	090522	199-53-6239.00-107-199W00	SUPPORT AGREEMENT	990.00	N
<b>Totals for Check 086923</b>							<b>5,170.00</b>	
086924	09-30-2020	RENAISSANCE LEARNIN	006269	5183193-233103	199-11-6395.00-999-111Y00	SUBSCRIPTION RENEWAL	2,500.00	N

## For the Month of September

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
086925	09-30-2020	RICE FARMERS CO-OP, I	006606	2-183617	199-34-6249.01-999-199000	TIRE REPAIR	18.00	N
			006390	2-183162	199-51-6247.00-999-199000	GROUNDS REPAIR SERVICES	24.69	N
						<b>Totals for Check 086925</b>	<b>42.69</b>	
086926	09-30-2020	TERALD ROBINSON	900008	EC JV/FR VS	199-36-6299.00-001-191W00	FRESH/JV FOOTBALL UMPIRE	100.00	N
			900008	EC VS	199-36-6299.00-001-191W00	ECHS FOOTBALL OFFICIAL	145.00	N
						<b>Totals for Check 086926</b>	<b>245.00</b>	
086927	09-30-2020	SCHMIDT IMPLEMENT, I	006330	20842	199-51-6317.00-999-199000	GROUNDS SUPPLIES/MATERIALS	91.91	N
086928	09-30-2020	SCHOLASTIC, INC.	006562	M6909220	211-11-6399.35-103-030000	LANGUAGE ARTS SUPPLIES	4,991.25	N
086929	09-30-2020	JOSEPH SCHWAIGER	900009	EC VS	199-36-6299.00-001-191W00	SUB VARSITY FOOTBALL OFFICIA	145.00	N
086930	09-30-2020	KRISTEN SEAY	092901	TRAV TO 9/18	313-11-6411.00-751-023000	INDISTRICT TRAVEL	247.25	N
			093001	TRAV TO 9/28	313-11-6411.00-751-023000	INDISTRICT TRAVEL	98.21	N
						<b>Totals for Check 086930</b>	<b>345.46</b>	
086931	09-30-2020	SERVICE SUPPLY OF VI	006233	701068289	199-51-6397.29-999-199000	BOTTLE FILLING STATIONS	5,258.89	N
086932	09-30-2020	JOSEPH SHERFIELD	900008	EC JV/FR VS	199-36-6299.00-001-191W00	JV/FRESH FOOTBALL OFFICIAL	195.00	N
086933	09-30-2020	CHRIS SKINNER	900008	AUG 3-26	199-00-2110.01-000-100000	INDISTRICT TRAVEL	44.85	N
			092801	EDUPHORIA	199-12-6411.00-999-111Y00	WORKSHOP REGISTRATION	39.00	N
						<b>Totals for Check 086933</b>	<b>83.85</b>	
086934	09-30-2020	MATTHEW SOHRT	900009	TRAVEL & TOLL	199-00-2110.01-000-100000	INDISTRICT TRAVEL	158.97	N
086935	09-30-2020	SPECIALIZED ASSESSM	000009	108681	199-31-6219.00-999-123000	PSYCHOEDUCATIONAL ASSESS	800.00	N
086936	09-30-2020	STEVEN STAFF	900009	HS VB VS	199-36-6299.00-001-191W00	VAR/JV VOLLEYBALL WORKER	50.00	N
			900009	HS VB VS	199-36-6299.00-001-191W00	JV VOLLEYBALL WORKER	25.00	N
			900009	JV/FR FB VS	199-36-6299.00-001-191W00	JV/FR FOOTBALL WORKER	75.00	N
			900009	FR FB VS	199-36-6299.00-001-191W00	FRESHMAN FOOTBALL WORKER	25.00	N
			900009	HS VB VS ST	199-36-6299.00-001-191W00	VAR VOLLEYBALL WORKER	25.00	N
						<b>Totals for Check 086936</b>	<b>200.00</b>	
086937	09-30-2020	SUSAN L. STOCKTON	900008	SEPT 1-28, 2020	437-11-6216.04-751-123000	COUNSELING SERVICES	6,345.00	N
086938	09-30-2020	SUNSHINE LAUNDRY	006637	SEPT 2020	199-11-6299.70-001-122000	UNIFORM SERVICE	18.00	N
			006637	SEPT 2020	199-51-6299.00-999-199000	UNIFORM SERVICE	181.80	N
						<b>Totals for Check 086938</b>	<b>199.80</b>	
086939	09-30-2020	SUPERIOR MOTOR PAR	006265	9319-342154	199-11-6399.72-001-122000	AUTO TECH LAB SUPPLIES	137.69	N
086940	09-30-2020	T-MOBILE	006573	969756706-SEPT	199-11-6399.29-999-111TEC	HOT SPOTS-ONLINE LEARNERS	1,500.00	N
086941	09-30-2020	TAFE	006576	3928 (20/21)	199-36-6497.70-001-122000	MEMBERSHIP RENEWAL	80.00	N
086942	09-30-2020	TAGT	092801	PUSTEJOVSKY,	199-21-6495.00-999-121000	MEMERSHIP RENEWAL	70.00	N
086943	09-30-2020	TASA	006600	134240	199-13-6411.00-999-111Y00	CONF REG	175.00	N
			006600	134240	199-21-6411.00-041-124000	CONF REG	175.00	N
			006600	134240	199-21-6411.30-999-125000	CONF REG	175.00	N
			006600	134240	199-23-6411.00-999-125000	CONF REG	175.00	N
			006600	134240	199-23-6411.00-999-199Y00	CONF REG	175.00	N
			006600	134240	199-31-6411.00-999-199Y00	CONF REG	175.00	N
			006600	134240	199-31-6411.01-999-199Y00	CONF REG	175.00	N

## For the Month of September

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
			006600	134240	437-21-6411.00-751-123000	CONF REG	175.00	N
						<b>Totals for Check 086943</b>	<b>1,400.00</b>	
086944	09-30-2020	TASA-REGION III STUDY	900008	CALLAGHAN,	199-41-6495.00-701-199000	20/21 DUES	40.00	N
086945	09-30-2020	TASPA	006560	200011107	199-41-6411.00-750-1990HR	REGISTRATION FEE	185.00	N
086946	09-30-2020	TCEA REGISTRATION	092901	5893460-	199-12-6411.00-999-111Y00	CONFERENCE REGISTRATION	339.00	N
			900008	5893302-	199-51-6411.00-999-199W00	CONVENTION REG FEE	339.00	N
			092901	5907850-	289-13-6298.00-999-024000	CONFERENCE REGISTRATION	339.00	N
						<b>Totals for Check 086946</b>	<b>1,017.00</b>	
086947	09-30-2020	TEXANA CENTER	000009	1662-SEPT	199-11-6216.01-001-123000	BEHAVIORAL MANAGEMENT	10,290.00	N
086948	09-30-2020	TEXAS A&M AGRILIFE E	093003	ACCT.#230202	244-11-6499.00-001-122000	FOOD HANDLER'S CERTIFICATIO	3,180.00	N
086949	09-30-2020	TEXAS COUNSELING AS	900008	25942-	199-31-6495.00-001-199000	MEMBERSHIP-WALLACE, DIANE	150.00	N
			900008	7752-SPARKS, K	199-31-6495.00-001-199000	MEMBERSHIP-SPARK, KYLEEN	150.00	N
			900008	25077-	199-31-6495.00-001-199000	MEMBERSHIP-TERRAZAS, JESSI	150.00	N
			900008	SMITH,	199-31-6495.00-001-199000	MEMBERSHIP-SMITH, SHONGH	150.00	N
			900008	25086-	199-31-6495.00-041-199000	MEMBERSHIP-WITCHER, CINDY	170.00	N
			900008	25036-DOROTIK,	199-31-6495.00-041-199000	MEMBERSHIP-DOROTIK, SUMME	170.00	N
			900008	ONDRIAS,	199-31-6495.00-041-199000	MEMBERSHIP-ONDRIAS, RACHEL	170.00	N
						<b>Totals for Check 086949</b>	<b>1,110.00</b>	
086950	09-30-2020	TEXAS EDUCATIONAL M	006636	OCTOBER 2020	199-11-6299.00-001-128W00	PAYROLL EXPENSES	4,932.08	N
			006636	OCTOBER 2020	199-11-6299.01-001-111W00	PAYROLL EXPENSES	4,259.17	N
						<b>Totals for Check 086950</b>	<b>9,191.25</b>	
086951	09-30-2020	LINDA THURMOND	900008	AUG 28-SEPT 28	199-11-6411.00-999-1230VI	INDISTRICT TRAVEL	366.74	N
086952	09-30-2020	TRACTOR SUPPLY COM	006514	759504	199-11-6399.22-001-122000	AG SHOP SUPPLIES	961.39	N
			006468	759151	199-11-6399.81-001-122000	AG BARN SUPPLIES	230.52	N
						<b>Totals for Check 086952</b>	<b>1,191.91</b>	
086953	09-30-2020	DOLORES A. TREVINO	092801	EDUPHORIA	199-21-6411.00-999-199000	WORKSHOP REGISTRATION	39.00	N
086954	09-30-2020	UNIFIRST CORPORATIO	006300	8150885176	199-34-6299.00-999-199000	UNIFORM LAUNDRY SERVICE	39.40	N
			006300	8150885854	199-34-6299.00-999-199000	UNIFORM LAUNDRY SERVICE	39.40	N
			006300	8150886522	199-34-6299.00-999-199000	UNIFORM LAUNDRY SERVICE	39.40	N
			006300	8150887192	199-34-6299.00-999-199000	UNIFORM LAUNDRY SERVICE	39.40	N
						<b>Totals for Check 086954</b>	<b>157.60</b>	
086955	09-30-2020	UNITED AGRICULTURAL	006296	284910	199-51-6317.00-999-199000	GROUPS	39.98	N
086956	09-30-2020	WALMART COMMUNITY	006405		199-11-6399.00-107-111000	CLASSROOM INSTRUCTIONAL	233.33	N
			006491	2958	199-23-6399.00-999-199Y00	SUPPLIES & MATERIALS	2.97	N
			006491	2958	199-23-6399.01-999-128000	SUPPLIES & MATERIALS	240.28	N
						<b>Totals for Check 086956</b>	<b>476.58</b>	
086957	09-30-2020	WATERFORD RESEARC	006242	7048	211-11-6395.35-107-130000	SITE LICENSE	10,725.00	N
			006243	7047	211-13-6291.35-107-130000	SITE LICENSE	2,695.00	N
						<b>Totals for Check 086957</b>	<b>13,420.00</b>	
086958	09-30-2020	MALLORY WEAVER	900008	TDLR HEALTH	199-36-6399.99-001-191000	TDLR HEALTH PROF REIM	160.00	N
			900008	BELLVILLE-VB	199-36-6411.93-001-1910VB	TRAVEL EXP	70.38	N
						<b>Totals for Check 086958</b>	<b>230.38</b>	

For the Month of September

Check Nbr	Check Date	Payee	PO Nbr	Invoice Nbr	Fnd-Fnc-Obj.So-Org-Prog	Reason	Amount	EFT
086959	09-30-2020	WESTERN PSYCHOLOGI	006261	WPS-338976	313-31-6339.00-751-023000	TESTING MATERIALS	1,281.50	N
086960	09-30-2020	WHATABURGER RESTA	900008	2571277	199-36-6411.94-001-191000	FOOTBALL MEALS	141.75	N
			900008	2571277	199-36-6412.94-001-191000	FOOTBALL MEALS	329.50	N
			900008	2575012	199-36-6412.94-001-191000	FOOTBALL MEALS	162.00	N
						<b>Totals for Check 086960</b>	<b>633.25</b>	
086961	09-30-2020	JUSTIN WILLIAMS	900008	EC VS	199-36-6299.00-001-191W00	SUBVARSITY FOOTBALL OFFICIA	100.00	N
086962	09-30-2020	ALLYSSA YOUNG	900009	SEPT 2-29	437-11-6411.00-751-123000	INDISTRICT TRAVEL	206.20	N
						<b>Total Checks</b>	<b>1,430,733.77</b>	

