

Marble Falls ISD
Regular Meeting

Monday, November 16, 2015
6:00 PM

AGENDA OF REGULAR MEETING
MARBLE FALLS INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES
MONDAY, NOVEMBER 16, 2015 – 6:00 PM
Marble Falls ISD Central Office Community Room

Notice is hereby given that on November 16, 2015, the Board of Trustees of the Marble Falls Independent School District will hold a Regular meeting at 6:00 PM, at the Marble Falls ISD Central Office Community Room, 1800 Colt Circle, Marble Falls, TX 78654.

The subjects to be discussed or considered, or upon which any formal action may be taken are listed below. Items do not have to be taken in the order shown on this meeting notice.

1. Call to Order
   Presenter: Rick Edwards, President
2. Roll Call
   Presenter: Rick Edwards, President
3. Invocation
   Presenter: Mike Savage
4. Pledge to the Flags
   Presenter: Dr. Kelly Fox
5. Citizen Comments
6. Recognitions of Excellence
   A. Superintendent Award- Colt Elementary
      Presenter: Keith Powell
   B. Spotlight on Excellence- Marble Falls High School
      Presenter: Manny Lunoff
   C. Special Recognition of Joyce Smith 4
      Presenter: Manny Lunoff
7. Information Items
   A. Financial Report 5
8. Presentation/Discussion Items
   A. Diversification of Investment Strategies 25
      Presenter: Samuel Vaughan
   B. School Bus Purchases 27
      Presenter: Michael Pittard
   C. Policy Update 103 31
      Presenter: Dr. Chris Allen
9. Consideration Items
   A. 2014-2015 Fiscal Year Financial Audit 784
      Presenter: West, Davis & Company
   B. Girls' Golf Trip to Disney World 882
      Presenter: Lonnie Tackitt
   C. Official Ballot & Resolution for the Board of Directors for the Burnet Central Appraisal District for 2016-2017 884

D. Ratification of Amendment and Renewal of Lease Agreement - Granite Building located at 2001 Broadway, Marble Falls, TX 888
Presenter: Michael Pittard

E. Consent Agenda

1. Approval of Minutes from October 19th Regular Meeting and November 9th Special Meeting 892
2. Approval of Budget Amendments 898
3. Resolutions Providing for the Sale of Property Acquired by Burnet Central Appraisal District at Delinquent Tax Sale - 3 Bids 906
Presenter: Wade Stanford

10. Upcoming Meetings
    A. December 7, 2015 - Team of 8 Training
    B. December 14, 2015 - Regular Board Meeting
    C. January 18, 2016 - Regular Board Meeting
11. Executive Session
    A. Discussion of Professional Personnel (TX. Govt. Code 551.074)
    B. Discussion of Real Property (TX. Govt. Code 551.072)
    C. Discussion of Personally Identifiable Student Information (TX. Govt. Code 551.0821)
12. Reconvene From Executive Session
13. Discussion and Possible Approval of Action Arising from Executive Session
    A. Discussion and Possible Approval of Professional Personnel
    B. Discussion and Possible Approval of Real Property
    C. Discussion and Possible Approval of Personally Identifiable Student Information
14. Adjourn

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 or Texas Government Code section 418.183(f). Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting. [See BEC(LEGAL)]

FOR THE BOARD OF TRUSTEES
MARBLE FALLS INDEPENDENT SCHOOL

_____
Dr. Chris Allen, Superintendent of Schools

Joyce S. Smith

A PILLAR OF STRENGTH AT MFHS

1970 – 2015

Sarah Joyce Smith passionately dedicated herself to the students of the Marble Falls Independent School District for more than 45 years. During her time with MFISD she served as the high school Librarian, Yearbook Sponsor, School Newspaper Sponsor, Class Sponsor, Future Teacher Organization Sponsor, School Favorites Presentation Sponsor, Chair of the Pegasus Program, and numerous other leadership and service roles. Her contribution to the success of countless numbers of students is immeasurable, but her time at Marble Falls ISD will not be soon forgotten.

She was born to be a teacher

to encourage and care for her students in a way that they always feel good about themselves when they walk away from her.

She was born to be a teacher

to praise them, especially when they put a fellow student before themselves or when they show humility and not pride or arrogance.

She was born to be a teacher

to guide them down a road that is positive and life-giving; caring about the path they choose.

She was born to be a teacher

to mentor them, always being an example of good character, fairness and honesty. She would listen, lend a hand and be trustworthy.

She was born to be a teacher

to inspire her students to follow their dreams, discover their creativity, interests, and talents…and learn to use them to their fullest potential.

It's who she is…her calling, her passion, her life and her world.

Marble Falls ISD

Statement of Revenues and Expenditures - General Fund

As of October 31, 2015

33%	Of Fiscal Year	CURRENT YEAR YTD				CURRENT MONTH		
REVENUES		BUDGET	YTD ACTIVITY	BALANCE	% OF BUDGET	BUDGET	MONTH ACTIVITY	% OF BUDGET
5710	LOCAL TAX REVENUES	$ 32,973,352	$ 613,039	$ 32,360,313	1.86%	$ 32,973,352	$ 202,596	0.61%
57XX	OTHER LOCAL REVENUES	$ 382,809	$ 116,983	$ 265,826	30.56%	$ 382,809	$ 30,850	8.06%
58XX	STATE PROG. REVENUES	$ 3,761,443	$ 1,414,026	$ 2,347,417	37.59%	$ 3,761,443	$ (442,348)	-11.76%
5900	FEDERAL REVENUE	$ 700,000	$ 134,683	$ 565,317	19.24%	$ 700,000	$ 92,898	13.27%
	TOTAL REVENUE	$ 37,817,604	$ 2,278,730	$ 35,538,874	6.03%	$ 37,817,604	$ (116,004)	-0.31%
EXPENDITURES								
11	INSTRUCTION	$ 18,555,855	$ 3,564,119	$ 14,991,736	19.21%	$ 18,554,955	$ 1,559,389	8.40%
12	LIBRARY	$ 445,979	$ 78,923	$ 367,056	17.70%	$ 445,979	$ 40,331	9.04%
13	STAFF DEVELOPMENT	$ 451,737	$ 167,414	$ 284,323	37.06%	$ 452,637	$ 51,926	11.47%
21	INST ADMINISTRATION	$ 745,768	$ 226,220	$ 519,548	30.33%	$ 745,768	$ 70,360	9.43%
23	SCHOOL ADMINISTRATION	$ 2,087,496	$ 548,083	$ 1,539,413	26.26%	$ 2,087,496	$ 170,408	8.16%
31	GUID AND COUNSELING	$ 1,073,430	$ 290,360	$ 783,070	27.05%	$ 1,073,430	$ 89,208	8.31%
32	SOCIAL WORK SERVICES	$ 50,456	$ 15,980	$ 34,476	31.67%	$ 50,456	$ 3,982	7.89%
33	HEALTH SERVICES	$ 381,666	$ 97,493	$ 284,174	25.54%	$ 381,666	$ 32,849	8.61%
34	PUPIL TRANSP - REGULAR	$ 1,618,586	$ 456,204	$ 1,162,382	28.19%	$ 1,618,586	$ 126,968	7.84%
36	CO-CURRICULAR ACT	$ 1,417,356	$ 436,920	$ 980,435	30.83%	$ 1,417,356	$ 127,135	8.97%
41	GEN ADMINISTRATION	$ 1,268,764	$ 420,469	$ 848,296	33.14%	$ 1,268,764	$ 103,568	8.16%
51	PLANT MAINT & OPERATION	$ 4,270,312	$ 1,513,257	$ 2,757,055	35.44%	$ 4,270,312	$ 491,379	11.51%
52	SECURITY & MONITORING	$ 110,556	$ 28,109	$ 82,446	25.43%	$ 110,556	$ 5,749	5.20%
53	DATA PROCESSING	$ 1,573,971	$ 672,745	$ 901,226	42.74%	$ 1,085,391	$ 102,716	9.46%
61	COMMUNITY SERVICES	$ 56,689	$ 7,231	$ 49,458	12.75%	$ 56,689	$ 5,307	9.36%
81	FACILITIES ACQ & CONST	$ -	$ 25,944	$ (25,944)	0.00%	$ -	$ 25,944	0.00%
91	STUDENT ATTENDANCE CR	$ 3,547,561	$ -	$ 3,547,561	0.00%	$ 3,547,561	$ (1,156,560)	-32.60%
99	PURCHASES & CONT SRVS	$ 650,000	$ 158,802	$ 491,198	24.43%	$ 650,000	$ -	0.00%
	TOTAL EXPENDITURES	$ 38,306,184	$ 8,708,275	$ 29,597,909	22.73%	$ 37,817,604	$ 1,850,658	4.89%
7000	Other Sources		$ -			Other Sources		
8000	Other Uses		$ -			Other Uses	$ -	
1200	EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	$ (6,429,545)		EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES			$ (1,966,662)	
3000	BEG FUND BAL 07/01/15	$ 13,560,978	Unaudited					
3000	END FUND BAL 10/31/15	$ 7,131,433	Unaudited					

Marble Falls ISD

Statement of Revenues and Expenditures - Food Service

As of October 31, 2015

33%	Of Fiscal Year	CURRENT YEAR YTD				CURRENT MONTH		
REVENUES		BUDGET	YTD ACTIVITY	BALANCE	% OF BUDGET	BUDGET	MONTH ACTIVITY	% OF BUDGET
57XX	Local & Intermed Revenues	$ 631,606	$ 171,437	$ 460,169	27.14%	$ 631,606	$ 63,633	10.07%
58XX	State Program Revenues	$ 12,000	$ -	$ 12,000	0.00%	$ 12,000	$ -	0.00%
59xx	Federal Program Revenues	$ 1,463,706	$ 229,274	$ 1,234,432	15.66%	$ 1,463,706	$ 177,167	12.10%
	TOTAL REVENUE	$ 2,107,312	$ 400,711	$ 1,706,601	19.02%	$ 2,107,312	$ 240,799	11.43%
EXPENDITURES								
61	PAYROLL COST	$ 826,090	$ 277,514	$ 548,576	33.59%	$ 826,090	$ 77,369	9.37%
62	PURCHASE & CONTRACTED	$ 103,684	$ 29,793	$ 73,891	28.73%	$ 103,684	$ 15,498	14.95%
63	SUPPLIES AND MATERIALS	$ 1,123,636	$ 272,706	$ 850,930	24.27%	$ 1,123,636	$ 137,580	12.24%
64	OTHER OPERATING EXP	$ 5,450	$ 2,233	$ 3,217	40.97%	$ 5,450	$ 411	7.55%
66	CPTL OUTLAY	$ -	$ 229,015	$ (229,015)	0.00%	$ -	$ 226,495	0.00%
	TOTAL EXPENDITURES	$ 2,058,860	$ 811,260	$ 1,247,600	39.40%	$ 2,058,860	$ 457,353	22.21%
7000	Other Sources		$ -				$ -	
8000	Other Uses		$ -				$ -	
1200	EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	$ (410,549)		EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES			$ (216,553)	
3000	BEG FUND BAL 07/01/15	$ 12,876	Unaudited					
3000	END FUND BAL 10/31/15	$ (397,673)	Unaudited					

Marble Falls Independent School District

Financial Report

November 16, 2015

Check Payment Fund Summary

Expenditure to Budget Report

Check Payment Fund Summary

For Bills Paid

October 1 – October 31, 2015

F U N D S U M M A R Y

FUND	DESCRIPTION	BALANCE SHEET	REVENUE	EXPENSE	TOTAL
199	GENERAL FUND	87,436.30	165.00	602,373.10	689,974.40
211	TITLE I PART A, BASIC PROGRAMS	0.00	0.00	9,234.52	9,234.52
224	IDEA PART B FORMULA	0.00	0.00	8,579.77	8,579.77
240	FOOD SERVICE	0.00	0.00	379,845.22	379,845.22
242	SUMMER FEEDING PROGRAM-DHS	0.00	0.00	16.25	16.25
244	VOC. ED.-BASIC GRANT	0.00	0.00	7,515.72	7,515.72
352	21st CENTURY COMM LEARNING CEN	0.00	0.00	61,866.35	61,866.35
522	CPF - CATE	0.00	0.00	298.61	298.61
***	Fund Summary Totals ***	87,436.30	165.00	1,069,729.54	1,157,330.84

********** End of report **********

Expenditure to Budget Report

November 16, 2015

General Operating Fund

&

Food Service Fund

	Obj	Obj	2015-16 ESTIMATED REVENUE	October 2015-16 MTHLY ACTIVITY	2015-16 Activity	REVENUE BALANCE	PERCENT REALIZED	2015-16 YTD %
.99		GENERAL FUND						
5700		REVENUE-LOCAL & INTERMED						
	571-	LOCAL REAL-PROPERTY TAXES	32,973,352.00	202,596.01	613,038.54	32,360,313.46	5.54	1.86
	573-	TUITION & FEES FROM PATRONS	42,000.00	4,056.00	9,096.00	32,904.00	27.38	21.66
	574-	TRANS FROM WITHIN STATE	249,808.71	5,174.85	31,252.61	218,556.10	12.70	12.51
	575-	ENTERPRISING ACTIVITIES	91,000.00	21,619.00	76,634.00	14,366.00	92.74	84.21
	57--	REVENUE-LOCAL & INTERMED	33,356,160.71	233,445.86	730,021.15	32,626,139.56	5.86	2.19
5800		STATE PROGRAM REVENUES						
	581-	PER CAPITA-FOUNDATION REV	2,199,930.00	-571,259.00	917,157.00	1,282,773.00	41.69	41.69
	582-	STATE REVENUE DISTRBTD BY TEA	5,000.00	0.00	0.00	5,000.00	181.00	0.00
	583-	TRS ON BEHALF BENEFIT	1,556,513.00	128,910.89	496,869.03	1,059,643.97	31.92	31.92
	58--	STATE PROGRAM REVENUES	3,761,443.00	-442,348.11	1,414,026.03	2,347,416.97	37.83	37.59
5900		FEDERAL PROGRAM REVENUES						
	591-	FEDERALLY DIST REVENUES	70,000.00	18,600.72	32,118.52	37,881.48	45.88	45.88
	592-		20,000.00	0.00	11,383.32	8,616.68	324.07	56.92
	593-	VOC ED NON FOUNDATION	610,000.00	74,297.56	91,180.98	518,819.02	15.33	14.95
	59--	FEDERAL PROGRAM REVENUES	700,000.00	92,898.28	134,682.82	565,317.18	27.21	19.24
	----	GENERAL FUND	37,817,603.71	-116,003.97	2,278,730.00	35,538,873.71	9.43	6.03

Obj	Obj	2015-16 ESTIMATED REVENUE	October 2015-16 MTHLY ACTIVITY	2015-16 Activity	REVENUE BALANCE	PERCENT REALIZED	2015-16 YTD %
240	FOOD SERVICE						
5700	REVENUE-LOCAL & INTERMED						
574-	TRANS FROM WITHIN STATE	2,200.00	60.11	487.64	1,712.36	22.17	22.17
575-	ENTERPRISING ACTIVITIES	629,406.00	63,572.42	170,948.99	458,457.01	28.97	27.16
57--	REVENUE-LOCAL & INTERMED	631,606.00	63,632.53	171,436.63	460,169.37	28.94	27.14
5800	STATE PROGRAM REVENUES						
582-	STATE REVENUE DISTRBTD BY TEA	12,000.00	0.00	0.00	12,000.00	0.00	0.00
58--	STATE PROGRAM REVENUES	12,000.00	0.00	0.00	12,000.00	0.00	0.00
5900	FEDERAL PROGRAM REVENUES						
592-		1,463,706.00	177,166.96	229,274.12	1,234,431.88	15.66	15.66
59--	FEDERAL PROGRAM REVENUES	1,463,706.00	177,166.96	229,274.12	1,234,431.88	15.66	15.66
----	FOOD SERVICE	2,107,312.00	240,799.49	400,710.75	1,706,601.25	19.56	19.02

11

Number of Accounts: 45

********** End of report **********

	Obj	Obj	2015-16 ESTIMATED REVENUE	October 2015-16 MTHLY ACTIVITY	2015-16 Activity	REVENUE BALANCE	2015-16 YTD %
199		GENERAL FUND					
	5---	REVENUE	37,817,603.71	-116,003.97	2,278,730.00	35,538,873.71	6.03
	----	GENERAL FUND	37,817,603.71	-116,003.97	2,278,730.00	35,538,873.71	6.03
240		FOOD SERVICE					
	5---	REVENUE	2,107,312.00	240,799.49	400,710.75	1,706,601.25	19.02
	----	FOOD SERVICE	2,107,312.00	240,799.49	400,710.75	1,706,601.25	19.02