End of Report

# ***Action Required***

**Agenda Item: 4.B.4**

**Meeting Date: October 27, 2020**

**Submitted by: David Bright, Assistant Superintendent for Finance**

<b>Consent Agenda: Business and Support Services</b>	<b>Amendment #1</b> – Appropriate deferred revenue received from Region 20 for Special Ed Fiscal Support to be spent on Special Ed Consulting Assessments.
<b>Summary</b>	According to district policy, the budget shall be amended when a change is made increasing any one of the functional spending categories.
<b>ECISD Board Policy</b>	CE (LOCAL), ANNUAL OPERATING BUDGET
<b>Effective Date</b>	October 27, 2020
<b>Previous Board Action</b>	The Board approved the 2020-2021 General Operating Budget, which includes the Fund Service Fund on August 25, 2020.
<b>Future Action Expected</b>	The Board is required to amend the budget when a change increases any one of the functional spending areas.
<b>Background Information and Significant Issues</b>	None
<b>Fiscal Impact</b>	<b>Amendment #1</b> - \$6,720.00
<b>Student and Public Benefit</b>	Accurate accounting for the expenditure of public funds.
<b>Procedural and Reporting Implications</b>	Record the official budget amendment and make the necessary changes in the general operating budget.
<b>Public Comments</b>	None.
<b>Alternatives</b>	None.

**Other Comments and Related Issues**

None.

**Attachments**

- Amendment #1

**Contact Person(s)**

David Bright, Assistant Superintendent for Finance & Operations.

**Action Required**

Motion, second and majority vote to approve budget amendment.

**Superintendent's Recommendation**

I recommend you approve the budget amendment as a part of the Consent Agenda.

**Bob Callaghan, Superintendent of Schools**

**EL CAMPO INDEPENDENT SCHOOL DISTRICT**  
**700 WEST NORRIS STREET**  
**EL CAMPO, TEXAS 77437**  
**(979) 543-6771**  
**(979) 543-1670 FAX**

October 27, 2020

DATE

2020-21

BUDGET YEAR

TO: Board of Trustees

FROM: David Bright *[Signature]*  
 Assistant Superintendent for Finance

RE: Budget Amendment(s)

Due to a change in financial requirements, I request the following budget amendments:

**AMENDMENT #1**

BUDGET CODE	ACCOUNT NAME	BUDGET	CHANGE+-	AMENDED
199 00 5839 00 000 100000	Spec Ed Fiscal Support Revenue	\$ 13,280	+\$ 6,720	\$ 20,000
199 31 6219 00 999 123000	Spec Ed Consult Assessments	\$ 13,280	+\$ 6,720	\$ 20,000

Appropriate deferred revenue received from Region 20 for Special Ed Fiscal Support to be spent on Special Ed Consulting Assessments.

# ***Action Item***

**Agenda Item: 4.B.5**

**Meeting Date: October 27, 2020**

**Submitted by: David Bright, Assistant Superintendent for Finance**

<b>Consent Agenda: Business and Support Services</b>	<b>Approval of amendment to provide additional funds for the purchase of (2) SRO Police Vehicles.</b>
<b>Summary</b>	Funds in the amount of \$112,000 were included in the 2020-21 budget for the replacement of the districts (2) SRO Police Vehicles. That amount was based on the estimate received at that time. The quote received on October 5 <sup>th</sup> was \$121,204.
<b>ECISD Board Policy</b>	CE (LOCAL), ANNUAL OPERATING BUDGET
<b>Effective Date</b>	October 27, 2020
<b>Previous Board Action</b>	The Board approved the 2020-2021 General Operating Budget, which includes the Fund Service Fund on August 25, 2020.
<b>Future Action Expected</b>	The Board is required to amend the budget when a change increases any one of the functional spending areas.
<b>Background Information and Significant Issues</b>	None
<b>Fiscal Impact</b>	<b>\$10,000</b>
<b>Student and Public Benefit</b>	Accurate accounting for the expenditure of public funds.
<b>Procedural and Reporting Implications</b>	Record the official budget amendment and make the necessary changes in the general operating budget.
<b>Public Comments</b>	None.
<b>Alternatives</b>	None.

**Other Comments and Related Issues**

None.

**Attachments**

- Quote received from Chief Terry Stanphill
- Budget Amendment

**Contact Person(s)**

David Bright, Assistant Superintendent for Finance & Operations.

**Action Required**

Motion, second and majority vote to approve budget amendment.

**Superintendent's Recommendation**

I recommend you approve the budget amendment as a part of the Consent Agenda.

**Bob Callaghan, Superintendent of Schools**

**EL CAMPO INDEPENDENT SCHOOL DISTRICT**  
**700 WEST NORRIS STREET**  
**EL CAMPO, TEXAS 77437**  
**(979) 543-6771**  
**(979) 543-1670 FAX**

October 27, 2020  
DATE

2020-21  
BUDGET YEAR

TO: Board of Trustees  
FROM: David Bright *[Signature]*  
Assistant Superintendent for Finance  
RE: Budget Amendment(s)

Due to a change in financial requirements, I request the following budget amendment:

**AMENDMENT #2**

BUDGET CODE	ACCOUNT NAME	BUDGET	CHANGE+-	AMENDED
199 52 6631 00 999 199000	Vehicles-SRO	\$ 112,000	+\$ 10,000	\$ 122,000
199 00 3700 00 000 100000	Fund Balance	\$9,482,850	-\$ 10,000	\$9,472,850

Appropriate additional funds needed for the purchase of 2 vehicles for the Security Resource Officers.

## David Bright

---

**From:** Stanphill, Terry <tstanphill@cityofelcampo.org>  
**Sent:** Monday, October 5, 2020 10:18 AM  
**To:** David Bright  
**Subject:** FW: Tahoe Estimate  
**Attachments:** CPS-BUYBOARD1 doc EL CAMPO -2020 CHEVROLET TAHOE PPV (PATROL) CC15706-2X-OCTOBER5 (IN STOCK) (EVS2409136) (BLACK).doc

**CAUTION:** This email originated outside of El Campo ISD. Do not click links or open attachments unless you recognize the sender and know the content is safe. **Remember to Think Before Clicking!**

Find attached a bid for Tahoe units.

Terry Stanphill  
Director of Public Safety  
City of El Campo  
1011 W. Loop  
El Campo, TX 77437  
FBINA 186  
979-543-5311

**From:** Daniel Aue <daue@siddons-martin.com>  
**Sent:** Monday, October 05, 2020 9:42 AM  
**To:** Stanphill, Terry <tstanphill@cityofelcampo.org>  
**Subject:** Tahoe Estimate

Good Morning Chief,

Here is the buy board quote for the Tahoe's. Caldwell has a few left on the ground but we would need to move quickly to secure them.

Best Regards,

Daniel Aue  
EVS General Manager



1364 E Richey  
Houston, TX 77073  
Office: 281/892-0490 -- Cell: 281/702-0348  
Fax: 281/219-2560  
Email: [daue@siddons-martin.com](mailto:daue@siddons-martin.com)  
[www.siddons-martin.com](http://www.siddons-martin.com)

QUOTE# 00AA1-EVS2409136

CONTRACT PRICING WORKSHEET

End User: CITY OF EL CAMPO

Contractor: CALDWELL COUNTRY

Contact Name: TERRY STANPHILL

CALDWELL COUNTRY

Email: TSTANPHILL@CITYOFELCAMPO.ORG

Prepared By: Averyt Knapp

Phone #: 979-543-5311

Email:  
aknapp@caldwellcountry.com

Fax #:

Phone #: 800-299-7283 or 979-567-6116

Location City & State: EL CAMPO, TX

Fax #: 979-567-0853

Date Prepared: OCTOBER 5, 2020

Address: P. O. Box 27,  
Caldwell, TX 77836

Contract Number: BUY BOARD #601-19

Tax ID # 14-1856872

Product Description: 2020 CHEVROLET TAHOE PPV CC15706

A Base Price & Options:

\$35,420

B Fleet Quote Option

Code	Description	Cost	Code	Description	Cost
	LH SPOTLIGHT, PPV, DUAL BATTERIES, LOCKING REAR AXLE DIFFERENTIAL, 5.3LV8, 6-SPD AUTOMATIC, CLOTH FRONT/VINYL REAR BENCH, FULL RUBBER FLOOR, AIR CONDITION FRONT/REAR, AMFM-STEREO W/BLUETOOTH, TILT, CRUISE, POWER SEAT, POWER WINDOWS, POWER LOCKS, POWER MIRRORS, KEYLESS ENTRY, DEEP TINT GLASS, RUNNING BOARDS, TRAILER TOW HITCH, REAR VIEW CAMERA	INCL			
	SIDDONS EVS2409136 LOGISTICS	\$24,110 \$872		CALDWELL COUNTRY	
				PO BOX 27	
				CALDWELL, TEXAS 77836	

Subtotal B

\$24,982

C Unpublished Options

Code	Description	Cost	Code	Description	Cost
			415		

Subtotal C

D Other Price Adjustments (Installation, Delivery, Etc...)	
Subtotal D	INCL
E Unit Cost Before Fee & Non-Equipment Charges (A+B+C+D)	\$60,402
Quantity Ordered	2
X	
Subtotal E	\$120,804
F Non-Equipment Charges (Trade-In, Warranty, Etc...)	
BUY BOARD	\$400
G. Color of Vehicle: BLACK	
H. Total Purchase Price (E+F)	\$121,204
Estimated Delivery Date:	UNITS IN STOCK - 90-120 DAY COMPLETION

# ***Action Item***

**Agenda Item: 4.B.6**

**Meeting Date: October 27, 2020**

**Submitted by: David Bright, Assistant Superintendent for Finance**

**Consent Agenda:  
Business and Support  
Services**

**Consider Adoption of a Corrected Resolution for the  
Proposed 2020-21 Budget.**

**Summary**

As you know, we presented the 2020-21 Proposed General Operating Budget at the August 25, 2020 Board Meeting. Unfortunately, the Resolution that we prepared to be signed by the Board President and Secretary did not have the correct totals for the three funds presented.

Page one of the presentation listed the three funds that are to be approved by the Board. Page two also listed the three funds which was correct. However, the numbers from the incorrect page one was used on the resolution.

Unfortunately, a clerical error was made and the amount listed for Fund 240 Food Service was incorrect. Attached is a copy of what was presented, a copy of what should have been presented and a corrected Resolution to be signed as a result of the correction.

**ECISD Board Policy**

None

**Effective Date**

October 27, 2020

**Previous Board Action**

The Board approved the 2020-2021 General Operating Budget, which includes the Fund Service Fund on August 25, 2020.

**Future Action Expected**

The Board is required to amend the budget when a change increases any one of the functional spending areas.

**Background Information and  
Significant Issues**

None

**Fiscal Impact**

None

**Student and Public Benefit**

Accurate accounting for the expenditure of public funds.

<b>Procedural and Reporting Implications</b>	Record the official budget amendment and make the necessary changes in the general operating budget.
<b>Public Comments</b>	None.
<b>Alternatives</b>	None.
<b>Other Comments and Related Issues</b>	None.
<b>Attachments</b>	<ul style="list-style-type: none"> <li>• Page 1 (incorrect page), Page 1 (corrected), Page 2 and a Resolution to be Signed</li> </ul>
<b>Contact Person(s)</b>	David Bright, Assistant Superintendent for Finance & Operations.
<b>Action Required</b>	Motion, second and majority vote approve the corrected Resolution to Adopt the Proposed 2020-21 Budget.
<b>Superintendent's Recommendation</b>	<p>I recommend you approve the corrected Resolution to Adopt the Proposed 2020-21 Budget.</p> <p><b>Bob Callaghan, Superintendent of Schools</b></p>

**EL CAMPO INDEPENDENT SCHOOL DISTRICT**  
**2020-2021**  
**PROPOSED BUDGET**

**SUMMARY BY FUND**

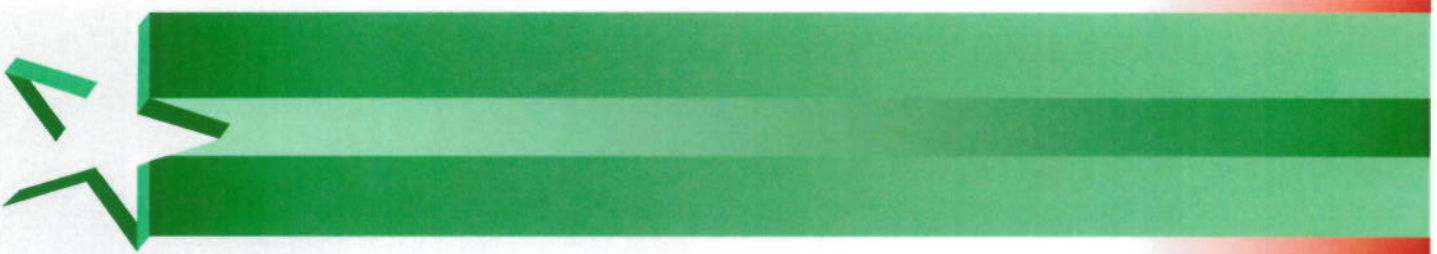
<u>FUND</u>	<u>PROGRAM DESCRIPTION</u>	<u>ESTIMATED REVENUES</u>	<u>ESTIMATED EXPENDITURES</u>	<u>SURPLUS/ (DEFICIT)</u>
199	General Fund	36,869,860	35,296,065	1,573,795
240	Food Service Fund	52,728	52,728	0
511	Debt Service Fund	896,871	2,137,534	(1,240,663)
<b>TOTAL ESTIMATED BUDGET</b>		<b>\$37,819,459</b>	<b>\$37,486,327</b>	<b>\$333,132</b>



**EL CAMPO INDEPENDENT SCHOOL DISTRICT**  
**2020-2021**  
**PROPOSED BUDGET**

**SUMMARY BY FUND**

<u>FUND</u>	<u>PROGRAM DESCRIPTION</u>	<u>ESTIMATED REVENUES</u>	<u>ESTIMATED EXPENDITURES</u>	<u>SURPLUS/ (DEFICIT)</u>
199	General Fund	36,869,860	35,296,065	1,573,795
240	Food Service Fund	2,079,501	2,079,501	0
511	Debt Service Fund	896,871	2,137,534	(1,240,663)
<b>TOTAL ESTIMATED BUDGET</b>		<b>\$39,846,232</b>	<b>\$39,513,100</b>	<b>\$333,132</b>



**EL CAMPO INDEPENDENT SCHOOL DISTRICT  
2020-2021  
PROPOSED BUDGET**

**SUMMARY BY FUNCTION**

<b>199 GENERAL FUND</b>		2020-21		2019-20		Incr/	%
Function	Function Category	Proposed Budget	% of Budget	Proposed Budget	% of Budget	Decl.	Change
11	Instruction	\$19,745,408	55.9%	\$19,048,478	55.3%	\$696,930	3.5%
12	Instructional Resources & Media	\$736,022	2.1%	\$720,413	2.1%	\$15,609	2.1%
13	Curriculum & Staff Development	\$964,802	2.7%	\$919,727	2.7%	\$45,075	4.7%
21	Instructional Administration	\$522,244	1.5%	\$586,194	1.7%	-\$63,950	-12.2%
23	School Administration	\$2,088,765	5.9%	\$2,143,788	6.2%	-\$55,023	-2.6%
31	Guidance-Counseling Services	\$1,204,622	3.4%	\$1,069,916	3.1%	\$134,706	11.2%
33	Health Services	\$215,734	0.6%	\$206,351	0.6%	\$9,383	4.3%
34	Pupil Transportation	\$1,321,799	3.7%	\$1,713,691	5.0%	-\$391,892	-29.8%
35	Food Service	\$58,162	0.2%	\$56,006	0.2%	\$2,156	3.7%
36	Extracurricular Activities	\$1,473,845	4.2%	\$1,376,037	4.0%	\$97,808	6.6%
41	General Administration	\$1,382,877	3.9%	\$1,349,553	3.9%	\$33,324	2.4%
51	Plant Maintenance & Operation	\$4,221,337	12.0%	\$4,098,628	11.9%	\$122,709	2.9%
52	Security & Monitoring Services	\$286,370	0.8%	\$171,601	0.5%	\$114,769	40.1%
53	Data Processing	\$84,664	0.2%	\$82,610	0.2%	\$2,054	2.4%
61	Community Services	\$39,389	0.1%	\$41,130	0.1%	-\$1,741	-4.4%
71	Debt Service	\$225,025	0.6%	\$224,775	0.7%	\$250	0.1%
99	Shared Services Arrangements	\$725,000	2.1%	\$630,000	1.8%	\$95,000	13.1%
<b>TOTAL BUDGET FOR FUND 199</b>		<b>\$35,296,065</b>	<b>100.0%</b>	<b>\$34,438,898</b>	<b>100.0%</b>	<b>\$857,167</b>	<b>2.4%</b>
<b>240 NATL. SCHOOL LUNCH</b>							
35	Food Service	\$2,079,501	100.0%	\$2,031,089	100.0%	\$48,412	2.3%
<b>TOTAL BUDGET FOR FUND 240</b>		<b>\$2,079,501</b>	<b>100.0%</b>	<b>\$2,031,089</b>	<b>100.0%</b>	<b>\$48,412</b>	<b>2.3%</b>
<b>511 DEBT SERVICE</b>							
71	Debt Services	\$2,137,534	100.0%	\$2,140,384	100.0%	-\$2,850	-0.1%
<b>TOTAL BUDGET FOR FUND 511</b>		<b>\$2,137,534</b>	<b>100.0%</b>	<b>\$2,140,384</b>	<b>100.0%</b>	<b>-\$2,850</b>	<b>-0.1%</b>
<b>199,240,511 TOTAL EXPENDITURES</b>		<b>\$39,513,100</b>		<b>\$38,610,371</b>		<b>\$902,729</b>	<b>2.3%</b>

**EL CAMPO INDEPENDENT SCHOOL DISTRICT**

**ADOPTION OF  
PROPOSED  
2020-2021 BUDGET**

The El Campo Independent School District proposes for the 2020-2021 school year the following budget for the General, Food Service, and Debt Service Fund:

**REVENUE BUDGET**

**\$ 39,846,232**

**EXPENDITURE BUDGET**

**\$ 39,513,100**

Accepted and approved by the El Campo Independent School District on August 25, 2020.

James Russell, Board President

Greg Anderson, Board Secretary

Date

Date

**Agenda Item Summary Sheet**

**Meeting Date: October 27, 2020**

**Submitted by: Dolores A. Treviño, Asst. Supt. of Curriculum & Instruction**

***Consent Item***

<b>Curriculum and Instruction</b>	Action regarding authorizing the Superintendent to seek a waiver from the Texas Education Agency for the 7 <sup>th</sup> -grade reading instrument due to the COVID 19 pandemic.
<b>Summary</b>	<p>TEC, §28.006(c-1) requires each school district to administer, at the beginning of the seventh grade, a reading instrument adopted by the Commissioner to each student whose performance on the grade 6 STAAR reading assessment did not demonstrate reading proficiency.</p> <p>LEAs are required to use one of the Commissioner approved reading diagnostic instruments for the 2020-2021 school year. However, because of disruptions to the 2019-2020 and the 2020-2021 school year resulting from COVID-19, districts may request a waiver to use another instrument approved by the local district board of trustees to best meet student needs in the 2020-2021 school year only.</p> <p>A waiver of the requirement to use an adopted instrument will only be approved for one year and will not be waived in the 2021-2022 school year and beyond.</p> <p>ECISD is requesting to use the Northwestern Evaluation Association (NWEA) Measure of Academic Progress (MAPS) Growth and Reading Fluency assessments for the 2020-2021 school year.</p>
<b>ECISD Board Policy</b>	EKC (Legal)
<b>Effective Date</b>	October 27, 2020
<b>Previous Board Action</b>	None.
<b>Future Action Expected</b>	None.
<b>Background Information and Significant Issues</b>	Even with COVID-19 disruptions, screening to monitor students' reading development and comprehension is critical in supporting their growth and academic success.
<b>Fiscal Impact</b>	None.
<b>Procedural and Reporting Implications</b>	None.
<b>Public Comments</b>	None.
<b>Alternatives</b>	None.
<b>Other Comments and Related Issues</b>	None.
<b>Attachments</b>	None.
<b>Contact Person(s)</b>	Dolores A. Treviño, Assistant Superintendent of Curriculum & Instruction
<b>Action Required</b>	Motion, second, and majority vote to authorize the Superintendent to seek the 7 <sup>th</sup> -grade reading instrument waiver due to the COVID 19 pandemic.
<b>Superintendent's Recommendation</b>	<p>I move that we authorize the Superintendent to seek the 7<sup>th</sup>-grade reading instrument waiver due to the COVID 19 pandemic.</p> <p><b>Bob Callaghan, Superintendent of Schools</b></p>

# Information Only

**Consent Agenda Item: 6.B.1**

**Meeting Date: October 27, 2020**

**Submitted By: David Bright, Assistant Superintendent for Finance and Operations**

**Business and Support Services**

Facilities Committee spokesman will review Bid Results and Present the Committees Recommendation to the Board for the Selection of a Contractor for the Ricebird Weight Room Project.

**Summary**

Competitive Sealed proposals were received Tuesday, October 22, 2020 for the Ricebird Weight Room Project by SZH Architects. The Base Proposal for the project was due at 2:00 p.m. and proposals for all alternates to the project were due at 2:30 p.m.

Once all proposals were received a committee of five individuals reviewed and evaluated each proposal. The committee consisted of Superintendent Bob Callaghan, Board President James Russell, Board Member Ed Erwin, David Bright, Demetric Wells, and Jeff Balcar.

**ECISD Board Policy**

CV (LEGAL), FACILITIES CONSTRUCTION

**Effective Date**

October 27, 2020

**Previous Board Action**

The Board of Trustees approved the contract and the schematic design of the Ricebird Weight Room Project at the regular board meeting on June 23, 2020.

The Board also approved Competitive Sealed Proposals as the delivery method for the Ricebird Weight Room Project at the meeting.

**Future Action Expected**

The Board will be updated as progress is made until completion of the project.

**Background Information and Significant Issues**

None.