Number of Accounts: 45

********** End of report **********

	Obj	Obj	2015-16 BUDGET	ENCUMBRANCE YTD	2015-16 EXPENDITURES	October 2015-16 ACTIVITY	BALANCE	2015-16 YTD %
199		GENERAL FUND						
11		INSTRUCTION						
	61--	PAYROLL COSTS	17,780,596.40	0.00	3,432,982.47	1,480,407.47	14,347,613.93	19.31
	62--	PURCHASE & CONTRACTED SVS	273,681.24	66,839.73	53,981.60	34,301.98	152,859.91	19.72
	63--	SUPPLIES AND MATERIALS	453,714.24	39,905.54	73,578.05	43,653.42	340,230.65	16.22
	64--	OTHER OPERATING EXPENSES	47,863.40	406.69	3,577.25	1,026.47	43,879.46	7.47
	----	INSTRUCTION	18,555,855.28	107,151.96	3,564,119.37	1,559,389.34	14,884,583.95	19.21
12		INST. RESOURCES & MEDIA SVCS						
	61--	PAYROLL COSTS	340,544.18	0.00	63,927.55	28,243.35	276,616.63	18.77
	62--	PURCHASE & CONTRACTED SVS	36,959.00	4,925.00	7.69	7.69	32,026.31	0.02
	63--	SUPPLIES AND MATERIALS	62,979.00	11,143.98	13,922.12	11,014.40	37,912.90	22.11
	64--	OTHER OPERATING EXPENSES	5,497.00	415.00	1,066.00	1,066.00	4,016.00	19.39
	----	INST. RESOURCES & MEDIA S	445,979.18	16,483.98	78,923.36	40,331.44	350,571.84	17.70
13		CURRICULUM DEV & INST STFF DEV						
	61--	PAYROLL COSTS	319,859.47	0.00	128,564.82	32,140.09	191,294.65	40.19
	62--	PURCHASE & CONTRACTED SVS	48,779.00	26,178.00	19,263.55	17,285.00	3,337.45	39.49
	63--	SUPPLIES AND MATERIALS	42,789.00	2,457.39	15,537.16	270.00	24,794.45	36.31
	64--	OTHER OPERATING EXPENSES	40,310.00	10,353.86	4,048.85	2,231.27	25,907.29	10.04
	----	CURRICULUM DEV & INST STF	451,737.47	38,989.25	167,414.38	51,926.36	245,333.84	37.06
21		INSTRUCTIONAL LEADERSHIP						
	61--	PAYROLL COSTS	656,524.91	0.00	202,821.35	58,208.95	453,703.56	30.89
	62--	PURCHASE & CONTRACTED SVS	60,543.04	3,872.45	13,744.13	7,463.02	42,926.46	22.70
	63--	SUPPLIES AND MATERIALS	15,035.00	302.74	3,009.09	1,138.65	11,723.17	20.01
	64--	OTHER OPERATING EXPENSES	13,665.00	1,494.00	6,645.43	3,549.33	5,525.57	48.63
	----	INSTRUCTIONAL LEADERSHIP	745,767.95	5,669.19	226,220.00	70,359.95	513,878.76	30.33

Fund	Obj	Obj	2015-16 BUDGET	ENCUMBRANCE YTD	2015-16 EXPENDITURES	October 2015-16 ACTIVITY	BALANCE	2015-16 YTD %
199		GENERAL FUND						
23		SCHOOL LEADERSHIP						
	61--	PAYROLL COSTS	1,990,567.92	0.00	525,161.26	161,108.78	1,465,406.66	26.38
	62--	PURCHASE & CONTRACTED SVS	32,386.64	22,454.62	7,080.78	2,721.50	2,851.24	21.86
	63--	SUPPLIES AND MATERIALS	44,850.56	3,919.23	10,061.13	4,299.90	30,870.20	22.43
	64--	OTHER OPERATING EXPENSES	19,691.00	3,195.00	5,780.32	2,277.88	10,715.68	29.36
	----	SCHOOL LEADERSHIP	2,087,496.12	29,568.85	548,083.49	170,408.06	1,509,843.78	26.26
31		GUIDANCE & COUNSELING						
	61--	PAYROLL COSTS	1,029,548.16	0.00	278,044.17	83,555.23	751,503.99	27.01
	62--	PURCHASE & CONTRACTED SVS	9,800.00	0.00	379.50	379.50	9,420.50	3.87
	63--	SUPPLIES AND MATERIALS	21,922.00	658.31	9,346.33	4,543.68	11,917.36	42.63
	64--	OTHER OPERATING EXPENSES	12,160.00	1,100.30	2,589.99	730.00	8,469.71	21.30
	----	GUIDANCE & COUNSELING	1,073,430.16	1,758.61	290,359.99	89,208.41	781,311.56	27.05
12		SOCIAL WORK SERVICES						
	61--	PAYROLL COSTS	47,955.87	0.00	15,980.35	3,981.60	31,975.52	33.32
	62--	PURCHASE & CONTRACTED SVS	2,500.00	0.00	0.00	0.00	2,500.00	0.00
	----	SOCIAL WORK SERVICES	50,455.87	0.00	15,980.35	3,981.60	34,475.52	31.67
33		HEALTH SERVICES						
	61--	PAYROLL COSTS	369,843.44	0.00	94,709.08	30,440.30	275,134.36	25.61
	62--	PURCHASE & CONTRACTED SVS	730.00	0.00	375.00	0.00	355.00	51.37
	63--	SUPPLIES AND MATERIALS	10,057.75	1,465.23	2,408.60	2,408.60	6,183.92	23.95
	64--	OTHER OPERATING EXPENSES	1,035.25	0.00	0.00	0.00	1,035.25	0.00
	----	HEALTH SERVICES	381,666.44	1,465.23	97,492.68	32,848.90	282,708.53	25.54
4		PUPIL TRANSPORTATION						
	61--	PAYROLL COSTS	1,303,076.71	0.00	377,888.95	115,153.07	925,187.76	29.00
	62--	PURCHASE & CONTRACTED SVS	26,171.56	7,962.37	16,287.91	1,711.70	1,921.28	62.24
	63--	SUPPLIES AND MATERIALS	384,850.00	52,436.99	76,160.50	34,765.70	256,252.51	19.79

Obj	Obj	2015-16 BUDGET	ENCUMBRANCE YTD	2015-16 EXPENDITURES	October 2015-16 ACTIVITY	BALANCE	2015-16 YTD %
199	GENERAL FUND						
34	PUPIL TRANSPORTATION						
64--	OTHER OPERATING EXPENSES	-95,512.00	733.70	-14,133.37	-24,662.31	-82,112.33	14.80
----	PUPIL TRANSPORTATION	1,618,586.27	61,133.06	456,203.99	126,968.16	1,101,249.22	28.19
36	COCURR./EXTRACURR.ACTIVITIES						
61--	PAYROLL COSTS	790,468.23	0.00	271,757.21	69,780.50	518,711.02	34.38
62--	PURCHASE & CONTRACTED SVS	139,940.28	27,485.75	35,308.71	19,758.08	77,145.82	25.23
63--	SUPPLIES AND MATERIALS	171,546.00	31,090.48	38,916.37	9,850.55	101,539.15	22.69
64--	OTHER OPERATING EXPENSES	315,401.00	6,241.87	90,937.86	27,745.98	218,221.27	28.83
----	COCURR./EXTRACURR.ACTIVIT	1,417,355.51	64,818.10	436,920.15	127,135.11	915,617.26	30.83
11	GENERAL ADMINISTRATION						
61--	PAYROLL COSTS	1,015,381.65	0.00	324,649.08	86,304.88	690,732.57	31.97
62--	PURCHASE & CONTRACTED SVS	112,334.52	29,032.41	35,108.18	8,292.13	48,193.93	31.25
63--	SUPPLIES AND MATERIALS	41,973.00	4,746.46	17,641.15	7,304.35	19,585.39	42.03
64--	OTHER OPERATING EXPENSES	99,075.00	12,267.54	43,070.18	1,666.39	43,737.28	43.47
----	GENERAL ADMINISTRATION	1,268,764.17	46,046.41	420,468.59	103,567.75	802,249.17	33.14
1	PLANT MAINTENANCE & OPERATIONS						
61--	PAYROLL COSTS	2,149,070.54	0.00	714,754.78	203,956.43	1,434,315.76	33.26
62--	PURCHASE & CONTRACTED SVS	1,506,466.52	44,119.17	453,729.47	212,855.48	1,008,617.88	30.12
63--	SUPPLIES AND MATERIALS	436,990.00	44,039.09	170,852.78	72,148.58	222,098.13	39.10
64--	OTHER OPERATING EXPENSES	177,785.00	2,777.50	173,920.10	2,418.02	1,087.40	97.83
----	PLANT MAINTENANCE & OPERA	4,270,312.06	90,935.76	1,513,257.13	491,378.51	2,666,119.17	35.44
2	SECURITY & MONITORING SERVICES						
61--	PAYROLL COSTS	47,955.87	0.00	16,184.00	4,032.51	31,771.87	33.75
62--	PURCHASE & CONTRACTED SVS	59,500.00	2,000.00	9,600.00	0.00	47,900.00	16.13
63--	SUPPLIES AND MATERIALS	3,100.00	0.00	2,325.38	1,716.00	774.62	75.01
----	SECURITY & MONITORING SER	110,555.87	2,000.00	28,109.38	5,748.51	80,446.49	25.43

	Obj	Obj	2015-16 BUDGET	ENCUMBRANCE YTD	2015-16 EXPENDITURES	October 2015-16 ACTIVITY	BALANCE	2015-16 YTD %
199		GENERAL FUND						
53		DATA PROCESSING SERVICES						
	61--	PAYROLL COSTS	536,624.21	0.00	194,626.35	48,320.32	341,997.86	36.27
	62--	PURCHASE & CONTRACTED SVS	895,310.27	39,922.29	407,711.57	36,212.06	447,676.41	45.54
	63--	SUPPLIES AND MATERIALS	103,026.00	17,139.30	63,902.27	16,582.58	21,984.43	62.03
	64--	OTHER OPERATING EXPENSES	39,011.00	1,230.00	6,504.89	1,600.87	31,276.11	16.67
	----	DATA PROCESSING SERVICES	1,573,971.48	58,291.59	672,745.08	102,715.83	842,934.81	42.74
61		COMMUNITY SERVICES						
	61--	PAYROLL COSTS	36,689.00	0.00	7,230.67	5,306.54	29,458.33	19.71
	62--	PURCHASE & CONTRACTED SVS	20,000.00	0.00	0.00	0.00	20,000.00	0.00
	----	COMMUNITY SERVICES	56,689.00	0.00	7,230.67	5,306.54	49,458.33	12.75
31		FACILITIES ACQ. & CONSTRUCTION						
	62--	PURCHASE & CONTRACTED SVS	0.00	0.00	3,053.07	3,053.07	-3,053.07	0.00
	63--	SUPPLIES AND MATERIALS	0.00	0.00	22,890.88	22,890.88	-22,890.88	0.00
	----	FACILITIES ACQ. & CONSTRU	0.00	0.00	25,943.95	25,943.95	-25,943.95	0.00
91		INTERGOVERNMENTAL CHARGES						
	62--	PURCHASE & CONTRACTED SVS	3,547,561.00	0.00	0.00	-1,156,560.00	3,547,561.00	0.00
	----	INTERGOVERNMENTAL CHARGES	3,547,561.00	0.00	0.00	-1,156,560.00	3,547,561.00	0.00
99		OTHR INTERGOVERNMENTAL CHARGES						
	62--	PURCHASE & CONTRACTED SVS	650,000.00	0.00	158,802.44	0.00	491,197.56	24.43
	----	OTHR INTERGOVERNMENTAL CH	650,000.00	0.00	158,802.44	0.00	491,197.56	24.43
	----	GENERAL FUND	38,306,183.83	524,311.99	8,708,275.00	1,850,658.42	29,073,596.84	22.73

	Obj	Obj	2015-16 BUDGET	ENCUMBRANCE YTD	2015-16 EXPENDITURES	October 2015-16 ACTIVITY	BALANCE	2015-16 YTD %
240		FOOD SERVICE						
35		FOOD SERVICES						
	61--	PAYROLL COSTS	826,090.00	0.00	277,513.90	77,368.83	548,576.10	33.59
	62--	PURCHASE & CONTRACTED SVS	103,684.00	4,813.33	29,792.99	15,498.22	69,077.68	28.73
	63--	SUPPLIES AND MATERIALS	1,123,636.00	595,182.19	272,705.71	137,579.50	255,748.10	24.27
	64--	OTHER OPERATING EXPENSES	5,450.00	0.00	2,232.68	411.49	3,217.32	40.97
	66--	CPTL OUTLY LAND BLDG & EQ	0.00	0.00	229,014.50	226,494.82	-229,014.50	0.00
	----	FOOD SERVICES	2,058,860.00	599,995.52	811,259.78	457,352.86	647,604.70	39.40
	----	FOOD SERVICE	2,058,860.00	599,995.52	811,259.78	457,352.86	647,604.70	39.40

Number of Accounts: 2058

********** End of report **********

	Obj	Obj	2015-16 BUDGET	ENCUMBRANCE YTD	2015-16 EXPENDITURES	October 2015-16 ACTIVITY	BALANCE	2015-16 YTD %
199		GENERAL FUND						
	6---	EXPENDITURES	38,306,183.83	524,311.99	8,708,275.00	1,850,658.42	29,073,596.84	22.73
	----	GENERAL FUND	38,306,183.83	524,311.99	8,708,275.00	1,850,658.42	29,073,596.84	22.73
240		FOOD SERVICE						
	6---	EXPENDITURES	2,058,860.00	599,995.52	811,259.78	457,352.86	647,604.70	39.40
	----	FOOD SERVICE	2,058,860.00	599,995.52	811,259.78	457,352.86	647,604.70	39.40

Number of Accounts: 2058

********** End of report **********

Fnd T Fn Obj Sb Org F Pr L L2 Fnd Obj

Date	Src	Sub	Batch	Vendor Name/Ref	PO#/Line#	Description	Inv#/Desc2	Inv Date	Chk#/Rec#	Check Date	Amount
622 E 11 6398 05 001 0 22 0 00 CPF - CATE					COMPUTER RELATED SUPPLIES						
10/09/15	AP		jb	CDW-GOVERNMENT INC	221600003	CTE/COMPUTERS /CONSTRUCTION TRADES	zh99813	10/06/15			825.00
10/09/15	AP		jb	CDW-GOVERNMENT INC	221600003	CTE/COMPUTERS /CONSTRUCTION TRADES	ZH68706	10/06/15			-825.00
						October					0.00
						*622 E 11 6398 05 001 0 22 0 00					0.00
						*Accounts Payable					0.00
622 E 11 6399 02 001 0 22 0 00 CPF - CATE					GENERAL SUPPLIES						
10/09/15	AP		jb	QUILL CORPORATION	221600004	A/V CABLES, PLANNING BOARD & TIMING CLOCKS	135314	10/07/15	1348	10/09/15	84.98
10/09/15	AP		jb	QUILL CORPORATION	221600004	A/V CABLES, PLANNING BOARD & TIMING CLOCKS	7719826	10/07/15	1348	10/09/15	84.98
10/09/15	AP		jb	QUILL CORPORATION	221600004	A/V CABLES, PLANNING BOARD & TIMING CLOCKS	135320	10/07/15	1348	10/09/15	-17.84
10/09/15	AP		jb	QUILL CORPORATION	221600004	A/V CABLES, PLANNING BOARD & TIMING CLOCKS	7725659	10/07/15	1348	10/09/15	17.84
10/16/15	AP		jb			SUMMARY TOTAL					0.00
10/16/15	AP		jb	GOVCONNECTION INC	221600012	CTE/IPAD CASES/PECKOVER	53081148	10/14/15			82.96
10/16/15	AP		jb	GOVCONNECTION INC	221600012	CTE/IPAD CASES/PECKOVER	53090520	10/14/15			-82.96
10/16/15	JE		15-00237		1520	REVERSE DOUBLE POSTING		10/21/15			-82.96
10/16/15	JE		15-00237		1530	REVERSE DOUBLE POSTING		10/21/15			82.96
						October					169.96
						*622 E 11 6399 02 001 0 22 0 00					169.96
						*Accounts Payable					169.96
						*Journal Entries					0.00

622 E 11 6399 05 001 0 22 0 00 CPF - CATE GENERAL SUPPLIES

P.O. #	*Year	Description	Vendor	P.O. Date	PO Amount	PO Enc Amount	Liquidated	Adj Enc Amount	Amount Open	Sts
221600038	2015	CONSTRUCTION TRADES HAND TOOLS	THE HOME DEPOT	09/30/2015	5,906.44	5,906.44	0.00	0.00	5,906.44	O
221600047	2015	CONSTRUCTION TRADES SHOP MOBIL	AMAZON.COM	10/21/2015	185.64	185.64	0.00	0.00	185.64	O
				*Total	6,092.08	6,092.08	0.00	0.00	6,092.08	
				*622 E 11 6399 05 001 0 22 0 00						0.00

622 E 11 6399 06 001 0 22 0 00 CPF - CATE					GENERAL SUPPLIES						
10/01/15	AP		jb	ARGYLE WELDING SUPPLY CO	0	mitrous oxide	790960	10/01/15	1341	10/02/15	32.36
10/01/15	AP		jb	WALMART COMMUNITY	221600010	OPEN PO FOR ENGINEERING SUPPLIES	09645	09/30/15	1345	10/02/15	104.80

* The Year column displays the first year of the fiscal year pair (2015 for 2015-2016).