**Fiscal Impact**

**Student and Public Benefit** Adequate facilities will be provided for our student athletes.

**Procedural and Reporting Implications** None.

**Public Comments** None.

**Alternatives** None.

**Other Comments and Related Issues** None.

**Attachment**

- Bid Evaluation Form
- Summary of Bid Results

**Submitted By** David Bright, Assistant Superintendent of Finance and Operations

**Action Required** No action required. This is an information report only.

**Recommendation** Information only.  
**Bob Callaghan, Superintendent of Schools**

**Scores For:**

**Committee Member**

	<b>Available Points</b>	<b>BLS Construction</b>	<b>Polasek Construction</b>	<b>Sterling Structures</b>	<b>Weaver &amp; Jacobs Constructors</b>
2. Experience on similar projects and with other school districts	15				
3. Personnel for the Project	15				
4. Quality of Construction	10				
5. Overall reputation for Close Out and Warranty	5				
6. Financial Stability	5				
7. Safety Record	5				

**Bid Results**  
**Request for Competitive Sealed Proposals**  
**Ricebird Weight Room Project**  
**October 22, 2020**

Bid Options	BLS Construction	Polasek Construction	Sterling Structures	Weaver & Jacobs
Base Bid	1,831,000	1,617,000	1,989,000	1,902,000
Alternate 1	221,952	183,700	190,900	172,000
Alternate 1A	20,314	19,200	31,336	17,000
Alternate 2	156,170	129,700	115,000	130,000
Alternate 2A	6,800	7,000	31,509	5,000
Alternate 3	160,000	160,000	83,790	72,000
Alternate 4	59,000	38,700	61,024	55,000
	<b>2,455,236</b>	<b>2,155,300</b>	<b>2,502,559</b>	<b>2,353,000</b>
Above Low Bidder	299,936		347,259	197,700

**Notes:**

- Alternate 1** Additional Bay - Meeting Room
- Alternate 1 A** Insulation in Bay Roof Panels for Alternate 1
- Alternate 2** Restrooms - Required
- Alternate 2A** Insulation in Restroom Roof Panels for Alternate 2
- Alternate 3** Insulation in Roof Panels - Base Bid
- Alternate 4** High Volume/Low Speed Fans

# ***Action Item***

**Consent Agenda Item: 6.B.2**

**Meeting Date: October 27, 2020**

**Submitted By: David Bright, Assistant Superintendent for Finance and Operations**

**Business and Support Services**

Consider Discuss and Take Action on Facilities Committee Recommendation to Authorize Superintendent to enter contract negotiations with Contractor for the Ricebird Weight Room Project.

**Summary**

Competitive Sealed proposals were received Tuesday, October 22, 2020 for the Ricebird Weight Room Project by SZH Architects. The Base Proposal for the project was due at 2:00 p.m. and proposals for all alternates to the project were due at 2:30 p.m.

Once all proposals were received a committee of five individuals reviewed and evaluated each proposal. The committee consisted of Superintendent Bob Callaghan, Board President James Russell, Board Member Ed Erwin, David Bright, Demetric Wells, and Jeff Balcar.

**ECISD Board Policy**

CV (LEGAL), FACILITIES CONSTRUCTION

**Effective Date**

October 27, 2020

**Previous Board Action**

The Board of Trustees approved the contract and the schematic design of the Ricebird Weight Room Project at the regular board meeting on June 23, 2020.

The Board also approved Competitive Sealed Proposals as the delivery method for the Ricebird Weight Room Project at the meeting.

**Future Action Expected**

The Board will be updated as progress is made until completion of the project.

**Background Information and Significant Issues**

None.

**Fiscal Impact**

**Student and Public Benefit** Adequate facilities will be provided for our athletes.

**Procedural and Reporting Implications** None.

**Public Comments** None.

**Alternatives** None.

**Other Comments and Related Issues** None.

**Attachments** None.

**Submitted By** David Bright, Assistant Superintendent of Finance and Operations

**Action Required** Motion, Second, and Majority Vote to approve the Recommendation of the Facilities Committee to Authorize the Superintendent to Enter into Negotiations with Polasek Construction for the Ricebird Weight Room Project.

**Recommendation** I recommend you approve the Recommendation of the Facilities Committee to Authorize the Superintendent to Enter into Negotiations with Polasek Construction for the Ricebird Weight Room Project.

**Bob Callaghan, Superintendent of Schools**

**Agenda Item Summary Sheet**  
**Meeting Date: October 27, 2020**  
**Submitted by: Bob Callaghan, Superintendent**

***Action Item***

<b>Governance</b>	El Campo COVID-19 Mitigation Plan
<b>Summary</b>	<p>Prior to any change in the state or county health plans, we wanted to keep the authority of masks within the school district. Under the TEA COVID-19 Mitigation plan, the following appears:</p> <p>2. Schools are required to comply with the governor’s executive order regarding the wearing of masks.</p> <p>3. In addition to the executive order, school systems may require the use of masks or face shields for adults or students for whom it is developmentally appropriate.</p> <p>This motion would insure the school district is responsible for the decisions regarding the mitigation of COVID-19.</p>
<b>ECISD Board Policy</b>	BJA (LEGAL) and BJA (LOCAL), SUPERINTENDENT DUTIES
<b>Effective Date</b>	2020-2021 School Year
<b>Previous Board Action</b>	None.
<b>Future Action Expected</b>	None.
<b>Background Information and Significant Issues</b>	ECISD is complying with the Governor’s Executive Order and the Texas Education Agency’s guidance to mitigate the spread of COVID-19.
<b>Fiscal Impact</b>	Potential increase of funding based on student return and increase in student ADA.
<b>Student and Public Benefit</b>	The district staff and students will be provided a safe environment.
<b>Procedural and Reporting Implications</b>	None.
<b>Public Comments</b>	None.
<b>Alternatives</b>	None.
<b>Other Comments and Related Issues</b>	None.
<b>Attachments</b>	None – refer to the COVID-19 Return to Learn Plan.
<b>Contact Person(s)</b>	Bob Callaghan, Superintendent, El Campo ISD
<b>Action Required</b>	Approve the authority of the superintendent to continue the mandate for masks, if necessary, to maintain a safe environment for the 2020-2021 school year.
<b>Superintendent’s Recommendation</b>	<p>Recommend the board approval as presented.</p> <p><b>Bob Callaghan, Superintendent of Schools</b></p>

**Agenda Item Summary Sheet**

***Action Item***

**Meeting Date: October 27, 2020**

**Submitted by: Dolores A. Trevino, Asst. Supt. of Curriculum & Instruction**

**Curriculum and Instruction** El Campo Middle School Targeted School Improvement Plan

**Summary** El Campo Middle School is required by TEA to complete a board-approved Targeted Improvement Plan to address their campus A-F ratings as a first-year overall D. State intervention requirements also include the district naming a District Coordinator for School Improvement, a campus public meeting for input on the plan, and completion of the campus self-assessment aligned to the Effective Schools Framework. The board approved Targeted Improvement Plan must be kept on record at the district level and is not submitted to TEA.

**ECISD Board Policy** AIB (LEGAL), ACCOUNTABILITY PERFORMANCE REPORTING

**Effective Date** 2020-2021 School Year

**Previous Board Action** None.

**Future Action Expected** None.

**Background Information and Significant Issues** In the summer of 2019, the district staff attended the two-day Effective Schools Framework training. It facilitated the El Campo Middle School Leadership Team in completing the state-required school improvement activities. The campus leadership team participated at the required Reflective Prioritization Activity on August 4, 2020, and September 28, 2020.

**Fiscal Impact** **Unknown.**

**Student and Public Benefit** The campus will follow the El Campo Middle School Targeted Improvement Plan and improve A-F Accountability for the 2020-2021 school year.

**Procedural and Reporting Implications** The board approved Targeted Improvement Plan must be kept on record at the district level and is not submitted to TEA.

**Public Comments** None.

**Alternatives** None.

**Other Comments and Related Issues** None.

**Attachments** ECMS Targeted Improvement Plan

**Contact Person(s)** Dolores A. Trevino, Assistant Superintendent of Curriculum and Instruction, Alicia Stary, Interim Principal of El Campo Middle School

**Action Required** Approve the 2020-201 El Campo Middle School Targeted Improvement Plan.

**Superintendent's Recommendation** Recommend the board approve the 2020-2021 El Campo Middle School Targeted Improvement Plan as presented.

**Bob Callaghan, Superintendent of Schools**



## 2020-2021 District Coordinator of School Improvement (DCSI) Superintendent Attestation

The superintendent must name a District Coordinator of School Improvement (DCSI) if their local education agency (LEA) meets one or more of the following criteria:

- the LEA, including those evaluated under alternative education accountability, was assigned an overall rating of F or must engage in unacceptable interventions due to TEC §39A.0545(b) or (c) or was assigned an overall rating of D or D in a domain;
- a campus within the LEA, including alternative education campuses, was assigned an overall rating of D or F or D in a domain;
- a campus was identified as in need of Comprehensive Support, Targeted Support, or Additional Targeted Support; or
- the LEA or campus described above has an appeal of a 2020 accountability rating pending.

The DCSI oversees the work of school improvement as a required member of the Campus Intervention Team (CIT), leads and participates in the needs assessment, including the Effective Schools Framework (ESF) self-assessment and ESF Diagnostic process, improvement planning, and monitoring processes, and ensures requirements and submissions are completed on time. The DCSI supports campus and district improvement by ensuring that the district creates the conditions for campus implementation of best practices. The district commitments in the ESF describe what the district does to create the foundations upon which school-based best practices are built, and the district’s actions are captured in the Targeted Improvement Plan (TIP). The DCSI needs to be in a position to impact and/or influence the ESF district commitments aligned to campus needs. DCSIs are principal supervisors or other district-level leaders with direct responsibility for campuses that have been identified for improvement under state and/or federal accountability.

It is strongly encouraged that the DCSI be the supervisor of the principal for the campus with an unacceptable performance rating. If the DCSI is not the principal supervisor, the principal supervisor is required to be a member of the CIT per Texas Administrative Code §97.1063(b)(2).

I, the superintendent of schools, attest that I have read the DCSI Job Description, and that the DCSI selected can perform all the duties included in the job description.

[DCSI Job Description](#)

<b>Campus Name:</b>	<b>District Coordinator of School Improvement (DCSI) Name, Role:</b>
El Campo Middle School	Dolores A. Treviño
<b>Campus Number:</b>	<b>Superintendent Name:</b>
241903041	Bob Callaghan
<b>Date:</b>	
Thursday, October 1, 2020	



Complete all campus information, including all names for the roles listed. In row 6, please indicate if this Targeted Improvement Plan is the implementation of a Turnaround Plan. If so, please put the school year that the TAP was first implemented. Please indicate if you were ordered to implement the TAP or if implementation is voluntary.

District Name	El Campo ISD	Campus Name	El Campo Middle School	Superintendent	Bob Callaghan	Principal	Alicia Stary - Interim
District Number	214903	Campus Number	000000041	District Coordinator of School Improvement (DCSI)	Dolores A. Treviño	ESC Number	3
Is this a Turnaround Implementation Plan?	No	What Year was the TAP first implemented?	n/a	Was TAP Implementation Ordered or Voluntary?		ESC Support	

**ASSURANCES**

Enter the name of the person in each role below and the date this tab was completed. Please update row 12 with the Board Approval Date when the TIP has been board approved.

DCSI	I, the District Coordinator of School Improvement, attest that I will provide or facilitate the provision of all the necessary district-level commitments and support mechanisms to ensure the successful implementation of the Targeted Improvement Plan for this campus. I understand I am responsible for the implementation of all intervention requirements. If I am the principal supervisor, I understand I am responsible for ensuring the principal carries out the plan elements as indicated herein.	Dolores A. Treviño 10/1/2020
Principal Supervisor <i>* Only necessary if the DCSI is NOT the Principal supervisor.</i>	I, as supervisor of the principal for this campus, attest that I will coordinate with the DCSI to provide or facilitate the provision of all the necessary district-level commitments and support mechanisms to ensure the principal I supervise can achieve successful implementation of the Targeted Improvement Plan for this campus. I understand I am responsible for ensuring the principal carries out the plan elements as indicated herein.	<Enter Name and Date>
Principal	I, as principal for this campus, attest that I will coordinate with the DCSI (and my supervisor, if they are not the same person) to use the district-provided commitments and support mechanisms to ensure the successful implementation of the Targeted Improvement Plan for this campus. I agree to carry out the plan elements as indicated herein.	<Enter Name and Date>

Board Approval Date

**DATA ANALYSIS**

Using your accountability data from 2019 (see link in Column G), and any relevant student achievement data from 2019-2020, set reasonable goals in each domain (1, 2B and 3). Include what special student groups you will be monitoring for progress. Include CCMR goals, if applicable.

<https://rptsvr1.tea.texas.gov/perfreport/tapr/2019/index.html>

Data Analysis Questions	What accountability goals for each Domain has your campus set for the year? Be sure to include how you determined the goal for each domain and how these goals will impact your overall Accountability Rating.	Domain 1: 75 Rationale: A focus on student growth for all sub populations and an increase in the Meets and Masters level of performance.  Domain 2B: 75 Rationale: A focus on student growth for all sub populations and an increase in the Meets and Masters level of performance.  Domain 3: 72 Rationale: A focus on student growth for all sub populations and an increase in the Meets and Masters level of performance.
	What changes in student group and subject performance are included in these goals?	A 5% increase in students achieving at the Meets level of performance.
	If applicable, what goals has your campus set for CCMR and Graduation Rate?	N/A

**CAMPUS FOCUS AREAS**

Use information from your Reflective Prioritization Activity and ESF Diagnostic (if available) to complete the following section.

Essential Action	Implementation Level (1 Not Yet Started - 5 Fully Implemented)
1.1 Develop campus instructional leaders with clear roles and responsibilities.	2 - Planning for Implementation
2.1 Recruit, select, assign, induct and retain a full staff of highly qualified educators.	2 - Planning for Implementation
3.1 Compelling and aligned vision, mission, goals, and values focused on a safe environment and high expectations.	2 - Planning for Implementation
4.1 Curriculum and assessments aligned to TEKS with a year-long scope and sequence.	3 - Beginning Implementation
5.1 Objective-driven daily lesson plans with formative assessments.	2 - Planning for Implementation
5.3 Data-driven instruction.	3 - Beginning Implementation

**PRIORITIZED FOCUS AREAS**

**Complete each section below (please refer to your RPA):**

**Essential Action:** From the drop-down menu, select 2-3 Essential Actions the campus has selected to prioritize in the 2020-2021 school year.

**Rationale:** Explain the reason(s) this campus chose to focus on these Essential Actions this year.

**Capacity Building:** For each prioritized focus area selected, list any internal/external capacity building efforts or cohorts in which you will participate this year. You can refer to the Vetted Improvement Programs found here: <https://texasesf.org/vetted-programs/>

**Barriers:** For each prioritized focus area selected, list the barriers to implementation the campus may face throughout the year.

**Desired Annual Outcome:** For each prioritized focus area selected, create your annual goal that is specific, measurable, attainable, and realistic.

**District Commitment Theory of Action:** For each prioritized focus area selected, list what the district will do to support the campus to achieve its desired annual outcome. Be sure to reference the District Commitments found in the ESF located here: <https://texasesf.org/framework/>

	Prioritized Focus Area #1	Prioritized Focus Area #2	Prioritized Focus Area #3
<b>Essential Action</b>	3.1	5.1	
<b>Rationale</b>	Identify campus goal to streamline efforts and provide consistency across the campus over the years.	Since we are moving to online instruction due to COVID19, teachers will have new challenges with technology and pre-planning. First teach is even more important with remote learning.	
<b>How will the campus build capacity in this area? Who will you partner with?</b>	Create mission and vision, get buy-in from staff. Support social/emotional health needs of students and staff.	Google Classroom training. Lead teachers for specific areas. Google Classroom template. Distance learning handbook. 1-1 technology for students.	
<b>Barriers to Address throughout this year</b>	Teachers may perceive the mission as being temporary and for the current school year only. Isolationism: teachers may be unaware of other departments' goals. New district calendar does not have early release on Fridays to allow for PLC times.	Google Classroom is new to many teachers. New requirement for teachers to have lesson plans drafted 2 weeks prior to delivery of instruction.	
<b>How will you communicate these priorities to your stakeholders? How will create buy-in?</b>	Collectively develop mission and vision with staff. Mission and vision will help define the "WHY" to campus decisions and actions. Repetitive use of mission and vision with staff and students.	Distance learning handbook. Professional Development for staff.	
<b>Desired Annual Outcome</b>	Entire staff and students to have a common goal.	100% students participating in Google Classroom. High impact instruction in person and remote.	
<b>District Commitment Theory of Action</b>	If district policies and practices align with and promote positive school culture, then the campus will provide a safe environment with high expectations.	If district policies and practices support effective instruction in schools, then the campus will enhance student growth and achievement in reading and math.	If...then,

**STUDENT DATA**

To complete the Student Data Tab, please enter data for all STAAR tested courses.

- For Domain 1, enter the 2019 STAAR results for each tested course. You can enter the Total % of assessments at Approaches/Meets/Masters for your campus in column H in the form App/Meets/Ma (for example: 60/20/10).

If you prefer to enter the data by each grade-level, you may add rows to accommodate each grade.

If you administered a baseline assessment, please enter the data from that assessment in Column I. Enter the Total % of tests at each level of proficiency: Approaches, Meets, Masters.

For each cycle, please enter Assessment Type. Remember to use comparable, STAAR-aligned assessments for each cycle. Enter the formative goal for that cycle.

Once data is available, please update the Actual Result column.

- For Domain 3, you will choose two targets to track this year. You can choose two targets from the Academic Achievement Indicators OR the Student Success Indicators. Please indicate if you are choosing Academic Achievement or Student Success Indicators in Column B.

You will choose which tested subjects to track for these indicators.

Your TEA Specialist can support you in selecting these focus areas. Just like in Domain 1, please include the 2019 results for each selected target group.

If you administered a baseline assessment, please enter the data from that assessment in Column I. Enter the Total % of tests at each level of proficiency.

If you are choosing to track Academic Achievement- Track Meets ONLY

If tracking Student Success (EI/MS) track an average of Approaches, Meets and Masters (as one number)

High Schools or K-12 campuses should use one number that is in relation to CCMR.

For each cycle, please enter the Assessment Type. Remember to use comparable, STAAR-aligned assessments for each cycle. Enter the formative goal for that cycle.

Once data is available, please update the Actual Result column.

- You will also track your English Language Proficiency throughout the year. Just like in Domain 1, please include the 2019 TELPAS data. If you administered a baseline assessment, please enter the data from that assessment in Column I.

For each cycle, please identify what assessment you are using to track the progress of students (as a proxy for TELPAS). You can adjust the data you provide, based on the data your campus collects. Enter the formative goal for that cycle. Once data is available, please update the Actual Result column.

Please communicate with your TEA School Improvement Specialist if there are challenges in completing all portions of this data at each cycle due to the disruption of the school year in regard to COVID-19.

\*\* To unfreeze panes, select the View tab and click the Freeze Panes button.

Core Metrics	Sub Metrics	Grade Level	Student Group	Subject Tested	Performance Level	Summative Assessment	% of Assessments										2021 Accountability Goal	
							2019 Results	2020 Baseline Data (Optional) BOY	Cycle 1			Cycle 2			Cycle 3			
									Assessment Type	Formative Goal	Actual Result	Assessment Type	Formative Goal	Actual Result	Assessment Type	Formative Goal		Actual Result
1. Domain 1	% of Students at Meets	6	All	Reading	Meets	STAAR	37	43	Benchmark	42		Benchmark			Benchmark			
		7	All	Reading	Meets	STAAR	26	24		40								
		8	All	Reading	Meets	STAAR	34	23		40								
		6	All	Mathematics	Meets	STAAR	53	34		58								
		7	All	Mathematics	Meets	STAAR	34	9		39								
		8	All	Mathematics	Meets	STAAR	41	17		46								
		8	All	Algebra	Meets	STAAR				99								
		8	All	Science	Meets	STAAR	26			31								
		8	All	Social Studies	Meets	STAAR	18			23								
		7	All	Writing	Meets	STAAR	36	21		41								
2. Domain 3 Focus 1	Focus 1 Components (Choose two targets in Academic Achievement)	All	Hispanic	Reading	Meets	STAAR	26	26		37								
		All	Economic Disadvantaged	Reading	Meets	STAAR	23	22	436	33								

3. Domain 3 Focus 2	Focus 2 Components (Choose two targets in Academic Achievement)	All	Hispanic	Mathematics	Meets	STAAR	35	14		40							
		All	Economic Disadvantaged	Mathematics	Meets	STAAR	33	14		36							
4. Domain 3 Focus 3	ELP Component	All	English Learners (ELs)	TELPAS	All	TELPAS	25			36							

### CYCLE 1 90-DAY OUTCOMES (September - November)

**Essential Action:** Pre-populates from the 'Foundations' tab.

**Desired Annual Outcome:** Pre-populates from the 'Foundations' tab.

**For each Prioritized Focus Area, please complete the following sections:**

**Desired 90-Day Outcome:** Describe the specific, measurable goal the campus plans to achieve by the end of this cycle for each prioritized focus area.

**Barriers:** For each prioritized focus area selected, list the barriers to implementation the campus may face during this cycle.

**District Actions for this Cycle:** List what the district will do to support the campus to achieve the desired outcome during this 90-day cycle.

**District Commitment Theory of Action:** Pre-populates from the 'Foundations' tab.

	Prioritized Focus Area #1	Prioritized Focus Area #2	Prioritized Focus Area #3
<b>Essential Action</b>	3.1	5.1	0
<b>Desired Annual Outcome</b>	Entire staff and students to have a common goal.	100% students participating in Google Classroom. High impact instruction in person and remote.	0
<b>Desired 90-day Outcome</b>	Each subject area by grade level will meet their target Meets goal. (increase by 5% percentage points; except Alg I)	Seek ways to motivate and encourage students to attend face to face learning. Each subject area by grade level will meet their target Meets goal. (increase by 5% percentage points; except Alg I)	
<b>Barriers to Address During this Cycle</b>	Isolationism and lack of unity. Communication is stunted due to social distancing and masks.	Students not attending virtual classes. Students attending virtual classes are not turning in assignments.	
<b>District Actions for this Cycle</b>	The district has established a time line of hiring for a middle school principal.	The district has established a return to learn plan.	
<b>District Commitment Theory of Action</b>	If district policies and practices align with and promote positive school culture, then the campus will provide a safe environment with high expectations.	If district policies and practices support effective instruction in schools, then the campus will enhance student growth and achievement in reading and math.	If....then,

### ACTION PLAN

In each row below, list the actions the campus is taking during this cycle to achieve its desired outcomes and address the identified barriers to implementation.

**For each action step, indicate:**

- the prioritized essential action it is aligned to,
- the start date/end date during this specific cycle,
- the resources needed to accomplish this task,
- the person(s) responsible for ensuring task is accomplished,
- the evidence that will be used to determine progress toward the action step, and
- the date evidence will be collected.