Fnd T Fn Obj Sb Org F Pr L L2 Fnd Obj

622 E 11 6399 06 001 0 22 0 00 (continued)

Date	Src	Sub	Batch	Vendor Name/Ref	PO#/Line#	Description	Inv#/Desc2	Inv Date	Chk#/Rec#	Check Date	Amount
10/01/15	AP		jb	VWR SARGENT WELCH	221600009	ENGINEERING MATERIALS	8042432921	09/30/15	1344	10/02/15	587.65
10/09/15	AP		jb	PITSCO INC	221600011	ENGINEERING ELECTRONICS SUPPLIES	6157173	10/07/15	1347	10/09/15	26.48
10/09/15	AP		jb	AC SUPPLY	221600008	AEROSPACE SUPPLIES	396037	10/06/15	1346	10/09/15	411.82
10/16/15	AP		jb			SUMMARY TOTAL					58.97
10/16/15	AP		jb	VWR SARGENT WELCH	221600009	ENGINEERING MATERIALS	8042666301	10/16/15	1354	10/16/15	58.97
10/16/15	JE		15-00237		1540	REVERSE DOUBLE POSTING		10/21/15			-58.97
						October					1,222.08

P.O. #	*Year Description	Vendor	P.O. Date	PO Amount	PO Enc Amount	Liquidated	Adj Enc Amount	Amount Open	Sts
221600010	2015 OPEN PO FOR ENGINEERING SUPPLI	WAL-MART STORES INC	09/01/2015	200.00	200.00	104.80	0.00	95.20	O
221600011	2015 ENGINEERING ELECTRONICS SUPPLI	PITSCO INC	09/01/2015	581.95	581.95	71.96	0.00	509.99	O
			*Total	781.95	781.95	176.76	0.00	605.19	

*622 E 11 6399 06 001 0 22 0 00	1,222.08
*Accounts Payable	1,281.05
*Journal Entries	-58.97

622 E 11 6399 07 001 0 22 0 00 CPF - CATE GENERAL SUPPLIES

P.O. #	*Year Description	Vendor	P.O. Date	PO Amount	PO Enc Amount	Liquidated	Adj Enc Amount	Amount Open	Sts
221600042	2015 HORTICULTURE HAND TOOLS	LOWE'S OF MARBLE FAL	10/13/2015	2,156.78	2,156.78	0.00	0.00	2,156.78	O
			*Total	2,156.78	2,156.78	0.00	0.00	2,156.78	

*622 E 11 6399 07 001 0 22 0 00	0.00

622 E 11 6399 08 001 0 22 0 00 CPF - CATE GENERAL SUPPLIES

P.O. #	*Year Description	Vendor	P.O. Date	PO Amount	PO Enc Amount	Liquidated	Adj Enc Amount	Amount Open	Sts
221600001	2015 HEALTH SCIENCES TEAM LEADER AN	INDECO SALES INC	08/17/2015	1,984.62	1,984.62	0.00	0.00	1,984.62	O
			*Total	1,984.62	1,984.62	0.00	0.00	1,984.62	

*622 E 11 6399 08 001 0 22 0 00	0.00

622 E 11 6399 09 001 0 22 0 00 CPF - CATE GENERAL SUPPLIES

10/16/15	AP	jb			SUMMARY TOTAL						335.00
10/16/15	AP	jb	TEXAS TECH UNIVERSITY HOME EC CURRICULUM CTR	221600024	TEXAS TECH ONLINE FCS CURRICULUM	28110	10/15/15	1353	10/16/15		335.00
10/16/15	JE	15-00237		1550	REVERSE DOUBLE POSTING		10/21/15				-335.00
					October						335.00
					*622 E 11 6399 09 001 0 22 0 00						335.00
					*Accounts Payable						670.00
					*Journal Entries						-335.00

622 E 11 63-- -- --- - -- - -- CPF - CATE

Fnd T Fn Obj Sb Org F Pr L L2 Fnd Obj

Date	Src	Sub	Batch	Vendor Name/Ref	PO#/Line#	Description	Inv#/Desc2	Inv Date	Chk#/Rec#	Check Date	Amount
622 E 11 6629 01 001 0 22 0 00 CPF - CATE						BUILDING PURCHASE/CONST/IMPRVM					

P.O. #	*Year Description	Vendor	P.O. Date	PO Amount	PO Enc Amount	Liquidated	Adj Enc Amount	Amount Open	Sts
6221600000	2015 MT - HS ANIMAL SCIENCE KENNELS	A-1 FENCE & WELDING	07/09/2015	4,152.33	4,152.33	3,152.07	0.00	1,000.26	O
			*Total	4,152.33	4,152.33	3,152.07	0.00	1,000.26	
			*622 E 11 6629 01 001 0 22 0 00						0.00

622 E 11 6629 07 001 0 22 0 00 CPF - CATE					BUILDING PURCHASE/CONST/IMPRVM						
10/01/15	AP	jb	A-1 FENCE & WELDING	6221600016	MT - HS VO/AG HORTICULTURE ADA RAMPS CHANGE ORDER #01	830	10/01/15	1340	10/02/15	3,760.85
10/27/15	AP	jb	A-1 FENCE & WELDING	6221600019	MT - HS VO/AG HORTICULTURE ADA RAMP CHANGE ORDER #2	837	10/27/15	1357	10/28/15	640.00
					October						4,400.85

P.O. #	*Year Description	Vendor	P.O. Date	PO Amount	PO Enc Amount	Liquidated	Adj Enc Amount	Amount Open	Sts
6221600000	2015 MT - HS ANIMAL SCIENCE KENNELS	A-1 FENCE & WELDING	07/09/2015	10,677.41	10,677.41	8,105.32	0.00	2,572.09	O
6221600016	2015 MT - HS VO/AG HORTICULTURE ADA	A-1 FENCE & WELDING	09/24/2015	8,260.00	8,260.00	8,027.85	0.00	232.15	H
			*Total	18,937.41	18,937.41	16,133.17	0.00	2,804.24	
			*622 E 11 6629 07 001 0 22 0 00						4,400.85
			*Accounts Payable						4,400.85

622 E 11 6639 07 001 0 22 0 00 CPF - CATE					FURNITURE & EQUIPMENT						
10/01/15	AP	jb	GEORGE DESPAIN	6221600015	MT - HS VO/AG GREENHOUSE AREA	447335	09/30/15	1342	10/02/15	2,625.00
10/13/15	AP	jbMANUAL	GEORGE DESPAIN	6221600015	CORRECT CODING PER BRUCE MT - HS VO/AG GREENHOUSE AREA	447335	10/13/15	1342	10/13/15	-2,625.00
					October						0.00
					*622 E 11 6639 07 001 0 22 0 00						0.00
					*Accounts Payable						0.00
622 E 11 66-- -- --- - -- - -- CPF - CATE											
622 E 11 ---- -- --- - -- - -- CPF - CATE											

622 E 81 6629 01 001 0 22 0 00 CPF - CATE					BUILDING PURCHASE/CONST/IMPRVM						
10/16/15	AP	jb			SUMMARY TOTAL						753.00
10/16/15	AP	jb	MSC INDUSTRIAL SUPPLY CO	221600037	CONSTRUCTION TRADES LIFT SYSTEM	C96759055	10/15/15	1351	10/16/15	753.00	

P.O. #	*Year Description	Vendor	P.O. Date	PO Amount	PO Enc Amount	Liquidated	Adj Enc Amount	Amount Open	Sts
221600052	2015 AG BARN FAN VENTILATION	BIG ASS SOLUTIONS	10/22/2015	10,530.00	10,530.00	0.00	0.00	10,530.00	O
			*Total	10,530.00	10,530.00	0.00	0.00	10,530.00	
			*622 E 81 6629 01 001 0 22 0 00						0.00

The Year column displays the first year of the fiscal year pair (2015 for 2015-2016).

Fnd T Fn Obj Sb Org F Pr L L2 Fnd Obj

622 E 81 6629 05 001 0 22 0 00 (continued)

Date	Src	Sub	Batch	Vendor Name/Ref	PO#/Line#	Description	Inv#/Desc2	Inv Date	Chk#/Rec#	Check Date	Amount
10/16/15	JE		15-00237		1560	REVERSE DOUBLE POSTING		10/21/15			-753.00
10/22/15	AP		jb	MSC INDUSTRIAL SUPPLY CO	221600037	CONSTRUCTION TRADES LIFT SYSTEM	c98523535	10/21/15	1355	10/23/15	3,066.47
						October					3,819.47
						*622 E 81 6629 05 001 0 22 0 00					3,819.47
						*Accounts Payable					4,572.47
						*Journal Entries					-753.00

522 E 81 6629 07 001 0 22 0 00 CPF - CATE BUILDING PURCHASE/CONST/IMPRVM

10/13/15	AP		jbMANUAL	GEORGE DESPAIN	6221600015	CORRECT CODING PER BRUCE MT - HS VO/AG GREENHOUSE AREA	447335	10/13/15	1342	10/13/15	2,625.00
10/27/15	AP		jb	FORD & CREW HOME AND HARDWARE	6221600017	MT - HS STOREFRONT CHEMICAL STRG	c22824	10/26/15	86090	10/28/15	16.27
10/27/15	AP		jb	ELLIOTT ELECTRIC SUPPLY	6221600002	MT - HS VO/AG RNVTN GREENHOUSE ELEC	366244201	10/26/15	86075	10/28/15	87.54
10/27/15	AP		jb	ELLIOTT ELECTRIC SUPPLY	6221600002	MT - HS VO/AG RNVTN GREENHOUSE ELEC	366238201	10/26/15	86075	10/28/15	194.80
						October					2,923.61

22

P.O. #	*Year	Description	Vendor	P.O. Date	PO Amount	PO Enc Amount	Liquidated	Adj Enc Amount	Amount Open	Sts
6221600001	2015	MT - HS ANIMAL SCIENCE KENNELS	ELLIOTT ELECTRIC SUP	07/14/2015	5,000.00	5,000.00	0.00	0.00	5,000.00	O
6221600002	2015	MT - HS VO/AG RNVTN GREENHOUSE	ELLIOTT ELECTRIC SUP	07/14/2015	15,000.00	15,000.00	5,343.78	0.00	9,656.22	O
6221600005	2015	MT - HS GREENHOUSE PLUMBING	COLLIER MATERIALS IN	07/28/2015	400.00	400.00	261.00	0.00	139.00	O
6221600007	2015	MT - HS VO/AG GREENHOUSE	FERGUSON ENTERPRISES	08/13/2015	1,000.00	1,000.00	87.79	0.00	912.21	O
6221600012	2015	MT - HS VO/AG HORTICULTURE HAN	A-1 FENCE & WELDING	09/14/2015	19,476.00	19,476.00	16,980.00	0.00	2,496.00	H
221600036	2015	GREENHOUSE GROWING BED FIXTURE	INTERNATIONAL GREENH	09/30/2015	7,040.00	7,040.00	0.00	0.00	7,040.00	O
6221600018	2015	MT - HS GREENHOUSE RAINWATER C	PINNACLE WATER TANKS	10/12/2015	18,905.40	18,905.40	0.00	0.00	18,905.40	O
221600048	2015	GREENHOUSE STOREFRONT AIR FAN	THE HOME DEPOT	10/22/2015	238.00	238.00	0.00	0.00	238.00	O
				*Total	67,059.40	67,059.40	22,672.57	0.00	44,386.83	

*622 E 81 6629 07 001 0 22 0 00	2,923.61
*Accounts Payable	2,923.61

22 E 81 66-- -- --- - -- - -- CPF - CATE
22 E 81 ---- -- --- - -- - -- CPF - CATE
22 - -- ---- -- --- - -- - -- CPF - CATE

51 E 51 6249 35 103 0 99 0 00 CPF - MAINTENANCE CONTRACTED MAINTENANCE &REPAIR

10/01/15	AP		jb	FERGUSON ENTERPRISES INC #1869	6001600017	MT - HLES PRE-K RESTROOMS	2255691	09/30/15	1343	10/02/15	92.44
10/16/15	AP		jb			SUMMARY TOTAL					5.12

The Year column displays the first year of the fiscal year pair (2015 for 2015-2016).

Fnd T Fn Obj Sb Org F Pr L L2 Fnd Obj

651 E 51 6249 35 103 0 99 0 00 (continued)

Date	Src	Sub	Batch	Vendor Name/Ref	PO#/Line#	Description	Inv#/Desc2	Inv Date	Chk#/Rec#	Check Date	Amount
10/16/15	AP		jb	FERGUSON ENTERPRISES INC #1869	6001600017	MT - HLES PRE-K RESTROOMS	2251203	10/14/15	1350	10/16/15	5.12
10/16/15	JE		15-00237		1580	REVERSE DOUBLE POSTING		10/21/15			-5.12
						October					97.56

P.O. #	*Year Description	Vendor	P.O. Date	PO Amount	PO Enc Amount	Liquidated	Adj Enc Amount	Amount Open	Sts
6001600017	2015 MT - HLES PRE-K RESTROOMS	FERGUSON ENTERPRISES	07/28/2015	5,000.00	5,000.00	700.80	0.00	4,299.20	H
			*Total	5,000.00	5,000.00	700.80	0.00	4,299.20	

*651 E 51 6249 35 103 0 99 0 00	97.56
*Accounts Payable	102.68
*Journal Entries	-5.12

651 E 51 62-- -- --- - -- - -- CPF - MAINTENANCE

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651 E 51 6639 34 103 0 99 0 00 CPF - MAINTENANCE FURNITURE & EQUIPMENT

Date	Src	Sub	Batch	Vendor Name/Ref	PO#/Line#	Description	Inv#/Desc2	Inv Date	Chk#/Rec#	Check Date	Amount
10/27/15	AP		jb	SCHOOL SPECIALTY INC	6001600004	MT - HLES PLAYGRND IMPROVEMENTS	608100018339	10/27/15	1359	10/28/15	62,326.46
						October					62,326.46

*651 E 51 6639 34 103 0 99 0 00	62,326.46
*Accounts Payable	62,326.46

651 E 51 66-- -- --- - -- - -- CPF - MAINTENANCE

651 E 51 ---- -- --- - -- - -- CPF - MAINTENANCE

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651 E 81 6629 36 001 0 99 0 00 CPF - MAINTENANCE BUILDING PURCHASE/CONST/IMPRVM

Date	Src	Sub	Batch	Vendor Name/Ref	PO#/Line#	Description	Inv#/Desc2	Inv Date	Chk#/Rec#	Check Date	Amount
10/22/15	AP		jb	RRR SPECIALTIES, INC.	6001600016	MT - MFHS RESTROOMS PROJECT	2858	10/20/15	1356	10/23/15	34,144.00
						October					34,144.00

P.O. #	*Year Description	Vendor	P.O. Date	PO Amount	PO Enc Amount	Liquidated	Adj Enc Amount	Amount Open	Sts
6001600022	2015 MT - MFHS RESTROOMS PROJECT	LOWE'S OF MARBLE FAL	08/10/2015	250.00	250.00	42.05	0.00	207.95	H
6001600023	2015 MT - MFHS RESTROOMS PROJECT	FORD & CREW HOME AND	08/10/2015	200.00	200.00	35.89	0.00	164.11	H
6001600024	2015 MT - MFHS RESTROOMS PROJECT	SHERWIN-WILLIAMS CO	08/10/2015	200.00	200.00	90.90	0.00	109.10	H
6001600025	2015 MT - MFHS RESTROOMS	LOWE'S OF MARBLE FAL	08/10/2015	100.00	100.00	25.61	0.00	74.39	H
			*Total	750.00	750.00	194.45	0.00	555.55	