**At the end of each cycle -**

**For each action step: (1) select the progress review status from the drop down menu, and (2) describe what next steps will be taken during the next cycle.**

**For each action that has not been MET, please update column J with necessary adjustments or next steps for this action step.**

Action Step	Prioritized Essential Action	Start Date/End Date	Resources Needed	Person(s) Responsible	Evidence used to Determine Progress toward Action Step (May be requested by Specialist)	Evidence Collection Date	Progress toward Action Step	Necessary Adjustments / Next Steps
CIS supporting targeted remote LEP learners	5.1	Aug - May		M. Figirova	Increased student averages/numbers of assignments completed.	Check in with Sylinda by end of 9 weeks		
Student growth charts in Staar tested subjects	5.1	Aug - May	Growth charts	ICs & core teachers	Assessment results recorded on growth charts and updated as appropriate	1 week after common assessments		
Continue lesson planning with setting goals.	5.1	Aug - May		ICs & core teachers	Documentation on lesson plans	Weekly		
Data talks each 9 weeks	3.1	Aug - May		CLT	9 weeks test data & minutes from data talks	Within 1 week after 9 weeks exam		
Using a planning document to focus on essentials and to help to bridge with online learners	3.1	Aug - May	planning document	ICs & core teachers	Weekly planning meetings with essentials and the Big 4 PLC questions answered as a grade/subject level.	Weekly		
Providing intervention for targeted students (meets level) with a push in model.	3.1	Aug - May	staff	CLT	Assessment results with students maintaining or progressing STAAR levels.	2-3 times a week		
Targeting group of students for meets and masters. GT and advanced students are being monitored by selected intervention teachers.	3.1	Aug - May	Google Sheet to track interventions and their effectiveness	CLT	Types of intervention strategies monitored and recorded on intervention report with the results documented	re-evaluate after each grading report.		
Targeted students receive daily intervention to maintain masters/meets level with immediate monitoring.	3.1	Aug - May	staff	CLT	Types of intervention strategies monitored and recorded on intervention report with the results documented	daily		
Assimilate students returning from remote learning	5.1	October 20	438	CLT	Returning students follow new procedures			

<b>REFLECTION and PLANNING for NEXT 90-DAY CYCLE</b>							
<p>At the end of this cycle, please reflect on the implementation of your Targeted Improvement Plan thus far by responding to the questions below. Be sure to explain whether your outcomes and student performance goals were met and why or why not. List any action steps you will carry over to the next cycle and any new action steps you have discovered necessary for the next cycle. Be sure to add these action steps into the next cycle's action plan.</p>							
For each of the Prioritized Focus Areas, did you achieve your desired 90-day outcome? Why or why not?							
Did you achieve your student performance goals (see Student Data Tab)? Why or why not?							
Review the necessary adjustments/next steps column above. What action steps from this cycle will you continue working on in the next cycle? What new action steps do you need to add to the next cycle?				<b>Carryover Action Steps</b>		<b>New Action Steps</b>	

**CYCLE 2 90-DAY OUTCOMES (December-February)**

**Essential Action:** Pre-populates from the 'Foundations' tab.  
**Desired Annual Outcome:** Pre-populates from the 'Foundations' tab.  
**For each Prioritized Focus Area, please complete the following sections:**  
**Desired 90-Day Outcome:** Describe the specific, measurable goal the campus plans to achieve by the end of this cycle for each prioritized focus area.  
**Barriers:** For each prioritized focus area selected, list the barriers to implementation the campus may face during this cycle.  
**District Actions for this Cycle:** List what the district will do to support the campus during this 90-day cycle to achieve the desired outcome.  
**District Commitment Theory of Action:** Pre-populates from the 'Foundations' tab.

	Prioritized Focus Area #1	Prioritized Focus Area #2	Prioritized Focus Area #3
<b>Essential Action</b>	3.1	5.1	0
<b>Desired Annual Outcome</b>	Entire staff and students to have a common goal.	100% students participating in Google Classroom. High impact instruction in person and remote.	0
<b>Desired 90-day Outcome</b>	Each subject area by grade level will meet their target Meets goal. (increase by 5% percentage points; except Alg I)	Seek ways to motivate and encourage students to attend face to face learning. Each subject area by grade level will meet their target Meets goal. (increase by 5% percentage points; except Alg I)	
<b>Barriers to Address During this Cycle</b>	Isolationism and lack of unity. Communication is stunted due to social distancing and masks.	Students not attending virtual classes. Students attending virtual classes are not turning in assignments.	
<b>District Actions for this Cycle</b>	The district has established a time line of hiring for a middle school principal.	The district has established a return to learn plan.	
<b>District Commitment Theory of Action</b>	If district policies and practices align with and promote positive school culture, then the campus will provide a safe environment with high expectations.	If district policies and practices support effective instruction in schools, then the campus will enhance student growth and achievement in reading and math.	If....then,

**ACTION PLAN**

In each row below, list the actions the campus is taking during this cycle to achieve its desired outcomes and address the identified barriers to implementation.  
**For each action step, indicate:**  
 - the prioritized essential action it is aligned to,  
 - the start date/end date during this specific cycle,  
 - the resources needed to accomplish this task,  
 - the person(s) responsible for ensuring task is accomplished,  
 - the evidence that will be used to determine progress toward the action step, and  
 - the date evidence will be collected.  
**At the end of each cycle -**  
**For each action step: (1) select the progress review status from the drop down menu, and (2) describe what next steps will be taken during the next cycle.**  
**For each action that has not been MET, please update column J with necessary adjustments or next steps for this action step.**

Action Step	Prioritized Focus Area	Start Date/End Date	Resources Needed	Person(s) Responsible	Evidence used to Determine Progress toward Action Step <i>(May be requested by Specialist)</i>	Evidence Collection Date	Progress toward Action Step	Necessary Adjustments / Next Steps
CIS supporting targeted remote LEP learners	5.1	Aug - May		M. Figirova	Increased student averages/numbers of assignments completed.	Check in with Sylinda by end of 9 weeks		
Student growth charts in STAAR tested subjects	5.1	Aug - May	Growth charts	ICs & core teachers	Assessment results recorded on growth charts and updated as appropriate	1 week after common assessments		
Continue lesson planning with setting goals.	5.1	Aug - May		ICs & core teachers	Documentation on lesson plans	Weekly		
Data talks each 9 weeks	3.1	Aug - May		CLT	9 weeks test data & minutes from data talks	Within 1 week after 9 weeks exam		
Using a planning document to focus on essentials and to help to bridge with online learners	3.1	Aug - May	planning document	ICs & core teachers	Weekly planning meetings with essentials and the Big 4 PLC questions answered as a grade/subject level.	Weekly		
Providing intervention for targeted students (meets level) with a push in model.	3.1	Aug - May	staff	CLT	Assessment results with students maintaining or progressing STAAR levels.	2-3 times a week		
Targeting group of students for meets and masters. GT and advanced students are being monitored by selected intervention teachers.	3.1	Aug - May	Google Sheet to track interventions and their effectiveness	CLT	Types of intervention strategies monitored and recorded on intervention report with the results documented	re-evaluate after each grading report.		

Targeted students receive daily intervention to maintain masters/meets level with immediate monitoring.	3.1	Aug - May	staff	CLT	Types of intervention strategies monitored and recorded on intervention report with the results documented	daily		
Conduct campus check in for needs assesement for new campus principal.	3.1	Jan - May		CLT	Survey			
CLT will support new campus administrator.	3.1	Jan - May						

**REFLECTION and PLANNING for NEXT 90-DAY CYCLE**

**At the end of this cycle, please reflect on the implementation of your Targeted Improvement Plan thus far by responding to the questions below. Be sure to explain whether your outcomes and student performance goals were met and why or why not. List any action steps you will carry-over to the next cycle and any new action steps you have discovered necessary for the next cycle. Be sure to add these action steps into the next cycle's action plan.**

For each of the Prioritized Focus Areas, did you achieve your desired 90-day outcome? Why or why not?		
Did you achieve your student performance goals (see Student Data Tab)? Why or why not?		
Review the necessary adjustments/next steps column above. What Action Steps from this cycle will you continue working on in the next cycle? What new Action Steps do you need to add to the next cycle?	<b>Carryover Action Steps</b>	<b>New Action Steps</b>

### CYCLE 3 90-DAY OUTCOMES (March-May)

**Essential Action:** Pre-populates from the 'Foundations' tab.

**Desired Annual Outcome:** Pre-populates from the 'Foundations' tab.

**For each Prioritized Focus Area, please complete the following sections:**

**Desired 90-Day Outcome:** Describe the specific, measurable goal the campus plans to achieve by the end of this cycle for each prioritized focus area.

**Barriers:** For each prioritized focus area selected, list the barriers to implementation the campus may face during this cycle.

**District Actions for this Cycle:** List what the district will do to support the campus during this 90-day cycle to achieve the desired outcome.

**District Commitment Theory of Action:** Pre-populates from the 'Foundations' tab.

	Prioritized Focus Area #1	Prioritized Focus Area #2	Prioritized Focus Area #3
<b>Essential Action</b>	3.1	5.1	0
<b>Desired Annual Outcome</b>	Entire staff and students to have a common goal.	100% students participating in Google Classroom. High impact instruction in person and remote.	0
<b>Desired 90-day Outcome</b>	Each subject area by grade level will meet their target Meets goal. (increase by 5% percentage points; except Alg I)	Each subject area by grade level will meet their target Meets goal. (increase by 5% percentage points; except Alg I)	
<b>Barriers to Address During this Cycle</b>	Isolationism and lack of unity. Communication is stunted due to social distancing and masks.	Students not attending virtual classes. Students attending virtual classes are not turning in assignments.	
<b>District Actions for this Cycle</b>	The district has established a time line of hiring for a middle school principal.	The district has established a return to learn plan.	
<b>District Commitment Theory of Action</b>	If district policies and practices align with and promote positive school culture, then the campus will provide a safe environment with high expectations.	If district policies and practices support effective instruction in schools, then the campus will enhance student growth and achievement in reading and math.	If...then,

### ACTION PLAN

In each row below, list the actions the campus is taking during this cycle to achieve its desired outcomes and address the identified barriers to implementation.

**For each action step, indicate:**

- the prioritized essential action it is aligned to,
- the start date/end date during this specific cycle,
- the resources needed to accomplish this task,
- the person(s) responsible for ensuring task is accomplished,
- the evidence that will be used to determine progress toward the action step, and
- the date evidence will be collected.

**At the end of each cycle -**

**For each action step: (1) select the progress review status from the drop down menu, and (2) describe what next steps will be taken during the next cycle.**

**For each action that has not been MET, please update column J with necessary adjustments or next steps for this action step.**

Action Step	Prioritized Focus Area	Start Date/End Date	Resources Needed	Person(s) Responsible	Evidence used to Determine Progress toward Action Step <i>(May be requested by Specialist)</i>	Evidence Collection Date	Progress toward Action Step	Necessary Adjustments / Next Steps
Provide targeted intervention for identified students	3.1	March-May	Funding, data reports	CLT	Schedule	May		
STAAR Reviews to prepare for assessments	5.1	March-May		ICs & core teachers		May		
CIS supporting targeted remote LEP learners	5.1	Aug - May		M. Figueroa	Increased student averages/numbers of assignments completed.	Check in with Sylinda by end of 9 weeks		
Student growth charts in Staar tested subjects	5.1	Aug - May	Growth charts	ICs & core teachers	Assessment results recorded on growth charts and updated as appropriate	1 week after common assessments		
Continue lesson planning with setting goals.	5.1	Aug - May		ICs & core teachers	Documentation on lesson plans	Weekly		
Data talks each 9 weeks	3.1	Aug - May		CLT	9 weeks test data & minutes from data talks	Within 1 week after 9 weeks exam		
Using a planning document to focus on essentials and to help to bridge with online learners	3.1	Aug - May	planning document	ICs & core teachers	Weekly planning meetings with essentials and the Big 4 PLC questions answered as a grade/subject level.	Weekly		

Providing intervention for targeted students (meets level) with a push in model.	3.1	Aug - May	staff	CLT	Assessment results with students maintaining or progressing STAAR levels.	2-3 times a week		
Targeting group of students for meets and masters. GT and advanced students are being monitored by selected intervention teachers.	3.1	Aug - May	Google Sheet to track interventions and their effectiveness	CLT	Types of intervention strategies monitored and recorded on intervention report with the results documented	re-evaluate after each grading report.		
Targeted students receive daily intervention to maintain masters/meets level with immediate monitoring.	3.1	Aug - May	staff	CLT	Types of intervention strategies monitored and recorded on intervention report with the results documented	daily		
Accountability Coach Visits	5.1	March - May		DCSI	Schedule	after visit		

**REFLECTION and PLANNING for NEXT 90-DAY CYCLE**

At the end of this cycle, please reflect on the implementation of your Targeted Improvement Plan thus far by responding to the questions below. Be sure to explain whether your outcomes and student performance goals were met and why or why not. List any action steps you will carry-over to the next cycle and any new action steps you have discovered necessary for the next cycle. Be sure to add these action steps into the next cycle's action plan.