*651 E 81 6629 36 001 0 99 0 00	34,144.00
*Accounts Payable	34,144.00

---

651 E 81 6629 40 041 0 99 0 00 CPF - MAINTENANCE BUILDING PURCHASE/CONST/IMPRVM

Date	Src	Sub	Batch	Vendor Name/Ref	PO#/Line#	Description	Inv#/Desc2	Inv Date	Chk#/Rec#	Check Date	Amount
10/16/15	AP		jb			SUMMARY TOTAL					-480.00
10/16/15	AP		jb	ELLIOTT ELECTRIC SUPPLY	6001600008	MT - MFMS 6TH GR RENOVATION	366147701	10/14/15			-480.00
10/16/15	JE		15-00237		1590	REVERSE DOUBLE POSTING		10/21/15			480.00
						October					-480.00

'nd T Fn Obj Sb Org F Pr L L2 Fnd Obj

51 E 81 6629 40 041 0 99 0 00 (continued)

Date	Src	Sub	Batch	Vendor Name/Ref	PO#/Line#	Description	Inv#/Desc2	Inv Date	Chk#/Rec#	Check Date	Amount

P.O. #	*Year Description	Vendor	P.O. Date	PO Amount	PO Enc Amount	Liquidated	Adj Enc Amount	Amount Open	Sts
6001600008	2015 MT - MFMS 6TH GR RENOVATION	ELLIOTT ELECTRIC SUP	07/14/2015	21,450.00	21,450.00	17,362.59	0.00	4,087.41	H
6001600009	2015 MT - MFMS 6TH GR RENOVATION	FORD & CREW HOME AND	07/14/2015	200.00	200.00	159.86	0.00	40.14	H
6001600011	2015 MT - MFMS 6TH GR CEILING	LOWE'S OF MARBLE FAL	07/14/2015	10,000.00	10,000.00	6,144.24	0.00	3,855.76	O
			*Total	31,650.00	31,650.00	23,666.69	0.00	7,983.31	
			*651 E 81 6629 40 041 0 99 0 00						-480.00
			*Accounts Payable						-960.00
			*Journal Entries						480.00

51 E 81 6629 42 939 0 99 0 00 CPF - MAINTENANCE BUILDING PURCHASE/CONST/IMPRVM

10/27/15	AP	jb	GEORGE DESPAIN	6001600033 MT - TD PRK LOT DRN INSTALL	447337	10/27/15	1358	10/28/15			4,200.00
10/27/15	AP	jb	TEXAS BUILDING & ROOFING INC	6001600034 MT - TD PRK LOT DRN INSTALL	MF22199	10/27/15	1360	10/28/15			378.00
				October							4,578.00

P.O. #	*Year Description	Vendor	P.O. Date	PO Amount	PO Enc Amount	Liquidated	Adj Enc Amount	Amount Open	Sts
6001600031	2015 MT - TD PARKING LOT	COLLIER MATERIALS IN	10/07/2015	1,250.00	1,250.00	0.00	0.00	1,250.00	O
6001600035	2015 MT - TD DRAIN INSTALL	FOXWORTH-GALBRAITH L	10/22/2015	100.00	100.00	0.00	0.00	100.00	O
6001600036	2015 MT - TD PRK LOT DRN INSTALL	FERGUSON ENTERPRISES	10/22/2015	282.45	282.45	0.00	0.00	282.45	H
6001600037	2015 MT - TD PRK LOT DRN INSTALL	FERGUSON ENTERPRISES	10/28/2015	600.00	600.00	0.00	0.00	600.00	O
6001600038	2015 MT - TD PRK LOT DRN INSTALL	FORD & CREW HOME AND	10/28/2015	31.84	31.84	0.00	0.00	31.84	H
6001600039	2015 MT - TD PRK LOT DRN INSTALL	TEXAS BUILDING & ROO	10/28/2015	65.50	65.50	0.00	0.00	65.50	H
			*Total	2,329.79	2,329.79	0.00	0.00	2,329.79	
			*651 E 81 6629 42 939 0 99 0 00						4,578.00
			*Accounts Payable						4,578.00

1 E 81 6629 45 103 0 99 0 00 CPF - MAINTENANCE BUILDING PURCHASE/CONST/IMPRVM

*651 E 81 6629 45 103 0 99 0 00 0.00

1 E 81 66-- -- --- - -- - -- CPF - MAINTENANCE
1 E 81 ---- -- --- - -- - -- CPF - MAINTENANCE
1 - -- ---- -- --- - -- - -- CPF - MAINTENANCE

Total for Accounts Payable	114,209.08
Total for Journal Entries	-672.09
Grand Total	113,536.99

Number of Accounts: 19

The report displays only accounts with activity in the date range selected.



Marble Falls ISD

Board of Trustees

Agenda Item Information

Meeting Date: November 16, 2015

Meeting Type:
- ☑ Regular Meeting
- ☐ Special Meeting/Workshop
- ☐ Hearing

Date Submitted:

Agenda Placement:
- ☐ Public Hearing
- ☐ Open Session
- ☐ Executive Session
- ☐ Recognition
- ☐ Administrative Report
- ☐ Consent Agenda
- ☑ Regular Agenda
- ☐ Information/Discussion

Subject: Diversification of Investment Options

Executive Summary:

Samuel Vaughan, a representative of Financial Northeastern Companies will be here to present to the board about this company. They are a full service broker that has been specializing in negotiable CDs for over 30 years. They work within the guidelines of the PFIA and our local investment policy and can improve investment returns without losing focus on capital preservation, liquidity or diversification. The goal is for them to help us find higher return investments improving our interest earnings. This will also help us to diversify our investment portfolio.

Fiscal Impact:

Cost:
- ☐ Recurring
- ☐ One-Time
- ☑ No Fiscal Impact

Funding Source:
- ☐ General Fund
- ☐ Grant Funds
- ☐ Other Funds (Specify)

Fiscal Year:
Amendment Required?
- ☐ Yes
- ☐ No

Administrator's Recommendation:

Request for approval will occur at the December meeting

Department Submitting: Business Office

Requested By: Lisa LeMon

Cabinet Member's Approval:

Board Approval Required: ☑ Yes ☐ No

FNC
Financial Northeastern Companies



Investment & Funding Solutions for Institutional Investors

Financial Northeastern: A Full Service Broker with a Personal Approach

Since 1984, Financial Northeastern has assisted clients throughout the country with building and managing portfolios tailored to their specific investment parameters. Our team of fixed income professionals provides a full range of funding and investment solutions. FNC's track record of service and integrity has earned the trust of our clients, who invest nearly $4 billion annually with us. We pride ourselves on long-lasting client relationships built on service, integrity and trust.

But don't take our word for it. Ask your colleagues, the more than 4000 institutional investors, including credit unions, banks, NPO's, municipalities, corporations, and RIAs who have relied on FNC to help them maximize investment returns and raise deposits.

Fixed-Income Investments

FNC can help your organization sharpen their competitive edge with a comprehensive array of investment services, including the construction of laddered bond and CD portfolios tailored to each client's individual requirements for diversification, income, total return, and capital preservation. Our unwavering institutional focus enables us to provide customized portfolio and security analysis, execution services, market monitoring services, and broad access to a full range of fixed-income instruments, including:

- Certificates of Deposit
- Municipal Bonds
- Mortgage-backed Securities
- Money Market Instruments
- Bank Notes
- Corporate Bonds
- U.S. Treasury Securities
- U.S. Government Agency Securities

CD Investments

We specialize in obtaining the best available rates in federally insured CDs from financial institutions nationwide. Fixed-rate, callable, and direct deposit CDs, with maturities ranging from 30 days to 20 years, can help your organization expand their depository relationships and manage excess liquidity.

Funding Solutions

When it comes to obtaining funding with attractive terms, more than 2,000 financial institutions have relied on FNC for CD issuance. In fact, we consistently have ranked among the top 10 CD underwriters in the nation, with billions of dollars of CDs issued annually. Our dedicated syndicate team works with approximately 500 broker-dealers as part of an ever-growing distribution network. We also utilize multiple electronic trading platforms as additional distribution outlets.

Four Steps to a More Profitable Portfolio

At FNC, we will:

- Listen to your concerns regarding risk, return and diversification.
- Assess your portfolio based on product, yield, maturities, prices, risk exposure, cash flow needs and internal policies.
- Explore and discuss investment alternatives and recent trends.
- Research and offer those products which best align with your objectives.

For More Information

Contact us to discuss how Financial Northeastern Companies can help your firm satisfy its investment and funding needs more effectively.



1.800.362.4141 | investments@financialnortheastern.com.com | www. financialnortheastern.com
Headquarters: 100 Passaic Avenue • Fairfield, NJ 07004 | Offices in Miami, FL and Dublin, OH

All securities offered through Financial Northeastern Securities, Inc. Member FINRA, SIPC Companies related by Common Owners

Learners Today...
Leaders Tomorrow...
Mustangs Forever!

Marble Falls ISD

Board of Trustees

Agenda Item Information

Meeting Date: November 16th 2015

Meeting Type:
- ☑ Regular Meeting
- ☐ Special Meeting/Workshop
- ☐ Hearing

Date Submitted:

Agenda Placement:
- ☐ Public Hearing
- ☐ Open Session
- ☐ Executive Session
- ☐ Recognition
- ☐ Administrative Report
- ☐ Consent Agenda
- ☑ Regular Agenda
- ☐ Information/Discussion

Subject: Purchase of 3 school buses

Executive Summary:

There are 4 buses over 15 years of service and 200,000 miles on regular daily routes. These buses will be moved to field trip and replacement buses to extend their use. Currently, 3 older buses will be for sale this school year that will come off inventory. The 3 new buses will replace those buses on inventory.
Cost per bus will be $92,908 for a total cost of $278,724 not including a $800 Buy Board fee. Buses will be purchased with bond fund.

Fiscal Impact:

Cost:
- ☐ Recurring
- ☑ One-Time
- ☐ No Fiscal Impact

Funding Source:
- ☐ General Fund
- ☐ Grant Funds
- ☑ Other Funds (Specify)

Bond

Fiscal Year:
Amendment Required?
- ☐ Yes
- ☑ No

Administrator's Recommendation:

I recommend that the board approve the purchase the three IHC 77 passenger buses per specs with bond funds.

Department Submitting:
Transportation

Cabinet Member's Approval:
Michael Pittard

Requested By:
George Hamilton-Director of Transportation

Board Approval Required: ☑ Yes ☐ No

LONGHORN BUS SALES

6921 Homestead Rd. Houston, Tx. 77028
713-631-9306 Fax 713-631-4634

MARBLE FALLS I.S.D.

Date: October 19, 2015

Body Manufacturer:	IC Corp	Model: C3402 Conventional	2017
Chassis Manufacturer:	IC Corp	Model: PB105	2017

Capacity: 77 Passengers

Price/Unit: $ 92,908.00 Number of units: **3** **Total: $ 278,724.00**

Standard Body Specifications
78” headroom standard
13 rows of fire resistant seating H/B
Intermittent windshield wipers and washers
Seat centers on 27” spacing
Upgrade First aid kit and body fluid clean-up kit
Full Insulation Roof & Sides
Complete body undercoating
Fire extinguisher
Rubber flooring throughout Gray
(3) Triangle Reflectors
Aluminum aisle strips
90,000 btu front heater/defrost system
School bus yellow paint
Two full rows interior dome lights
Rear view mirror inside (10 x 30)
Mirrorlite Cross Over Mirrors HD
Rear view mirrors (2) Roscoe motorized
Emergency door buzzer and hold-back device
National hi-back air suspension driver’s seat
Drivers three point seat belt with retractors
Three-step riser
Two Specialty roof hatches
Reflectorized stop arm
Four emergency K/O windows, vertical hinge
Warning light LED strobing type
State Spec LED light pkg.
Monitor, Post Trip Inspection
Light, Exterior, Check, Pre Trip
Drivers Dome Light, separate switch

Chassis Specifications	
Engine:	Cummins ISB 6.7
Horsepower:	250
Torque	560 ft-lb
Wheelbase:	276”
Alternator:	325 amp hi-output
Transmission:	AT 2500 5 yr warranty
Brakes:	Full Air
Front Axle:	10,000#
Rear Axle:	19,800#
Tires:	11R 22.5 RR15
Fuel Tank:	100 Gallon with Barrier
Battery System	3-12volt 1950 CCA
Air Ride Suspension	
Tachometer	
Warning buzzers	
Auto. Slack Adjusters	
Auto. Moisture Ejectors	
Power Steering Tilt	
Power Source 12V	
Mud Flaps rear	

Body Options Included	**Chassis Options Included**
Interior paint Gray Reflective Material Vandalock Security System Sound Abatement Insulation White Roof 5/8" Marine plywood Over Steel Floor Dark Tinted/Laminated Safety Glass 84,500 BTU Rear Heater Drivers Area Defrost Fan Left Strobe Light Air Door outward opening Drivers Compartment Stop Arm Spec air Pre Delivery Inspection Lettering (MARBLE FALLS I.S.D.) Bus Air 126,000K BTU Air Conditioner DOT Inspection Weight Slip Govern Speed@ 65mph Trip Seat Belts First 2 Rows Angel Trax HDX-4 w 4CAM (shipped Loose)	Bendix 4-Channel ABS Brake System Daytime Running Lights Locking Throttle Cruise Control Warranty Towing: 24/150K $550 max Seat Belt Cutter

Estimated delivery time: F.O.B:

Both body and chassis specifications meet or exceed Texas School Bus Specification # 070-SB-15 for 2015.

Authorized Signature_____

THIS IS BUYBOARD PRICING. BUYBOARD FEE $800 NOT INCLUDED. PLEASE ADD*

All stock buses are subject to prior sale.

PO# 15-155

Learners Today...
Leaders Tomorrow...
Mustangs Forever!

Marble Falls ISD

Board of Trustees

Agenda Item Information

Meeting Date: November 16, 2015

Meeting Type:
- [x] Regular Meeting
- [ ] Special Meeting/Workshop
- [ ] Hearing

Date Submitted:

Agenda Placement:
- [ ] Public Hearing
- [x] Open Session
- [ ] Executive Session
- [ ] Recognition
- [ ] Administrative Report
- [ ] Consent Agenda
- [ ] Regular Agenda
- [x] Information/Discussion

Subject: Policy Update 103

Executive Summary:

TASB regularly sends updates of legal and local policy reflective of legislative changes, court cases, and Commissioner Rulings. Update 103 provides such amended legal and local policy.

Fiscal Impact:

Cost:
- [ ] Recurring
- [ ] One-Time
- [x] No Fiscal Impact

Funding Source:
- [ ] General Fund
- [ ] Grant Funds
- [ ] Other Funds (Specify)

Fiscal Year:
Amendment Required?
- [ ] Yes
- [x] No

Superintendent's Recommendation:

For presentation only - approval of Update 103 will be sought at the Regular Meeting of the Board in December.

Department Submitting: Administration

Requested By:

Cabinet Member's Approval: Chris Allen

Board Approval Required: [ ] Yes [x] No

(LOCAL) Policy Comparison Packet

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

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

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

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

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

Please Note:

At **Update 103** you may see some duplicated margin notes in the policy comparison documents. They look like a tracked change where no clear change has taken place, like so:

~~MARGIN NOTE~~

MARGIN NOTE

This is an unintended side effect of Policy Service's recent migration to Word 2013, which revealed formatting issues in some margin notes that had not been apparent in earlier versions of Word. Fixing those formatting issues during Update 103 editing has now caused Word to annotate some margin notes where the wording itself hasn't changed, resulting in the effect described above.

We apologize for any inconvenience. If you would like assistance cleaning up the tracked changes in your local policy comparison documents, please contact TASB Policy Service, and we'll be glad to help.

Policy.Service@tasb.org

800-580-7529

512-467-0222

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

ORGANIZATION

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

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

TERMS

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

[See AB for District name terminology.]

HARMONY WITH LAW

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

SEVERABILITY

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

POLICY DEVELOPMENT

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

OFFICIAL POLICY MANUAL

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

ADOPTION AND AMENDMENT

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

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

TASB LOCALIZED UPDATES

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

All Trustees, employees, vendors, contractors**, agents**, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources.

Note: See the following policies and/or administrative regulations regarding conflicts of interest, ethics, and financial oversight:

- Code of ethics:
  for Board members—BBF
  for employees—DH
- Financial conflicts of interest:
  for public officials—BBFA
  for all employees—DBD
  for vendors—CHE
- **Compliance with state and federal grant and award requirements: CB, CBB**
- Financial conflicts **and gifts and gratuities regarding**~~involving~~ federal funds: **CB,** CBB
- Systems for monitoring the District's investment program: CDA
- Budget planning and evaluation: CE
- Compliance with accounting regulations: CFC
- Activity fund management: CFD
- Criminal history record information for employees: **DBAA,** DC
- Disciplinary action for fraud by employees: DCD, DCE, and DF series

FRAUD AND FINANCIAL IMPROPRIETY

The District prohibits fraud and financial impropriety, as defined below, in the actions of its Trustees, employees, vendors, contractors, **agents,** consultants, volunteers, and others seeking or maintaining a business relationship with the District.

DEFINITION

Fraud and financial impropriety shall include but not be limited to**:**~~:~~

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.

3. Misappropriation of funds, securities, supplies, or other District assets, including employee time.

4. Impropriety in the handling of money or reporting of District financial transactions.

5. Profiteering as a result of insider knowledge of District information or activities.

6. Unauthorized disclosure of confidential or proprietary information to outside parties.

7. Unauthorized disclosure of investment activities engaged in or contemplated by the District.

8. Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the District, except as otherwise permitted by law or District policy. [See **CB,** DBD]

9. Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.

10. Failure to provide financial records required by **federal,** state**,** or local entities.

11. Failure to disclose conflicts of interest as required by law or District policy.

12. Any other dishonest act regarding the finances of the District.

13. **Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.**

FINANCIAL CONTROLS AND OVERSIGHT

Each employee who supervises or prepares District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety.

FRAUD PREVENTION

The Superintendent or designee shall maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District.

REPORTS

Any person who suspects fraud or financial impropriety in the District shall report the suspicions immediately to any supervisor, the Superintendent or designee, the Board President, or local law enforcement.

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with

law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

PROTECTION FROM RETALIATION

Neither the Board nor any District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety. [See DG]

FRAUD INVESTIGATIONS

In coordination with legal counsel and other internal or external departments or agencies, as appropriate, the Superintendent, Board President, or a designee shall promptly investigate reports of potential fraud or financial impropriety.

RESPONSE

If an investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee shall promptly inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration.

If an employee is found to have committed fraud or financial impropriety, the Superintendent or designee shall take or recommend appropriate disciplinary action, which may include termination of employment. If a contractor or vendor is found to have committed fraud or financial impropriety, the District shall take appropriate action, which may include cancellation of the District's relationship with the contractor or vendor.

When circumstances warrant, the Board, Superintendent, or designee may refer matters to appropriate law enforcement or regulatory authorities. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.

The final disposition of the matter and any decision to file a criminal complaint or to refer the matter to the appropriate law enforcement or regulatory agency for independent investigation shall be made in consultation with legal counsel.

FEDERAL AWARDS DISCLOSURE

The District shall disclose, in a timely manner in writing to the federal awarding agency or pass-through entity, all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting a federal grant award. [See CBB]

ANALYSIS OF FRAUD

After any investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee shall analyze conditions or factors that may have contributed to the fraudulent or improper activity. The Superintendent or designee shall ensure that appropriate administrative procedures are developed and implemented to prevent future misconduct. These measures shall be presented to the Board for review.

GRANTS AND AWARDS

The Superintendent shall be authorized to:

1. Apply, on behalf of the Board, for any and all special federal and state grants and awards as deemed appropriate for the District's operations;

2. Approve commitment of District funds for matching, cost sharing, cooperative, or jointly funded projects up to the amounts specifically allowed under the District budget approved by the Board; and

3. Approve grant and award amendments as necessary.

The District shall comply with all requirements for state and federal grants and awards imposed by law, the awarding agency, or an applicable pass-through entity. The Superintendent shall develop and enforce financial management systems, internal control procedures, procurement procedures, and other administrative procedures as needed to provide reasonable assurance that the District is complying with requirements for state and federal grants and awards.

[See CAA, CBB]

FEDERAL AWARDS

CONFLICT OF INTEREST

Each employee, Board member, or agent of the District who is engaged in the selection, award, or administration of a contract supported by a federal grant or award and who has a potential conflict of interest as defined at Code of Federal Regulations, title 2, section 200.318, shall disclose to the District, in writing, any conflict that meets the disclosure threshold in Chapter 176 of the Local Government Code. [See CBB]

In addition, each employee, Board member, or agent of the District shall comply with any other conflict of interest requirements imposed by the granting agency or a pass-through entity.

For purposes of this policy, "immediate family member" shall have the same meaning as "family member" as described in Chapter 176 of the Government Code. [See BBFA]

For purposes of this policy, "partner" shall have the same meaning as defined in Business Organizations Code Chapter 1, Subchapter A.

An employee, Board member, or agent of the District who is required to disclose a conflict in accordance with the provisions above shall not participate in the selection, award, or administration of a contract supported by a federal grant or award.

GIFTS AND GRATUITIES

Employees, Board members, and agents of the District shall not solicit any gratuities, favors, or items from a contractor or a party to a subcontractor for a federal grant or award and shall not accept:

1. Any single item with a value at or above $50; or
2. Items from a single contractor or subcontractor that have an aggregate monetary value exceeding $100 in a 12-month period.

[See BBFB, CBB, DBD. In the event of a violation of these requirements, see CAA and DH.]

~~SCHOOL RESOURCE OFFICERS~~**SCHOOL RESOURCE OFFICERS**

To implement the District's comprehensive safety programs, the District has entered into an agreement with a local law enforcement agency for school resource officers. School resource officers shall provide services consistent with the terms of the agreement, the comprehensive safety programs, and Board policy.

TRAINING

All school resource officers **shall receive at least the minimum amount of education and training required by law.**

The Superintendent shall develop regulations regarding the use of a prepaid meal card or account to purchase meals served at school. The regulations shall address:

1. The length of the grace period during which a student may continue to purchase meals with a meal card or account that is exhausted or insufficient; and

2. Parent notification in the event of an exhausted card or account, including a schedule for repayment.

No fees or interest shall be charged in connection with meals purchased with an exhausted card or account.

Note: **For conflicts of interest and gifts and gratuities related to federal grants and awards, see CB and CBB.**

DISCLOSURE—GENERAL STANDARD

An employee shall disclose to his or her immediate supervisor a personal financial interest, a business interest, or any other obligation or relationship that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the District.

SPECIFIC DISCLOSURES

SUBSTANTIAL INTEREST

The Superintendent shall file an affidavit with the Board President disclosing a substantial interest, as defined by Local Government Code 171.002, in any business or real property that the Superintendent or any of his or her relatives in the first degree may have.

Any other employee who is in a position to affect a financial decision involving any business entity or real property in which the employee has a substantial interest, as defined by Local Government Code 171.002, shall file an affidavit with the Superintendent; however, the employee shall not be required to file an affidavit for the substantial interest of a relative.

INTEREST IN PROPERTY

The Superintendent shall be required to file an affidavit disclosing interest in property in accordance with Government Code 553.002.

~~CONFLICTS DISCLOSURE STATEMENT~~

~~No employee other than the Superintendent shall be required to file the conflicts disclosure statement, as promulgated by the Texas Ethics Commission and as specified by Local Government Code 176.003–.004.~~

ANNUAL FINANCIAL MANAGEMENT REPORT

The Superintendent, as the executive officer of the District, shall provide to the District in a timely manner information necessary for the District's annual financial management report.

[See BBFA]

GIFTS

An employee shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities. [See CAA**, CB, and CBB**]

ENDORSEMENTS

An employee shall not recommend, endorse, or require students to purchase any product, material, or service in which the employee has a financial interest or that is sold by a company that employs or retains the District employee during nonschool hours.

SALES

An employee shall not use his or her position with the District to attempt to sell products or services.

NONSCHOOL EMPLOYMENT

~~NONSCHOOL EMPLOYMENT~~

An employee shall disclose in writing to his or her immediate supervisor any outside employment that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the District.

PRIVATE TUTORING

~~PRIVATE TUTORING~~

An employee shall disclose in writing to his or her immediate supervisor any private tutoring of District students for pay.

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. [See DH(EXHIBIT)]

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

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

VIOLATIONS OF STANDARDS OF CONDUCT

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

WEAPONS PROHIBITED

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

~~ELECTRONIC MEDIA~~

EXCEPTIONS

No violation of this policy occurs when the use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

ELECTRONIC MEDIA

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), **web**~~Web~~ logs (blogs), electronic forums (chat rooms), video-sharing **websites**~~Web sites~~, editorial comments posted on the Internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and **web**~~Web~~-based applications.

USE WITH STUDENTS

~~USE WITH STUDENTS~~

In accordance with administrative regulations, a certified or licensed employee, or any other employee designated in writing by the Superintendent or a campus principal, may use electronic media to communicate with currently enrolled students about matters within the scope of the employee's professional responsibilities. All other employees are prohibited from using electronic media to communicate directly with students who are currently enrolled in the District. The regulations shall address:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with students; and

3. Other matters deemed appropriate by the Superintendent or designee.

Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic media. [See CPC]

PERSONAL USE
~~PERSONAL USE~~

An employee shall be held to the same professional standards in his or her public use of electronic media as for any other public conduct. If an employee's use of electronic media violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

SAFETY REQUIREMENTS

Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

HARASSMENT OR ABUSE

An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]

2. Students. [See FFH; see FFG regarding child abuse and neglect.]~~]~~

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See **FFG**~~FFH~~]

RELATIONSHIPS WITH STUDENTS

An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

TOBACCO **AND E-CIGARETTES** ~~USE~~

An employee shall not **smoke or** use tobacco products **or e-cigarettes** on District **property**~~premises~~, in District vehicles, or at ~~school or~~ school-related activities. [See also GKA]

ALCOHOL AND DRUGS

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

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug,

hallucinogen, stimulant, depressant, amphetamine, or barbiturate.

2. Alcohol or any alcoholic beverage.

3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.

4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

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

EXCEPTIONS

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

MANUFACTURES~~EXCEPTIONS~~

~~An employee who manufactures~~, possesses, or dispenses a substance listed above as part of the employee's job responsibilities~~;~~ ~~or who uses a drug authorized by a licensed physician prescribed for the employee's personal use shall not be considered to have violated this policy.~~

1. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or

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

NOTICE

Each employee shall be given a copy of the District's notice regarding drug-free schools. [See DI(EXHIBIT)]

A copy of this policy, a purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.

ARRESTS, **INDICTMENTS**~~INDICTMENTS~~, CONVICTIONS, **AND OTHER ADJUDICATIONS**~~AND OTHER ADJUDICATIONS~~

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

1. Crimes involving school property or funds;

2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;

3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or

4. Crimes involving moral turpitude, which include:

   - Dishonesty; fraud; deceit; theft; misrepresentation;
   - Deliberate violence;
   - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
   - Felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
   - Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct;
   - Felony driving while intoxicated (DWI); or
   - Acts constituting abuse or neglect under the Texas Family Code.

DRESS AND GROOMING

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

Note: This policy addresses discrimination, harassment, and retaliation involving District employees. ~~In this policy, the term "employees" includes former employees and applicants for employment.~~ For discrimination, harassment, and retaliation involving students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

DEFINITIONS

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

STATEMENT OF NONDISCRIMINATION~~S TATEMENT OF NONDISCRIMINATION~~

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

DISCRIMINATION

~~DISCRIMINATION~~

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

HARASSMENT

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

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

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.

RETALIATION

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

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding harassment or discrimination is subject to appropriate discipline.

PROHIBITED CONDUCT~~PROHIBITED CONDUCT~~

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

REPORTING PROCEDURES

An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should promptly 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~~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 or gender, including sexual harassment, may be directed to the **designated Title IX coordinator. [See DIA(EXHIBIT)]**~~Title IX coordinator. The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:~~

~~Name: Susan Maughan~~

~~Position: Executive Director of Special Services~~

~~Address: 1800 Colt Circle, Marble Falls, TX 78654~~

~~Telephone: (830) 693-4357~~

ADA / SECTION 504 COORDINATOR

Reports of discrimination based on disability may be directed to the **designated** ADA/Section 504 coordinator. **[See DIA(EXHIBIT)]**~~The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands~~

~~upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:~~

SUPERINTENDENT

~~Name: Susan Maughan~~

~~Position: Executive Director of Special Services~~

~~Address: 1800 Colt Circle, Marble Falls, TX 78654~~

~~Telephone: (830) 693-4357~~

~~SUPERINTENDENT~~

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

ALTERNATIVE REPORTING PROCEDURES

~~ALTERNATIVE REPORTING PROCEDURES~~

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

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

TIMELY REPORTING

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

NOTICE OF REPORT

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

INVESTIGATION OF THE REPORT

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

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

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.

CONCLUDING THE INVESTIGATION

The investigator may prepare a written report of the investigation. Any 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 disciplinary or corrective action.

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.

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.

RECORDS RETENTION

Copies of reports alleging prohibited conduct, investigation reports, and related records shall be maintained by the District for a period of at least three years. [See CPC]

ACCESS TO POLICY

This policy shall be distributed annually to District employees or made available on the District's **website.**

~~Web site.~~

Students in violation of the compulsory attendance law shall be reported to the District attendance officer, who may institute court action as provided by law.

EXCUSED ABSENCES

In addition to excused absences required by law, the District shall excuse absences for the following purposes.

HIGHER EDUCATION VISITS

~~STUDENTS AGE 18 AND OVER~~

~~A student who voluntarily attends school after the student's 18th birthday shall be required to attend school until the end of the school year.~~

~~HIGHER EDUCATION VISITS~~

The District shall excuse a student for up to two days during the student's junior year and up to two days during the student's senior year to visit an accredited institution of higher education. A student shall be required to submit verification of such visits in accordance with administrative regulations.

EARLY VOTING OR ELECTION CLERK

~~EARLY VOTING OR ELECTION CLERK~~

The District shall excuse a student for up to two days per school year to serve as an early voting or election clerk. A student shall be required to submit verification of service in accordance with administrative regulations.

[For extracurricular activity absences, see FM.]

WITHDRAWAL FOR NONATTENDANCE

The District may initiate withdrawal of a student under the age of **19**~~18~~ for nonattendance under the following conditions:

1. The student has been absent ten consecutive school days; and
2. Repeated efforts by the attendance officer and/or principal to locate the student have been unsuccessful.

[For **District-initiated** withdrawal of students **19**~~18~~ or older, see FEA(LEGAL)**.]**~~).~~

STUDENTS IN HOMESCHOOLS

When the District becomes aware that a student is being or will be homeschooled, the Superintendent or designee may request in writing a letter of notification from the parents of their intention to homeschool using a curriculum designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship.

If the parents refuse to submit a letter of notification or if the District has evidence that the school-age child is not being homeschooled within legal requirements, the District may investigate further and, if warranted, shall pursue legal action to enforce the compulsory attendance law.

This policy shall apply to a student who has not been in attendance for 90 percent of the days the class is offered.

CONSIDERATION OF ALL ABSENCES

All absences shall be considered in determining whether a student has attended the required percentage of days under this policy.

ATTENDANCE COMMITTEES

The Board shall establish an attendance committee or as many committees as necessary for efficient implementation of Education Code 25.092.

The Superintendent or designee shall make the specific appointments in accordance with legal requirements.

PARENTAL NOTICE OF EXCESSIVE ABSENCES

A student and the student's parent or guardian shall be given written notice prior to and at such time when a student's attendance in any class drops below 90 percent of the days the class is offered.

METHODS FOR REGAINING CREDIT OR AWARDING A FINAL GRADE

~~METHODS FOR REGAINING CREDIT OR AWARDING A FINAL GRADE~~

When a student's attendance drops below 90 percent but remains at least at 75 percent of the days the class is offered, the student may earn credit for the class or a final grade by completing a plan approved by the principal. This plan must provide for the student to meet the instructional requirements of the class as determined by the principal.

If the student fails to successfully complete the plan, or when a student's attendance drops below 75 percent of the days the class is offered, the student, parent, or representative may request award of credit or a final grade by submitting a written petition to the appropriate attendance committee.

Petitions for credit or a final grade may be filed at any time the student receives notice but, in any event, no later than **30 days after the last day of classes.**~~30 days after the last day of classes.~~

The attendance committee shall review the student's entire attendance record and the reasons for absences and shall determine whether to award credit or a final grade. The **attendance** committee may also, whether a petition is filed or not, review the records of all students whose attendance drops below 90 percent of the days the class is offered.

Students who have lost credit or have not received a final grade because of excessive absences may regain credit or be awarded a final grade by fulfilling the requirements established by the attendance committee.

PERSONAL ILLNESS

When a student's absence for personal illness exceeds **three**~~three~~ consecutive days, the principal or attendance committee may require that the student present a statement from a physician or

health clinic verifying the illness or condition that caused the student's extended absence from school as a condition of classifying the absence as one for which there are extenuating circumstances.

If a student has established a questionable pattern of absences, the principal or attendance committee may require that a student present a physician's or clinic's statement of illness after a single day's absence as a condition of classifying the absence as one for which there are extenuating circumstances.