For each of the Prioritized Focus Areas, did you achieve your desired 90-day outcome? Why or why not?	
Did you achieve your student performance goals (see Student Data Tab)? Why or why not?	
Review the necessary adjustments/next steps column above. What Action Steps from this cycle will you continue working on in the next cycle? What new Action Steps do you need to add to the next cycle?	<b>Carryover Action Steps</b>
	<b>New Action Steps</b>

**END OF YEAR REFLECTION**

Please reflect on the year's implementation of your Targeted Improvement Plan by responding to the questions below. Be sure to explain whether your campus achieved the desired annual outcome for each Prioritized Focus Area and why or why not.

	Prioritized Focus Area #1	Prioritized Focus Area #2	Prioritized Focus Area #3
Essential Action	0	0	0
Desired Annual Outcome	0	0	0
Did the campus achieve the desired outcome? Why or why not?			

### CYCLE 4 90-DAY OUTCOMES (June-August)

The purpose of this 90-Day action plan is to prepare for the upcoming school year. The essential actions the campus prioritizes may have changed based on progress made in the school year or based on ESF diagnostic results. Please complete this portion of the plan by reflecting on your campus's progress this year, and identifying your focus areas for next year. This tab serves as the foundation for next year's Targeted Improvement plan. Complete each section below:

**Essential Action:** From the drop-down menu, select 2-3 Essential Actions the campus has selected to prioritize in the 2021-2022 school year.

**Rationale:** Explain the reason(s) this campus chose to focus on these Essential Actions this year.

**Communication:** Describe how you will communicate your priorities to your stakeholders and how you will create buy-in from key stakeholder groups.

**Desired Annual Outcome:** For each prioritized focus area selected, create your annual goal that is specific, measurable, attainable, and realistic.

**Desired 90-Day Outcome:** Describe the specific, measurable goal the campus plans to achieve by the end of this cycle (June-August) for each prioritized focus area.

**Capacity Building:** For each prioritized focus area selected, list any internal/external capacity building efforts or cohorts in which you will participate this year. You can refer to the Vetted Improvement Programs found here: <https://texasesf.org/vetted-programs/>

**Barriers:** For each prioritized focus area selected, list the barriers to implementation the campus may face throughout the year.

**District Actions for this Cycle:** List what the district will do to support the campus to achieve the desired outcome during this 90-day cycle .

**District Commitment Theory of Action:** For each prioritized focus area selected, list what the district will do to support the campus to achieve its desired annual outcome. Be sure to reference the District Commitments found in the ESF located here: <https://texasesf.org/framework/>

	Prioritized Focus Area #1	Prioritized Focus Area #2	Prioritized Focus Area #3
Essential Action			
Rationale			
How will you communicate these priorities to your stakeholders? How will you create buy-in?			
Desired Annual Outcome			
Desired 90-Day Outcome			
How will the campus build capacity in this area? Who will you partner with?			
Barriers to Address throughout the year			
District Actions for this Cycle			
District Commitment Theory of Action			

### ACTION PLAN

In each row below, list the actions the campus is taking during this cycle to achieve its desired outcomes and address the identified barriers to implementation.

For each action step, indicate:

- the prioritized essential action it is aligned to,
- the start date/end date during this specific cycle,
- the resources needed to accomplish this task,
- the person(s) responsible for ensuring task is accomplished,
- the evidence that will be used to determine progress toward the action step, and
- the date evidence will be collected.

At the end of each cycle -

For each action step: (1) select the progress review status from the drop down menu, and (2) describe what next steps will be taken during the next cycle.

For each action that has not been MET, please update column J with necessary adjustments or next steps for this action step.

Action Steps	Prioritized Focus Area	Start Date/End Date	Resources Needed	Person(s) Responsible	Evidence used to Determine Progress toward Action Step <i>(May be requested by Specialist)</i>	Evidence Collection Date	Progress toward Action Step	Necessary Adjustments / Next Steps
	☐							
	☐							
	☐							
	☐							
	☐							

	☐							
	☐							
	☐							
	☐							

**Agenda Item Summary Sheet**  
**Meeting Date: October 27, 2020**  
**Submitted by: Bob Callaghan, Superintendent**

***Action Item***

<b>Superintendent Report</b>	Middle School Principal
<b>Summary</b>	The district has received 21 applicants for the MS principal position – three internal and 18 external candidates. The paper-screen committee will meet October 29 & 30 to screen candidates for interview. The goal is to send 5 candidates to the interview committee. The interview committee will interview October 9 & 10 if necessary. The board should provide some guidance on whether the internal candidates <b>MUST</b> be interviewed or whether the paper screen committee should determine the applicant pool.
<b>ECISD Board Policy</b>	DC (LEGAL) and DC (LOCAL), EMPLOYMENT PRACTICES
<b>Effective Date</b>	2020-2021 School Year
<b>Previous Board Action</b>	None.
<b>Future Action Expected</b>	None.
<b>Background Information and Significant Issues</b>	Following the resignation of the middle school principal July 31, 2020, the decision to appoint an interim was made so applicants under contract for 2020-2021 could be considered. The question is whether to require all internal applicants receive an interview. Positives – all internal applicants are considered. Negative – “courtesy” interview.
<b>Fiscal Impact</b>	The fiscal impact will be minimal since a principal position is necessary.
<b>Student and Public Benefit</b>	The middle school staff will have consistency in leadership.
<b>Procedural and Reporting Implications</b>	None.
<b>Public Comments</b>	None.
<b>Alternatives</b>	None.
<b>Other Comments and Related Issues</b>	None.
<b>Attachments</b>	None. Previously presented.
<b>Contact Person(s)</b>	Bob Callaghan, Superintendent, El Campo ISD
<b>Action Required</b>	Approve the authority of the superintendent to continue with the interview process with direction regarding a board mandate for a requirement to interview all internal applicants OR interview only applicants who pass the paper screen of the committee and are presented to the interview committee for consideration.
<b>Superintendent’s Recommendation</b>	Recommend the board consider ramifications of mandated interviews. <b>Bob Callaghan, Superintendent of Schools</b>



**Agenda Item Summary Sheet**  
**Meeting Date: October 27, 2020**  
**Submitted by: Bob Callaghan, Superintendent**

***Action Item***

<b>Superintendent Report</b>	DEC (LOCAL)
<b>Summary</b>	DEC (LOCAL) and blackout days are an issue throughout the district. The biggest concern is the lack of transparency in the request and authorization of the leave benefits and absences. Blackout days cause an employee to be “docked” a day’s pay if there are used during the Blackout Period. This process is being circumvented and in some cases guidance is being given that violates policy. This just needs to be a discussion item regarding personnel benefits.
<b>ECISD Board Policy</b>	DEC, COMPENSATION AND BENEFITS – LEAVES AND ABSENCES
<b>Effective Date</b>	None.
<b>Previous Board Action</b>	September, 2019.
<b>Future Action Expected</b>	Board decision.
<b>Background Information and Significant Issues</b>	The blackout days became district-wide and included days following holidays and during state-mandated testing. The leave that is being utilized is discretionary leave and it has specific requirements that must be followed.
<b>Fiscal Impact</b>	The fiscal impact will be on the employee.
<b>Student and Public Benefit</b>	Consistency in application and employee treatment.
<b>Procedural and Reporting Implications</b>	None.
<b>Public Comments</b>	None.
<b>Alternatives</b>	None.
<b>Other Comments and Related Issues</b>	None.
<b>Attachments</b>	None. Previously presented.
<b>Contact Person(s)</b>	Bob Callaghan, Superintendent, El Campo ISD
<b>Action Required</b>	Approve the authority to reconsider blackout days through the DWEIC with a recommendation to the board.
<b>Superintendent’s Recommendation</b>	Recommend the board consider ramifications of mandated interviews. <b>Bob Callaghan, Superintendent of Schools</b>

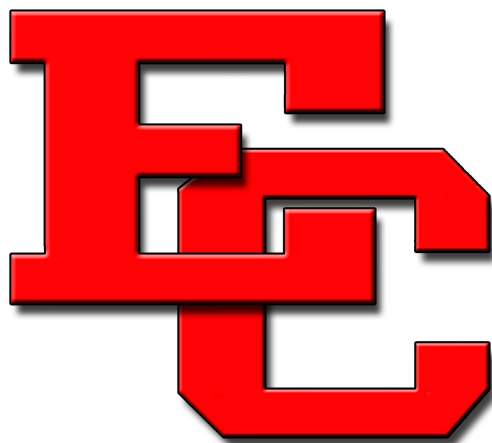
<b>Curriculum and Instruction</b>	Annual Bilingual ESL Program Evaluation
<b>Summary</b>	Texas Education Code SUBCHAPTER B, Sec. 7.028(b) states: The Board of trustees of a school district or the governing body of an open-enrollment charter school has primary responsibility for ensuring that the District or school complies with all applicable requirements of state educational programs. To comply with these requirements, we have evaluated our Bilingual Education and English as a Second Language Programs and will present the evaluation results for your consideration.
<b>ECISD Board Policy</b>	EHBE (Legal) – SPECIAL PROGRAMS, Bilingual ESL Education
<b>Effective Date</b>	October 27, 2020
<b>Previous Board Action</b>	The Board annually reviews the evaluation of the District’s Bilingual ESL Programs.
<b>Future Action Expected</b>	The Board annually reviews the District’s Bilingual ESL Programs.
<b>Background Information and Significant Issues</b>	<p>According to LEGAL policy and the Texas Administrative Code, bilingual education and English as a Second Language (ESL) programs shall be taught to enable English Learners (EL) students to become competent in the comprehension, speaking, reading, and composition of the English language. Programs are to emphasize mastery of English language skills and mathematics, science, and social studies, as integral parts of the academic goals for all students to enable EL students to participate equitably in school. If the District has an enrollment of 20 or more EL students in any language classification in the same grade level, it shall offer a bilingual education program for the EL students in pre-kindergarten through the elementary grades who speak that language. All EL students for whom the District is not required to offer a bilingual education program shall be provided an ESL program, regardless of the student’s grade levels and home language and the number of students. A student may not be exited from the bilingual or ESL program in pre-kindergarten through grade one. However, a student may be exited from the programs in later grades provided that the student is classified as “English proficient” according to established criteria.</p> <p>According to the Texas Education Code, the District’s bilingual education program must be a full-time program of dual language instruction that provides for learning basic skills in the primary language of the students enrolled in the program and for carefully structured and sequenced mastery of English language skills. The bilingual or ESL program must be designed to consider the student’s learning experiences and incorporate the students’ cultural aspects. EL students must be allowed to participate fully with English-speaking students in regular classes provided in subjects such as art, music, physical education, and all extracurricular activities.</p>

<b>Student and Public Benefit</b>	Program evaluation and improvement planning will provide an environment of continuous improvement of all programs for all students.
<b>Procedural and Reporting Implications</b>	None.
<b>Public Comments</b>	None.
<b>Alternatives</b>	None.
<b>Other Comments and Related Issues</b>	None.
<b>Attachments</b>	Evaluation of the Bilingual ESL Program 2020
<b>Contact Person(s)</b>	Laura Pustejovsky, Special Populations Coordinator and Dolores A. Treviño, Assistant Superintendent of Curriculum and Instruction
<b>Action Required</b>	Motion, second and majority vote to approve the evaluation of the District's Bilingual Education and English as a Second Language Programs.
<b>Superintendent's Recommendation</b>	I recommend that you approve the evaluation of the District's Bilingual Education and English as a Second Language Programs as a part of the consent agenda.