GUIDELINES ON EXTENUATING CIRCUMSTANCES

The attendance committee shall adhere to the following guidelines to determine attendance for award of credit or a final grade:

DAYS OF ATTENDANCE

1. ~~All absences shall be considered in determining whether a student has attended the required percentage of days.~~ If makeup work is completed satisfactorily, excused absences that are allowed under compulsory attendance requirements shall be considered days of attendance for **award of credit or final grade.**~~this purpose.~~ [See FEA(LEGAL) at EXCUSED ABSENCES FOR COMPULSORY ATTENDANCE DETERMINATIONS.]~~]~~

TRANSFERS / MIGRANT STUDENTS

2. A transfer or migrant student incurs absences only after his or her enrollment in the District.

~~BEST INTEREST STANDARD~~

~~1. In reaching consensus regarding a student's absences, the committee shall attempt to ensure that its decision is in the best interest of the student. The Superintendent or designee shall develop administrative regulations addressing the committee's documentation of the decision.~~

DOCUMENTATION

~~4.~~**3.** The committee shall consider the acceptability and authenticity of documented reasons for the student's absences.

CONSIDERATION OF CONTROL

~~5.~~**4.** The committee shall consider whether the absences were for reasons out of the student's or parent's control.

STUDENT'S ACADEMIC RECORD

~~6.~~**5.** The committee shall consider whether or not the student has completed assignments, mastered the essential knowledge and skills, and maintained passing grades in the course or subject.

INFORMATION FROM STUDENT OR PARENT

~~7.~~**6.** The student or parent shall be given an opportunity to present any information to the committee about the absences and to discuss ways to earn or regain credit or be awarded a final grade.

BEST INTEREST STANDARD

7. In reaching consensus regarding a student's absences, the committee shall attempt to ensure that its decision is in the

best interest of the student. The Superintendent or designee shall develop administrative regulations addressing the committee's documentation of the decision.

IMPOSING CONDITIONS FOR AWARDING CREDIT OR A FINAL GRADE

The committee may impose any of the following conditions for students with excessive absences to regain credit or be awarded a final grade:

1. Completing additional assignments, as specified by the committee or teacher.
2. Attending tutorial sessions as scheduled, which may include Saturday classes or before- and after-school programs.
3. Maintaining the attendance standards for the rest of the semester.
4. Taking an examination to earn credit. [See EHDB]
5. Attending a flexible school day program.
6. Attending summer school.

In all cases, the student must also earn a passing grade in order to receive credit.

APPEAL PROCESS

A parent or student may appeal the decision of the attendance committee in accordance with FNG(LOCAL).~~) beginning at Level Three.~~

Principals and other designated employees are authorized to~~:~~:

1. Refuse entry onto school grounds to persons who do not have legitimate business at the school;
2. Request any unauthorized person or any person engaging in unacceptable conduct to leave the school grounds;
3. Request assistance of law enforcement officers in cases of emergency; and
4. Seek prosecution for violations of law as permitted by statute.

OFF-CAMPUS ACTIVITIES

Employees shall be designated to ensure appropriate conduct of participants and others attending a school-related activity at non-District or out-of-District facilities. Those so designated shall coordinate their efforts with persons in charge of the facilities.

PROHIBITIONS

TOBACCO AND E-CIGARETTES

The District prohibits **smoking and** the **use of tobacco products and e-cigarettes on District property, in District vehicles, or at school-related activities.**

~~WEAPONS~~ **WEAPONS PROHIBITED**

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

EXCEPTION

No violation of this policy occurs when the use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. **[See FOD]**

CHILD ABUSE INVESTIGATION

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

OTHER~~OTHER~~ QUESTIONING OF STUDENTS

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

1. The principal shall verify and record the identity of the officer or other authority and request an explanation of the need to question or interview the student at school.

2. The principal ordinarily shall make reasonable efforts to notify the student's **parent**~~parents~~ or other person having lawful control of the student. **The parent**~~Parents~~ or **other person having lawful control of the student**~~guardians~~ shall be notified and given a reasonable time period to attend the interview. If the interviewer raises what the principal **considers**~~believes~~ to be a valid objection to the notification, the Superintendent or designee shall be contacted, and a decision shall be made regarding whether the **parent**~~parents~~ shall **not** be notified.

3. The principal or a designee ordinarily shall be present during the questioning or interview. If the interviewer raises **what the principal considers to be a valid**~~an~~ objection to a third party's presence, the Superintendent or designee shall be notified, and a decision shall be made regarding whether the principal or a designee shall be present during the questioning**,** or **whether the** interview **shall be conducted without that person's presence**.

STUDENTS TAKEN INTO CUSTODY

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

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

[See FO for notification requirements by the campus behavior coordinator under Education Code Chapter 37.]

~~parents.~~

Vantage Points

A Board Member's Guide to Update 103

Please note: *Vantage Points* is an executive summary, prepared specifically for board members, of the TASB Localized Update. The topic-by-topic outline and the thumbnail descriptions focus attention on key issues to assist local officials in understanding changes found in the policies. **The description of policy changes in *Vantage Points* is highly summarized and should not substitute for careful attention to the more detailed, district-specific Explanatory Notes and the policies within the localized update packet.**

TASB Policy Service

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

We welcome your comments or suggestions for improving *Vantage Points*. Please write to us at TASB Policy Service, P.O. Box 400, Austin, TX 78767-0400, e-mail us at policy.service@tasb.org, or call us at 800-580-7529 or 512-467-0222.

For more information about Policy Service, visit our website at http://policy.tasb.org.

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Update 103 is the first of two post-legislative updates, and it encompasses changes in law from the 84th Legislative Session that have an immediate effect on the governance and management of school districts. Local policies included in Update 103 address topics including training requirements for district peace officers, the use of prepaid meal cards/accounts for students, employee conflicts of interest and standards of conduct, harassment and discrimination, e-cigarettes, and student attendance. In addition to the local policies affected by the legislative session, Update 103 includes local policy recommendations to address new federal regulations governing federal grants and awards as well as recommendations to clarify the structure of the policy manual and the application of policy in relation to the award of credit or a final grade.

Throughout this document, House Bill is abbreviated as HB and Senate Bill as SB. For more information about the bills described below, download the TASB *2015 Legislative Summary for TASB Members* (PDF), available free from the online TASB Store at http://store.tasb.org.

Accountability

HB 1842 prompts several changes to the A Section of the policy manual, covering accountability:

- New code AF(LEGAL) describes provisions for districts of innovation.
- Revisions to AIC(LEGAL) address TEA monitoring reviews and special accreditation investigations, as well as significant changes related to the sanctions applied when a campus does not meet accountability standards.

Also added at AIC(LEGAL) are provisions from HB 3106 allowing the Commissioner of Education to extend the term of a district's board of managers.

Governance Issues

Edits to improve organization, better reflect statutory wording, and delete unnecessary provisions related to elections have been made at BBA(LEGAL), BBB(LEGAL), and BBC(LEGAL). Legislative changes include the following:

Qualifications for Office

- HB 484 requires that a person be registered to vote to qualify for an elected office, as reflected at BBA(LEGAL).

Elections

- At BBB(LEGAL):
  - HB 2027 requires, with certain exceptions, county election precincts to be used as the precincts in a school district election.

- SB 1703 establishes a deadline of no later than 78 days prior to an election day to call for an election and to file for a place on the ballot, as well as a 74-day deadline for write-in candidates regardless of the uniform election date used. Note that the 78-day deadline also applies to bond elections and tax ratification elections. See also CCA(LEGAL) and CCG(LEGAL), respectively.

- HB 2721 requires an election notice to be posted on the district web-site.

- SB 1073 also requires the disclosure of a public mailing address and e-mail address on a candidate's application.

Board Meetings

HB 283 requires school districts with a student enrollment of 10,000 or more to make a video and audio recording of regularly scheduled open meetings. This requirement is reflected at BE(LEGAL) and is effective January 1, 2016.

Policy Development

BF(LOCAL) POLICY CONSIDERATIONS

Recommended revisions to this policy, which lays out the structure and protocol of the local policy manual, include new text:

- Reminding readers that at each policy code the legally referenced policy must be read together with the local policy to further a full understanding of a topic.
- Explaining that "board member" and "trustee" are used interchangeably throughout the local policy manual, without any intent to distinguish between the terms. Both terms reflect all the duties and obligations of the position.
- Explaining that newly enacted law is applicable when effective.

District Operations

Multiple bills affect district operations from a safety and conduct perspective, including what is allowed or prohibited on district property:

Safety and Conduct

- HB 2684 mandates that districts with a student enrollment of 30,000 or more adopt a policy to require school district peace officers and school resource officers to complete a model training curriculum developed by the Texas Commission on Law Enforcement. This requirement has been incorporated at CKE(LEGAL); see also the recommended revisions for CKE(LOCAL), described below.

- SB 158 requires a policy if a law enforcement agency operates a body-worn camera program. Districts that have a police department and are contemplating this type of program will need to review the entire bill closely and may contact TASB Policy Service for sample local policy language. The relevant provisions are addressed at CKE(LEGAL), with a provision also added at GBA(LEGAL) indicating that these recordings are generally considered public information.

- SB 996 requires districts to provide to a parent, upon request, written notice indicating whether any district employee is currently appointed as a school marshal. This change is also reflected at CKE(LEGAL). The identity of a school marshal may not be disclosed, as reflected at GBA(LEGAL).

- HB 1396 provides that a peace officer may not search a person's cell phone or other wireless communications device pursuant to a lawful arrest of the person without obtaining a warrant, subject to several exceptions. See FNF(LEGAL).

- HB 910, effective January 1, 2016, authorizes open carry of handguns by license holders. Among other provisions, this bill changes the reference from "license to carry a concealed handgun" to "license to carry a handgun." Corresponding revisions are reflected at CKE(LEGAL) and GKA(LEGAL).

- SB 273 prohibits a school district from posting signs barring a handgun license holder from having a concealed handgun where the license holder is not otherwise prohibited by law from having a handgun. See GKA(LEGAL), as well as the recommended revisions for DH(LOCAL), described below.

- SB 97 requires a school district to prohibit anyone from using e-cigarettes at a school-related or school-sanctioned activity on or off school property. The district must publish in the student handbook and on the district's website a statement as to whether the district has policies and procedures that prescribe penalties for such use. See BDF(LEGAL), DH(LEGAL), FNCD(LEGAL), and GKA(LEGAL), as well as the recommended revisions for DH(LOCAL) and GKA(LOCAL), described below.

- SB 339 prohibits a district from enacting, adopting, or enforcing a rule or regulation that prohibits the possession of low-THC (non-intoxicating) cannabis as authorized by Chapter 487 of the Health and Safety Code, which permits possession in limited circumstances. Relevant provisions

have been added at DH(LEGAL), and a recommended change at DH(LOCAL) is described below.

- SB 1574 clarifies procedures for exposure to infectious diseases and explains when a district must designate an infection control officer. See DBB(LEGAL) and GRC(LEGAL).

CKE(LOCAL) POLICY CONSIDERATIONS

For districts that have provisions at CKE(LOCAL) addressing commissioned district police officers or an agreement for the presence of school resource officers, recommended revisions to this local policy correspond to the training provisions of HB 2684, described above. The recommended language is broadly drafted to be suitable for districts of any size.

DH(LOCAL) AND GKA(LOCAL) POLICY CONSIDERATIONS

Provisions from HB 910 and SB 273 regarding licensed carrying of handguns, described above, prompted recommended changes at DH(LOCAL) and GKA(LOCAL). Based on the employment relationship, TASB Legal Services believes that a district can continue to prohibit employees from possessing firearms on district property. Recommended text at DH(LOCAL), previously at GKA(LOCAL), prohibits employees from using, possessing, or displaying weapons, including firearms, on district property except at certain district-approved activities. The existing provision at GKA(LOCAL), applicable to community members, is recommended for revision to conform with the changes in law and prohibit the "unlawful" use, possession, or display of weapons, including firearms.

Prompted by SB 97, a recommended revision at both DH(LOCAL) and GKA(LOCAL) prohibits the use of e-cigarettes by employees and other individuals at school-related activities on or off school property.

In addition to these changes, new exceptions to a district's drug prohibitions at DH(LOCAL) are recommended to reflect provisions from SB 339 regarding low-THC cannabis, or any other controlled substance or drug, prescribed by a licensed physician.

Business and Funding Issues

State and Federal Awards and Grants

New federal regulations governing all federal grants and awards, known as the new Education Department General Administrative Regulations (EDGAR), prompted changes to legally referenced policies and recommendations for local policy changes. Relevant provisions have been added to CBB(LEGAL). See TEA's website at http://tea.texas.gov/Finance_and_Grants/Grants/Administering_a_Grant/The_New_EDGAR/ for more information related to the EDGAR requirements.

CAA(LOCAL) AND CB(LOCAL) POLICY CONSIDERATIONS

At CAA(LOCAL), recommended revisions extend financial ethics standards of conduct to include "agents," as referred to in the EDGAR conflict of interest provisions. In addition, new recommended text clarifies that "fraud and financial impropriety" includes the failure to provide financial records as required by federal entities and the failure to comply with requirements for state and federal awards. A recommended statement reiterates the legal requirement for a district to disclose in writing to the federal awarding agency or pass-through entity (TEA) any violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting a federal grant award.

Also as a result of EDGAR, a new local policy on state and federal revenue sources is recommended for inclusion at CB(LOCAL). The new policy clarifies the superintendent's authority regarding state and federal grants and awards and provides for development of relevant administrative procedures as required by EDGAR. In addition, the policy includes provisions concerning conflicts of interest and gifts and aligns these federally required provisions with the disclosure amounts established in Chapter 176 of the Local Government Code applicable to state law disclosures.

Fiscal Issues

Legislation and other rule amendments prompted changes to numerous policies dealing with revenue sources, investments, and other fiscal management issues:

- HB 114 prohibits the issuance of capital appreciation bonds except when a district complies with extensive requirements. See CCA(LEGAL).
- HB 1933 revised the deadlines associated with installment payments of ad valorem taxes. See CCG(LEGAL).
- HB 870 reduced the hours of ongoing training required for districts' chief financial officers and investment officers. See CDA(LEGAL).

- SB 810 adds an exception to the prohibition against a school district using district resources for improvements to real property not owned or leased by the district, allowing a district to use its resources on certain projects with a municipality. See CE(LEGAL) and CX(LEGAL), as well as the existing prohibition at BAA(LEGAL).

- New state rules regarding audit requirements have been incorporated at CFC(LEGAL).

- SB 1812 requires districts to submit information by February 1 of each year to the comptroller for maintenance of an eminent domain database. See CHG(LEGAL).

- HB 473 prohibits a district from selling or transferring a marked patrol car or other law enforcement vehicle to the public unless the district first removes all law enforcement equipment and insignias. See CI(LEGAL).

- HB 1474 changes the payment cycle of a school district's instructional materials allotment from annual to biennial. See CMD(LEGAL).

- HB 2812 allows a district to include for purposes of ADA funding students who attend approved off-campus instructional programs pursuant to Commissioner rules. See EHDD(LEGAL).

Food Service

Two bills affect the operation of district school food programs:

- HB 1305 allows a district to choose, on a campus-by-campus basis, whether to participate in the national school breakfast program or in a locally funded and developed program to provide free meals, including breakfast and lunch. This bill also changes the way that educationally disadvantaged students will be calculated for purposes of compensatory education funding. Applicable changes have been made at COB(LEGAL) and EHBC(LEGAL). Also reflected at EHBC(LEGAL) is the requirement, as a result of HB 2660, that the Commissioner base funding for optional flexible school day programs on the same instructional hour requirements as the regular program.

- HB 3562 prompted changes at CO(LEGAL) to address policy requirements associated with insufficient meal card balances. Also incorporated at that code are recent federal rules addressing requirements for nutrition program directors as well as newly adopted Texas Department of Agriculture rules allowing schools to establish fundraisers exempt from the competitive food standards.

CO(LOCAL) POLICY CONSIDERATIONS

To comply with provisions from HB 3562 regarding insufficient meal card balances, we recommend inclusion of a new local policy at CO(LOCAL) on food services management. The new recommended text requires the superintendent to develop administrative regulations specifying the length of the grace period during which a student may continue to purchase meals when a card or account is exhausted and addressing parental notification, including a schedule of repayment.

Purchasing and Construction-Related Issues

Several bills affect policy text relating to purchasing and construction:

- HB 744 extends the coverage of insurance that school districts may obtain for students participating in athletic competitions or school-sponsored activities by deleting the requirement that the activity must occur on a school campus. See FFD(LEGAL).
- CH(LEGAL) has been adjusted to address SB 1281, clarifying that a district can participate in a cooperative purchasing program in this state or another state.
- Changes from HB 2049 and HB 2634 relating to architect and engineer services have been incorporated at CV(LEGAL) and CVD(LEGAL).

Transparency and Conflict of Interest Disclosures

In addition to a number of new required Internet postings incorporated at CQA(LEGAL), legislative changes related to transparency and conflict of interest are also addressed at other codes:

- HB 1295 requires a business entity to file a disclosure of interested parties, developed by the Texas Ethics Commission, before a district may enter into a contract that requires board action or is valued at $1 million or more. See CH(LEGAL).
- HB 3683 requires electronic filing of a trustee financial statement with the Ethics Commission, and HB 3680 makes confidential an electronic report or any financial statement data that is temporarily stored with the Ethics Commission pending official filing. See BBFA(LEGAL).
- HB 23 made significant changes to the conflict disclosure statement provisions in Chapter 176 of the Local Government Code, including:
  - Adding a requirement for a local government officer to report a family relationship, within the third degree by blood and the second degree

by marriage, with a vendor and adding the same requirements for a vendor related to a local government officer.

- Reducing the threshold for disclosing gifts from $250 to $100 in a 12-month period.
- Redefining a local government officer to include a district agent, which is defined to include an employee who exercises discretion in the planning, recommending, selecting, or contracting of a vendor.
- Revising the violations for failing to file the required disclosure.
- Deleting existing provisions that authorized a district to extend the Chapter 176 requirements to employees with authority to approve contracts for the district (based on the broadening of general disclosure requirements of agents).

These changes have been incorporated at BBFA(LEGAL) and (EXHIBIT), CHE(LEGAL), and DBD(LEGAL) and (EXHIBIT).

DBD(LOCAL) POLICY CONSIDERATIONS

Recommended revisions at this local policy on conflict of interest correspond to changes from HB 23 regarding Local Government Code Chapter 176 disclosure requirements. Text requiring only the superintendent to file a conflicts disclosure statement is recommended for deletion, as the law now requires any employee who exercises discretion in the planning, recommending, selecting, or contracting of a vendor to file a disclosure statement.

EFAA(LOCAL) POLICY CONSIDERATIONS

At its July 2015 meeting, the State Board of Education passed a resolution encouraging local school boards and administrators to adopt policies, procedures, and practices that guarantee transparency and public access by providing:

- Public notice to parents of instructional materials under consideration;
- Access to parents for review of materials prior to adoption and, to the extent possible, during a comment period; and

- At least one public meeting that allows for public comment before materials used to certify 100 percent TEKS coverage are adopted by the board.

Although no EFAA(LOCAL) policy is included with Update 103, a district that decides to change its practice should have the superintendent contact TASB Policy Service for appropriate revisions.

Personnel Issues

Legislative changes related to employment practices and requirements include the following:

Employment Practices and Requirements

- SB 168 allows the Commissioner to waive the requirement for certification of a superintendent if requested by a district. See BJA(LEGAL).
- HB 2205 establishes new criteria for the issuance of a school district teaching permit for individuals who will teach only noncore academic career and technical (CTE) education courses. See DBA(LEGAL).
- SB 664 provides for the discharge of a contract employee if the district determines the employee falsified a military record. See DF(LEGAL).
- HB 1783 prompted changes to several legally referenced policies:
  - DBAA(LEGAL) reflects that if a district learns about an employee's criminal record through the Texas Department of Public Safety clearinghouse, the district does not need to notify the State Board for Educator Certification (SBEC), since TEA would have already received this information from the clearinghouse.
  - At DFE(LEGAL) are revised investigation standards regarding an educator's alleged abuse of or other unlawful act with a minor.
  - Provisions at DG(LEGAL) reflect an employee's right to report a crime witnessed at school to any peace officer with authority to investigate a crime. A district is prohibited from adopting a policy requiring an employee to report a crime witnessed at school only to certain persons or peace officers or to refrain from reporting a crime witnessed at school.
  - A new legally referenced policy at DHB incorporates all relevant provisions on required reports to SBEC. Material has been pulled from DF(LEGAL), DH(LEGAL), and DFE(LEGAL) and modified as a result of HB 1783.

- HB 218 updated the certification requirements for bilingual and dual language programs. See EHBE(LEGAL).

- HB 786 requires districts to develop a policy on the expression of breast milk by employees. See the *2015–16 Model Employee Handbook* for language to address the requirement. DG(LEGAL) incorporates these provisions and existing federal provisions on breaks for nursing mothers who are nonexempt employees, previously at DEAB(LEGAL).

- HB 2186 requires that staff development for educators include suicide prevention training. See DMA(LEGAL).

DIA(LOCAL) AND DIA(EXHIBIT) POLICY CONSIDERATIONS

A recommended revision to the local policy on freedom from harassment, discrimination, and retaliation is in response to HB 1151, which prohibits sexual harassment of unpaid interns. Solely for the purposes of this policy, unpaid interns are included in the definition of "employee" and are thereby required to report any alleged harassment and comply with the other procedural elements of the policy.

In addition, to eliminate the need for the board to readopt DIA(LOCAL) every time the district's Title IX or ADA/Section 504 coordinator changes, we have moved the contact information for those positions to DIA(EXHIBIT), which is not a board-adopted document.

Compensation and Benefits

Policies related to compensation and benefits were affected by the legislature as follows:

- HB 2974 modifies the method for determining the health insurance contributions surcharge imposed on a district that hires a retiree. See DEA(LEGAL).

- As a result of SB 925, SB 934, and SB 972, certain stipends cannot be considered in determining whether a district is paying an educator the state minimum monthly salary. See DEAA(LEGAL).

- HB 445 requires a district to provide written notice of the number of workdays of paid leave available to a member of the Texas military forces. See DECB(LEGAL).

In addition, provisions at DECA(LEGAL) have been revised in accordance with the June 2015 U.S. Supreme Court ruling in *Obergefell v. Hodges* and the Department of Labor's new definition of "spouse."

Curriculum and Instruction

In addition to amended Commissioner rules related to the Texas Virtual School Network incorporated at EHDE(LEGAL), numerous changes from the 84th Legislature affected legally referenced policies regarding curriculum and instruction:

- The definitions of school year and school day, now measured in minutes, have been modified as a result of HB 2610. A district may add minutes to the end of normal school hours as necessary to compensate for minutes of instruction lost due to school closures. HB 2610 also prohibits a district from scheduling the last day of school before May 15. See EB(LEGAL) and EC(LEGAL).

- HB 4 prescribes the requirements for a district that wishes to participate in a grant for a high-quality prekindergarten program. Provisions from this bill have been added at EC(LEGAL), EEB(LEGAL), EHBG(LEGAL), and FD(LEGAL).

- HB 18 requires districts to provide to students, at least once in seventh or eighth grade, instruction in high school, college, and career preparation. See EHAC(LEGAL).

- HB 3987 allows a district to establish a school-based savings program to facilitate personal financial literacy instruction. See EHAD(LEGAL).

- HB 1613 provides that a student in a college preparatory English or math course under Education Code 28.014 who satisfies the college readiness benchmarks of the Texas Success Initiative assessment is exempt from the relevant end-of-course (EOC) assessment. See EHBC(LEGAL).

- SB 453 prompted changes at EHDC(LEGAL) to reflect that a score of 50, rather than 60, on a College-Level Examination Program (CLEP) exam is sufficient to receive credit by examination for acceleration/advancement purposes.

- At EHDD(LEGAL), changes regarding dual credit result from the following legislation:

    - HB 505 and HB 2812 repealed a provision that prohibited a student from enrolling in more than three dual credit courses at a college if the

college did not have a service area that included the student's high school.

- HB 18 mandates certain requirements for instructors of courses for joint high school and college credit.

- HB 181 prompted changes at EI(LEGAL) and EIF(LEGAL), deleting the requirement that diplomas carry information related to endorsements, performance acknowledgments, and the distinguished level of achievement. This information is now only required on a student's academic achievement record (transcript).

- HB 1993 allows a district to permit parents to acknowledge and sign required progress reports that are sent electronically, but the district must continue to offer parents the option of providing a handwritten signature. See EIA(LEGAL).

- SB 149 added provisions on the use of an individual graduation committee when a student has not passed up to two EOC assessments required for graduation. See EIF(LEGAL) and EKB(LEGAL).

- SB 1494 required changes at EIF(LEGAL) to reflect that a homeless student in 11th or 12th grade who transfers to a different district and does not meet the graduation requirements of the new district is entitled to graduate from the previous district if the student meets that district's graduation requirements.

- HB 2349 prompted additional changes related to state assessment at EKB(LEGAL) to clarify that a student must meet satisfactory performance on EOC assessments only for courses in which the student is enrolled. The bill repealed the required college prep courses for students who appeared unlikely to pass all required EOCs at the completion of 11th grade.

Student Issues

Legislative changes related to admissions and attendance include the following:

Admissions and Attendance

- SB 206 clarifies that students in foster care are entitled to continued enrollment regardless of whether a relocation is because of an initial placement or a change in placement. See FD(LEGAL). SB 206 also prompted changes at FEA(LEGAL) and FEB(LEGAL) regarding excused absences of students in foster care for compulsory attendance and funding purposes.

- HB 1559 requires a campus to post information on the campus website about local programs and services available to assist homeless students. This requirement applies when a campus is within a district with 3,000 or more students and located in a county with at least 50,000 people. See FDC(LEGAL).

- HB 2398 necessitated changes to multiple policy codes, including FEA(LEGAL), FED(LEGAL), and DEC(LEGAL). Significant provisions from HB 2398 include:

  - Extending compulsory attendance through age 18, rather than through age 17.

  - Changing the procedures related to a student who voluntarily enrolls after his or her 19th (rather than 18th) birthday.

  - Removing the criminal offense of “failure to attend school” for students under Education Code 25.094 and adding the option to refer a student in a civil case to a specific truancy court.

  - Revising the requirements for the written notices a district sends to students and their parents after a student reaches a certain number of absences.

  - Mandating that certain truancy prevention measures be applied.

  - Defining truant conduct as failing to attend on ten or more days or parts of days within a six-month period.

  - Modifying the definition of “child,” in terms of a referral to truancy court, as one who is 12 years of age or older and younger than 19 years of age.

  - Allowing a district to delay a referral to truancy court under certain circumstances.

  - Prohibiting a truancy referral when a student is pregnant, in foster care, is homeless, or is the principal income earner for the student’s family.

  - Requiring the employment or designation of a truancy prevention facilitator.

  - Prohibiting termination of an employee who is required to attend a truancy court hearing with his or her child.

FEA(LOCAL) POLICY CONSIDERATIONS

Recommended changes to this local policy on compulsory attendance correspond with provisions from HB 2398. Because the law now extends compulsory attendance to students through age 18 and requires a student who voluntarily attends or enrolls after his or her 19th birthday to attend school for the entire period the program of instruction is offered, we recommended deletion of the local policy provision to the same effect. Provisions regarding withdrawal for nonattendance are also recommended for revision to make them applicable to students under the age of 19.

FEC(LOCAL) POLICY CONSIDERATIONS

Recommended revisions to this policy on attendance committees are to improve the structure and to clarify that the policy applies when a student has not been in attendance for 90 percent of the days that the class is offered. In addition, text regarding the attendance committee appeal process has been simplified to give the district more flexibility by deleting the reference to the specific level at which the appeal of the attendance committee's decision must begin.

Health and Wellness

Several pieces of legislation address student health and wellness issues:

- SB 66 addresses school district administration of district-provided epinephrine auto-injectors to individuals reasonably believed to be experiencing anaphylaxis on a school campus, at an off-campus school event, or while in transit to or from a school event. A district that chooses to authorize trained volunteers and school personnel to administer epinephrine as permitted by SB 66 must adopt a policy that meets certain requirements and must provide written notice to parents before the policy is implemented and before the start of each school year. FFAC(LEGAL) contains the statutory requirements of SB 66. Also see FFAF(LEGAL) for related provisions. TASB Policy Service has sample materials available for districts that choose to implement an epinephrine program.
- SB 265 requires that districts permit students to possess and use over-the-counter sunscreen products on school property or at school-related events. See FFAC(LEGAL).
- SB 206 requires that if the Department of Family and Protective Services conducts an investigation of child abuse or neglect involving a district em-

ployee, the agency must provide, on request, a copy of the completed report to the board, superintendent, and principal. See FFG(LEGAL).

Discipline

SB 107 prompted changes to several legally referenced policies concerning student discipline:

- The bill creates the position of campus behavior coordinator (CBC), which is addressed in detail at FO(LEGAL). Each campus must designate a CBC, who may be the principal or any other campus administrator selected by the principal. The CBC is responsible for maintaining student discipline and implementing any duties assigned by law and as established by campus or district policy. Changes from SB 107 specifically referencing the CBC are also addressed at FOA(LEGAL), FOC(LEGAL), FOD(LEGAL), and the *2015 Model Student Code of Conduct*.
- SB 107 also deleted from statute a detailed list of prohibited weapons and instead now references Penal Code 46.02, Unlawful Carrying of Weapons, and 46.05, Prohibited Weapons. These changes affect mandatory expulsions of students. See FNCG(LEGAL) and FOD(LEGAL).

GRA(LOCAL) POLICY CONSIDERATIONS

At this local policy on state and governmental authorities, we recommend the addition of a cross-reference to policy code FO as a reminder of the CBC's obligation to provide written notice to a parent when a student is taken into custody by law enforcement under Chapter 37 of the Education Code.

Public Information Program

At GBA(LEGAL), HB 4046 modified provisions on public information regarding the confidentiality of student records. Changes reflecting HB 2160 provide that e-mail addresses and phone numbers of election judges or clerks are confidential.

At GBAA(LEGAL), provisions from HB 685 have been added to permit a public information officer to comply with a request by referring the requestor to an exact Internet location or URL address on a website maintained by the district. As a result of HB 2134, provisions have been revised to allow a district to e-mail any request to narrow or clarify a request for public information originally sent by e-mail.

More Information

For more information on these and other policy changes, refer to the policy-by-policy Explanatory Notes—customized for each district's policies—and the policies themselves, found in your district's localized update packet.

Update 103 contains (LOCAL) policies that require board action before we can incorporate Update 103 into your district's Policy On Line manual.

Please notify Loretta Jeschke of your policy adoption by **faxing this form to 512-467-3618**, or by **e-mailing your notification to pol-support@tasb.org**, or by **completing the form electronically through Policy On Line Administrator Tools (https://www.tasb.org/apps/PolicyAdmin)** using your myTASB login and clicking the "Notify TASB of Policy Adoption" link.

027904 Marble Falls ISD

Your Name: _____

Your E-mail: _____

We will send a confirmation e-mail when your update is placed online.

Previous Updates

☐ I confirm that all updates prior to Update 103 have been adopted. (Visit https://www.tasb.org/apps/policyUpdates/index.aspx to see updates pending adoption. Your Local Manual Updates will remain available through myTASB until your district notifies us of adoption.)

Update 103 Adoption Date: _____

Status (please check one):

☐ Adopted as presented by TASB—place online immediately

☐ Adopted with further changes, described below*

_____

_____

_____

_____

_____

* If you have changes to the listed policies that you have not already sent to your policy consultant, please attach the policies to this form or e-mail them to your consultant to ensure they are processed as a Local District Update. Your policy consultant, Mary Kay Spellman, may contact you about these policies, if necessary.

If you have any questions, please contact Loretta Jeschke by phone at 800-580-7529.

Update 103

Adoption Notification Form

Policy On Line®

TASB Policy Service **Fax: 512-467-3618**

TASB Policy Service

Localized Policy Manual

Update 103

Please remember: Log in to **my.tasb.org** and open *Policy Service Resource Library: Local Manual Updates* to download a PDF of this update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more.

Marble Falls ISD

Update 103 represents the first of two post-legislative updates and encompasses changes in law from the 84th Legislative Session that have an immediate effect on the governance and management of the district. Local policies included in Update 103 address several topics, such as training requirements for district peace officers, the use of prepaid meal card/accounts for students, employee conflicts of interest and standards of conduct, harassment and discrimination, e-cigarettes, and student attendance. In addition to the local policies affected by the legislative session, Update 103 includes local policy recommendations to address the new Education Department General Administrative Regulations (EDGAR).

Update 104 will be issued in spring 2016 and will address remaining legislative changes from the session.

Please bear in mind that the (LEGAL) policies reflect the ever-changing legal context for governance and management of the district. They should NOT be adopted but, rather, should inform local decision making. The (LOCAL) policy recommendations in this update will need close attention by both the administration and the board to ensure that they reflect the practices of the district and the intentions of the board. Board action is needed to adopt, revise, or repeal (LOCAL) policy.

In addition to the updated policies, your Localized Update 103 packet contains:

- **INSTRUCTIONS . . .** providing specific, policy-by-policy directions on how this update, if accepted as prepared, should be incorporated into your Localized Policy Manual.
- **EXPLANATORY NOTES . . .** summarizing changes to the policies in each code. Please note that, where appropriate, the Explanatory Notes ask you to **verify that a particular policy reflects your current practice and to advise us of changes needed** so that our records and your manual accurately track the district's practice.