# Evaluation of the Bilingual Education and ESL Program

## El Campo ISD

[§89.1265. Evaluation](#)



**October 2020**

**Prepared by:**

**Laura Pustejovsky, Special Populations Coordinator**

## **Bilingual/ESL in El Campo ISD**

In an attempt to increase the number of teachers that are ESL certified and to decrease the possibility of having to file a waiver with TEA, if a new ECISD employee teaches in a core content area and is not ESL certified, an addendum is added to their contract stating they are required to obtain ESL Certification by the contract renewal date in April.

Due to the number of students in our program, we are required to offer a Bilingual Program in Pre-K through 5th grades. Recruiting Bilingual certified teachers is a serious challenge even with ECISD offering a generous stipend and signing bonus.

Currently, PK-2nd grades are served by a Bilingual Certified Teacher, and an ESL Certified Teacher serves 3rd-5th grades. Due to a bilingual teacher shortage, we must file a Bilingual Exception with TEA for grades 3 - 5.

In 6th - 12th grades, we utilize an ESL Pull-Out Program Model, which means the students' ELAR teacher is ESL Certified. If students are placed with a non-ESL certified ELAR Teacher, the student must be coded as receiving an Alternative Language Program and the teacher is placed on an ESL waiver with TEA. Teachers placed on the waiver are strongly encouraged to attain ESL certification. To ensure that these teachers have the resources needed to meet the LEP students' needs, the district is required to offer professional development for teachers on a waiver.

All ECISD teachers are encouraged to attend a TEXES Supplemental Prep Class at the district's expense, and the cost of the TEXES assessment will be reimbursed to teachers upon passing the exam. The cost of processing the certificate through SBEC is not an allowable reimbursement.

ECISD has offered initial and follow-up training in Seidlitz's ***7 Steps to a Language Rich Classroom*** for the last few years, and campuses are responsible for ensuring that new staff is trained as well. The last training was held virtually in summer 2020. These strategies are appropriate and expected in all grade levels and all content areas. Administrators and Instructional Coaches encourage and reinforce these strategies using a **7 Steps Walk-Through Form**.

### **Myatt – Hutchins - Northside**

Transitional Bilingual, Early Exit Program Model

### **ECMS – ECHS**

ESL Model for Secondary

## **Bilingual/ESL Program Staff**

<b>Grade Level</b>	<b>Bilingual</b>	<b>Bil Exception</b>	<b>ESL Certified Staff</b>	<b>ESL Waiver</b>	<b>Spanish Speaking Paraprofessional</b>
<b>PK</b>	<b>1</b>				<b>Full-time Bil Class</b>
<b>K</b>	<b>1</b>	<b>1</b>			<b>Full-time Bil Class</b>
<b>1st</b>	<b>1</b>	<b>1</b>			<b>Full-time Bil Class</b>
<b>2nd</b>	<b>1</b>	<b>0</b>			<b>Full-time Bil Class</b>
<b>1st/2nd online</b>	<b>1</b>	<b>-</b>			
<b>3rd</b>	<b>0</b>	<b>1</b>			<b>1 for grade level</b>
<b>4th</b>	<b>0</b>	<b>1</b>			<b>1 for grade level</b>
<b>5th</b>	<b>0</b>	<b>1</b>			<b>1 for grade level</b>
<b>6th</b>				<b>2</b>	<b>1 for campus</b>
<b>7th</b>					
<b>8th</b>					
<b>9th</b>				<b>2</b>	<b>3 for campus</b>
<b>10th</b>					
<b>11th</b>					
<b>12th</b>					
<b>TOTALS</b>	<b>5</b>	<b>5</b>	<b>98 teaching 122 district-wide</b>	<b>4</b>	<b>11</b>

# **Bilingual Exceptions and ESL Waiver**

## **Bilingual Exception**

If there were no longer a need for a Bilingual online teacher, we would need two more Bilingual teachers to meet the minimum staffing for one per grade level. With the fluctuation in student enrollment at various grade levels, having an additional Bilingual teacher at the lower grades would be ideal for solving overcrowding and reducing class size. So ultimately, we need six additional Bilingual certified teachers to maximize our program.

## **ESL Waiver**

2017-18 - 5 teachers on a waiver; 2 obtained certification; 2 did not, one left district

2018-19 - 6 teachers on a waiver; 4 obtained certification; 2 did not

2019-20 - 10 teachers on a waiver;

**Fall 2020 will be the 10th year of requesting TEA Exception/Waiver**

## LEP/BIL/ESL Students

Grade	Program	Campus	Enrollment 2018-19	Enrollment 2019-20	Enrollment 2020-21	Exits 2018-19	Exits 2019-20
Pre-K	Bil	Myatt	26	25	18	NA	NA
K	Bil	Myatt	28	26	23	NA	NA
1st	Bil	Hutchins	-	23	25	NA	NA
2nd	Bil	Hutchins	-	23	21	NA	0
PPCD	ESL	Myatt	NA	3	3	NA	NA
Pre-K	ESL	Myatt	1	0	0	NA	NA
K	ESL	Myatt	6	3	2	NA	NA
1st	ESL	Hutchins	41	14	3	NA	1
2nd	ESL	Hutchins	43	18	14	0	7
3rd	Bil/ESL	Hutchins	41	42	35	4	6
4th	Bil/ESL	Northside	33	37	34	2	2
5th	Bil/ESL	Northside	33	32	34	8	0
6th	ESL	ECMS	37	34	35	3	0
7th	ESL	ECMS	25	35	37	3	0
8th	ESL	ECMS	46	17	34	5	0
9th	ESL	ECHS	32	58	24	6	2
10th	ESL	ECHS	21	25	44	0	0
11th	ESL	ECHS	21	15	22	0	0
12th	ESL	ECHS	9	13	18	0	0
Parent Denials		District	-	3	3		
<b>TOTAL</b>			<b>443</b>	<b>446</b>	<b>*426</b>	<b>31</b>	<b>18</b>

\*Pre-PEIMS Submission

## LEP Students by Home Language

Spanish	439	98.4 %
Gujarati (India)	1	.2 %
Mandarin Chinese	2	.4 %
Thai	1	.2 %
English	3	.7 %

## Performance of English Proficiency for LEP Students

TEA designed the Texas English Language Proficiency Assessment System (TELPAS) and [TELPAS Alternate](#) to assess the progress that limited English proficient (LEP) students, also referred to as English learners (ELs), make in learning the English language.

Due to Covid 19, TELPAS was not completed in its entirety, and students that were recommended for consideration of reclassification were given the opportunity to take the LAS at the start of the 20-21 school year, and those meeting English Proficiency were allowed to exit based on the parent permission. Out of 53 students that were considered and tested with LAS, 18 met reclassification criteria and were granted parental permission to exit the program.

## Academic Performance of LEP Students

Due to Covid 19, STAAR requirements were waived; therefore, we do not have state academic performance to report for the 2019-2020 school year for our EL students.

# ECISD Bilingual/ESL Program

## Challenges

- Personnel - lack of applicants for Bilingual teaching positions even with a competitive stipend for Bilingual Certified Teachers
- ECISD has a large population of long term EL's at the high school
- Analyzing the progress of these students individually to individualize interventions
- Ensuring our faculty have the skills needed to help the students increase their English proficiency
- The process of training LPAC Administrators and ESL teachers is ongoing and requires consistent support and monitoring due to the many regulations that change often
- The requirement by the state to either have all ELAR teachers ESL Certified (pull-out model) or all Core Content are ESL Certified (Content-based)
- Time to monitor and audit district LPAC documentation
- Due to Covid 19, the annual ESL Symposium was canceled
- Due to the challenges of teaching face-to-face and remotely, we have postponed the monthly bilingual teacher meetings at this time
- Due to time constraints with Covid 19, additional coaching for our bilingual teachers that was started in 2010-2020 has not commenced
- Due to Covid-19 in 2019-2020, district administration attended very few college job fairs to attract Bilingual certified teachers to ECISD

## Accomplishments

- We hired an additional Bilingual Certified teacher at Hutchins in the early spring of 2020.
- Meetings with and training for Campus LPAC Administrators are ongoing
- A system or checklist is in place for each time period to ensure program procedures are followed consistently at each campus
- Continue to utilize the online Success Ed Program/ELLA to help with documentation requirements
- Re-alignment of the Bilingual teachers from PK-K to PK - 2nd grade
- Return to a previously utilized I-Station Spanish program to assist with intervention for our Bilingual classrooms
- Adoption of a revised version of Estrellita, bilingual phonics program which includes professional development and online portals for teachers and students
- Implementation of the revised Bilingual Education framework with more specificity
- Beginning in 2018-2019 - All professionals in ECISD attended the 7 Steps for a Language Rich, Interactive Classroom training; Summer 2020 - another opportunity for new professionals was offered virtually
- Our ESL students are provided the opportunity to use the *Rosetta Stone* program to help them with their English proficiency
- Updated Bilingual/ESL Program parent brochures to be available on each campus and on the district website

## Recommendations

- ECISD Administration will continue to actively recruit Bilingual teachers and attend job fairs
- Increase ESL certifications of existing staff – encouraging this through A&M’s ETELL Program as well as through prep courses offered by TEA
- Continue to require all new teachers to ECISD acquire ESL certification within their first year
- Encourage and support a “grow your own” program – aides to seek degree/certification or for teachers to seek bilingual certification
- Maintain accountability and compliance of our LPAC processes and procedures
- Continue to stress and monitor the expectation of including the ELPS in all lessons
- Continue to work on creating a plan for internal auditing of LPAC processes and documentation
- Continue to collect information to determine the professional development needs on campuses as it relates to the comprehensive professional development plan that is required if an exception or waiver was filed in the previous year
- Continuation of the 19-20 implementation of monitoring *7 Steps* strategies by Administrators and Instructional Coaches
- Recommend the district consider adding district-level staff to support the Bilingual and ESL program
- Continue to stay competitive with the Bilingual stipend and signing bonus
- Consider an “early-start” for PK/K students that have a language other than English on their initial Home Language Survey at Registration/Round-up in the Spring

## Acronyms and Vocabulary

**ESL** - English as a Second Language

**TELPAS** - Texas English Language Proficiency Assessment System

**ELA** - English Language Arts

**ELs** - English Learners

**ELPS** - English Language Proficiency Standards

**Bilingual** - having or being able to express self in two languages

**Sheltered Instruction** – a means for making content comprehensible for English Language Learners while developing English proficiency