Vantage Points—A Board Member's Guide to Update 103 may be found in the separately wrapped package accompanying this packet. *Vantage Points* offers a highly summarized overview of the update and is intended to provide local officials a first glance at the scope of the update—as a prelude to studying the detailed Explanatory Notes and policy text within the packet. **Please distribute the enclosed copies of *Vantage Points* to your board members** at the earliest possible opportunity, preferably with their review copies of this update.

Update 103 policies are so identified in the lower left-hand corner of each policy page. If you have any questions concerning this update, please call your policy consultant, Mary Kay Spellman, at 800-580-7529 or 512-467-0222.

Regarding board action on Update 103 . . .

- Board action on Localized Update 103 must occur within a properly posted, open meeting of the board and may be addressed on the agenda posting as "Policy Update 103, affecting (LOCAL) policies (see attached list of codes)." Policy On Line districts have access to a list of the (LOCAL) policies included in the update through the Local Manual Updates application in myTASB. Other districts may generate a list of the (LOCAL) policy codes added, revised, or deleted (and the titles/subtitles of those policies) using the Instruction Sheet as a guide and attach that list to the posting. BoardBook compilers should use "Policy Update 103, affecting (LOCAL) policies" as the agenda item and, as agenda sub-items, the code and name of each of the (LOCAL) policies affected by the update.
- A suggested motion for board action on Localized Update 103 is as follows:

  "I move that the board add, revise, or delete (LOCAL) policies as recommended by TASB Policy Service and according to the Instruction Sheet for TASB Localized Policy Manual Update 103 [with the following changes:]"
- The board's action on Localized Update 103 must be reflected in board minutes. The Instruction Sheet—annotated to reflect any changes made by the board—and the Explanatory Notes for the update should be filed with the minutes where they make up the authoritative record of your board's actions. Include a copy of new, replaced, or rescinded **(LOCAL)** policies.
- In constructing the separate historical record of the manual, the emphasis is on tracking the history of individual policies. For guidance on maintaining this record, please refer to the *Administrator's Guide to Policy Management* available in the myTASB Policy Service Resource Library at https://www.tasb.org/Services/Policy-Service/myTASB/Guidance-for-Policy-Administrators.aspx.

Regarding manual maintenance and administrative regulations . . .

- **Notify your policy consultant of any changes made by the board so that Policy Service records—forming the basis for subsequent updating recommendations—exactly mirror your manual.**
- The update should be incorporated into each of the district's Localized Policy Manuals as soon as practicable. You will need to notify us of the board's action on Update 103 so that your district's Localized Policy Manual as it appears on TASB's web server can be updated. Policy On Line staff may be reached by phone (800-580-7529 or 512-467-0222), by fax (512-467-3618, using the Update 103 Adoption Notification Form enclosed), by e-mail (pol-support@tasb.org), or through the Policy On Line Administrator Tools (https://www.tasb.org/apps/PolicyAdmin).
- Administrative procedures and documents—including formal (REGULATIONS), handbooks, and guides—that may be affected by Update 103 policy changes should be inspected and revised by the district as needed.

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

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Instruction Sheet
TASB Localized Policy Manual Update 103

District Marble Falls ISD

Code		Action To Be Taken	Note
ATTN	(NOTE)	No policy enclosed	See explanatory note
A	(LEGAL)	Replace table of contents	Revised table of contents
AF	(LEGAL)	ADD policy	See explanatory note
AIC	(LEGAL)	Replace policy	Revised policy
BAA	(LEGAL)	Replace policy	Revised policy
BBA	(LEGAL)	Replace policy	Revised policy
BBB	(LEGAL)	Replace policy	Revised policy
BBC	(LEGAL)	Replace policy	Revised policy
BBFA	(LEGAL)	Replace policy	Revised policy
BBFA	(EXHIBIT)	Replace exhibit	Revised exhibit
BDF	(LEGAL)	Replace policy	Revised policy
BE	(LEGAL)	Replace policy	Revised policy
BF	(LOCAL)	Replace policy	Revised policy
BJA	(LEGAL)	Replace policy	Revised policy
BQ	(LEGAL)	Replace policy	Revised policy
CAA	(LOCAL)	Replace policy	Revised policy
CB	(LOCAL)	ADD policy	See explanatory note
CBB	(LEGAL)	Replace policy	Revised policy
CCA	(LEGAL)	Replace policy	Revised policy
CCG	(LEGAL)	Replace policy	Revised policy
CDA	(LEGAL)	Replace policy	Revised policy
CE	(LEGAL)	Replace policy	Revised policy
CFC	(LEGAL)	Replace policy	Revised policy
CH	(LEGAL)	Replace policy	Revised policy
CHE	(LEGAL)	Replace policy	Revised policy
CHG	(LEGAL)	Replace policy	Revised policy
CI	(LEGAL)	Replace policy	Revised policy
CKE	(LEGAL)	Replace policy	Revised policy
CKE	(LOCAL)	Replace policy	Revised policy
CMD	(LEGAL)	Replace policy	Revised policy
CO	(LEGAL)	Replace policy	Revised policy
CO	(LOCAL)	ADD policy	See explanatory note

COB	(LEGAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
CR	(LEGAL)	Replace policy	Revised policy
CV	(LEGAL)	Replace policy	Revised policy
CVD	(LEGAL)	Replace policy	Revised policy
CX	(LEGAL)	Replace policy	Revised policy
D	(LEGAL)	Replace table of contents	Revised table of contents
DBA	(LEGAL)	Replace policy	Revised policy
DBAA	(LEGAL)	Replace policy	Revised policy
DBB	(LEGAL)	Replace policy	Revised policy
DBD	(LEGAL)	Replace policy	Revised policy
DBD	(LOCAL)	Replace policy	Revised policy
DBD	(EXHIBIT)	Replace exhibit	Revised exhibit
DEA	(LEGAL)	Replace policy	Revised policy
DEAA	(LEGAL)	Replace policy	Revised policy
DEAB	(LEGAL)	Replace policy	Revised policy
DEC	(LEGAL)	Replace policy	Revised policy
DECA	(LEGAL)	Replace policy	Revised policy
DECB	(LEGAL)	Replace policy	Revised policy
DF	(LEGAL)	Replace policy	Revised policy
DFE	(LEGAL)	Replace policy	Revised policy
DG	(LEGAL)	Replace policy	Revised policy
DH	(LEGAL)	Replace policy	Revised policy
DH	(LOCAL)	Replace policy	Revised policy
DHB	(LEGAL)	ADD policy	See explanatory note
DIA	(LEGAL)	Replace policy	Revised policy
DIA	(LOCAL)	Replace policy	Revised policy
DIA	(EXHIBIT)	ADD exhibit	See explanatory note
DMA	(LEGAL)	Replace policy	Revised policy
DNB	(LEGAL)	Replace policy	Revised policy
EB	(LEGAL)	Replace policy	Revised policy
EC	(LEGAL)	Replace policy	Revised policy
EEB	(LEGAL)	Replace policy	Revised policy
EFAA	(LOCAL)	No policy enclosed	See explanatory note

EHAC (LEGAL)	Replace policy	Revised policy
EHAD (LEGAL)	Replace policy	Revised policy
EHBAB (LEGAL)	Replace policy	Revised policy
EHBC (LEGAL)	Replace policy	Revised policy
EHBE (LEGAL)	Replace policy	Revised policy
EHBG (LEGAL)	Replace policy	Revised policy
EHBK (LEGAL)	Replace policy	Revised policy
EHBL (LEGAL)	Replace policy	Revised policy
EHDC (LEGAL)	Replace policy	Revised policy
EHDD (LEGAL)	Replace policy	Revised policy
EHDE (LEGAL)	Replace policy	Revised policy
EI (LEGAL)	Replace policy	Revised policy
EIA (LEGAL)	Replace policy	Revised policy
EIF (LEGAL)	Replace policy	Revised policy
EK (LEGAL)	Replace policy	Revised policy
EKB (LEGAL)	Replace policy	Revised policy
FD (LEGAL)	Replace policy	Revised policy
FDC (LEGAL)	Replace policy	Revised policy
FEA (LEGAL)	Replace policy	Revised policy
FEA (LOCAL)	Replace policy	Revised policy
FEB (LEGAL)	Replace policy	Revised policy
FEC (LOCAL)	Replace policy	Revised policy
FED (LEGAL)	Replace policy	Revised policy
FFAC (LEGAL)	Replace policy	Revised policy
FFAC (LOCAL)	No policy enclosed	See explanatory note
FFAF (LEGAL)	Replace policy	Revised policy
FFD (LEGAL)	Replace policy	Revised policy
FFG (LEGAL)	Replace policy	Revised policy
FNCD (LEGAL)	Replace policy	Revised policy
FNCG (LEGAL)	Replace policy	Revised policy
FNF (LEGAL)	Replace policy	Revised policy
FO (LEGAL)	Replace policy	Revised policy
FOA (LEGAL)	Replace policy	Revised policy
FOC (LEGAL)	Replace policy	Revised policy

FOD (LEGAL)	Replace policy	Revised policy
GA (LEGAL)	Replace policy	Revised policy
GBA (LEGAL)	Replace policy	Revised policy
GBAA (LEGAL)	Replace policy	Revised policy
GKA (LEGAL)	Replace policy	Revised policy
GKA (LOCAL)	Replace policy	Revised policy
GNC (LEGAL)	Replace policy	Revised policy
GRA (LOCAL)	Replace policy	Revised policy
GRC (LEGAL)	Replace policy	Revised policy

Explanatory Notes
TASB Localized Policy Manual Update 103

District: Marble Falls ISD

ATTN (NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

Please note: Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to bills from the 84th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

A (LEGAL) BASIC DISTRICT FOUNDATIONS

We have revised the A section table of contents to add a new policy AF on innovation districts.

AF (LEGAL) INNOVATION DISTRICTS

This new code has been created to include provisions from HB 1842, which creates school districts of innovation.

To be a district of innovation, a school district must have an academic performance rating of at least acceptable. A district may initiate the process through a board resolution or petition from the district-level decision-making committee, followed by a PUBLIC HEARING and board vote. If the board votes to pursue the designation of innovation district, a committee must develop a LOCAL INNOVATION PLAN, which may include innovations in curriculum, instruction, governance, parent and community involvement, changes to the school day and year, budgetary issues, local accountability measures, and more. The plan must also identify Education Code requirements that inhibit innovation. The plan cannot seek exemption from certain parts of Chapter 11, state requirements for curriculum and graduation, or academic and financial accountability.

The board cannot approve the plan until it has been posted online for 30 days, the Commissioner has been notified, and the district-level decision-making committee has approved the plan by a majority vote. The board needs a two-thirds vote to approve the plan. The plan may have a TERM of up to five years, and it may be amended, rescinded, or renewed pursuant to the same procedures.

TERMINATION BY THE COMMISSIONER of the innovation district designation may occur if the district receives unacceptable academic or financial performance ratings for two consecutive years. The Commissioner must terminate the innovation district designation if the district receives unacceptable performance ratings for three consecutive years.

AIC (LEGAL) ACCOUNTABILITY
INVESTIGATIONS AND SANCTIONS

HB 1842 made numerous revisions to investigations and sanctions:

- In addition to on-site reviews previously addressed in law, TEA may conduct monitoring reviews, which can include desk reviews and random on-site visits, and TEA may now obtain information from any district employee and other persons as necessary. The Commissioner may convert a monitoring review to a special accreditation investigation at any time. See MONITORING REVIEWS AND ON-SITE INVESTIGATIONS on page 1.
- TEA must adopt written procedures for conducting SPECIAL ACCREDITATION INVESTIGATIONS that prevent a district or campus from screening information from district employees.
- The Commissioner's authority to impose INTERVENTIONS AND SANCTIONS was expanded to include action based on the results of a special accreditation investigation.

- When a CAMPUS INTERVENTION TEAM is formed, the team must conduct a public meeting with relevant stakeholders for input on the targeted improvement plan.
- After a campus has two consecutive years of unacceptable performance, the Commissioner must order the campus to develop a CAMPUS TURNAROUND PLAN as described in the policy.
- If the campus continues to have poor performance for three years after submitting a campus turnaround plan, the Commissioner shall order closure or appointment of a board of managers for the district.
- If the Commissioner orders CLOSURE of a campus, the campus may be repurposed subject to specific requirements.
- A BOARD OF MANAGERS may be removed or replaced if the campus receives two more consecutive unacceptable ratings after appointment of the board of managers.
- Following removal of a board of managers, the Commissioner may appoint ALTERNATIVE MANAGEMENT consisting of a conservator or monitor and require the district to enter into a contract with a managing entity that meets specific requirements.
- There is a transition plan for application of the new interventions and sanctions. See TRANSITIONAL INTERVENTIONS AND SANCTIONS.
- A district with a student enrollment of more than 125,000 and less than 200,000 students that is operating under a turnaround plan and is located in a county with a population of more than two million may create a nonvoting student trustee position.

Also, at BOARD OF MANAGERS, HB 3106 allows the Commissioner to extend the appointment of a board of managers for an additional two years after the initial appointment expires.

BAA (LEGAL) BOARD LEGAL STATUS
POWERS AND DUTIES

At RESTRICTIONS ON BOARD POWERS AND DUTIES, this legally referenced policy includes an existing prohibition against the board authorizing the use of district employees and other resources for design, construction, or renovation of real property not owned or leased by the district. There are several exceptions to this prohibition in the Education Code, to which we have added a reference.

BBA (LEGAL) BOARD MEMBERS
ELIGIBILITY/QUALIFICATIONS

HB 484 added a requirement that a person must be registered to vote to qualify for an elected office. See ELIGIBILITY, item 6, and REGISTERED VOTER.

On page 1 we have removed Election Code provisions that allowed an individual who has been convicted of a felony to be a QUALIFIED VOTER under specific circumstances. Attorney General letter opinion 96-114 explained that those specific circumstances do not mitigate the blanket disqualification for convicted felons found in the ELIGIBILITY provisions of Election Code 141.001. Thus, an individual with a prior felony conviction from which the person has not been pardoned or otherwise released from the resulting disabilities is disqualified from serving as a school trustee.

In addition, several provisions have been simplified and the remainder of the policy has been amended for clarity.

BBB (LEGAL) BOARD MEMBERS
ELECTIONS

In addition to revisions to improve organization, better reflect statutory wording, and delete unnecessary provisions, multiple bills affected this legally referenced policy on school board elections. Significant changes are described with the relevant bill number in parenthesis.

With some exceptions for districts that conduct elections on the May uniform election date, school districts that hold their elections on any uniform election date must use the county election precincts that are located within the school district territory as the precincts for the election. See JOINT ELECTIONS and POLLING PLACES. (HB 2027)

A call for an election held on a uniform election date must be made not later than 78 days prior to election day. The previous deadline was 71 days prior to the election. These same deadlines apply to an application for a place on the ballot. See ELECTION ORDER and BALLOT CANDIDATE. (SB 1703)

At POSTING, a district with a website must post notice of an election on the district's website. (HB 2721)

A candidate's APPLICATION must now include a public mailing address and any available e-mail address at which the candidate receives correspondence relating to the candidate’s campaign. (SB 1073)

WRITE-IN CANDIDATES previously had different filing deadlines, depending on the relevant uniform election date; now there is a single deadline of the 74th day before election day. Deadlines to file an application for a place on a SPECIAL ELECTION were also revised. (SB 1703)

New provisions that reflect existing statutory language have also been added throughout this legally referenced policy.

BBC (LEGAL) BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

We have made several changes to this legally referenced policy on board member vacancies and removal from office:

- The definition of residency has been replaced with a cross-reference to BBA for that information.
- At APPOINTMENT, we have deleted a provision that references the creation of a selection process for the appointment of a vacancy to ensure that the appointee is representative of the constituency. This provision is unnecessary since a board already has the authority to consider the makeup of the community in appointing members in addition to state law requirements for qualifying for office.
- Text at SPECIAL ELECTION has been adjusted to delete specific references to the deadlines for ordering an election, since those deadlines are included in BBB(LEGAL).
- A provision requiring a board member to file the official OATH after election or appointment has been added.

New provisions that reflect existing statutory language have also been added throughout this legally referenced policy.

BBFA (LEGAL) ETHICS
CONFLICT OF INTEREST DISCLOSURES

Multiple bills affected this legally referenced policy on conflict disclosure requirements.

HB 23 made significant changes to the CONFLICTS DISCLOSURE STATEMENT provisions in Chapter 176 of the Local Government Code by:

- Adding a requirement, under DEFINITION, for a local government officer to report a FAMILY RELATIONSHIP, within the third degree by blood and the second degree by marriage, with a vendor;
- Reducing the threshold for disclosing GIFTS from $250 to $100 in a 12-month period and deleting the exception that previously excluded gifts of lodging, transportation, or entertainment from reporting requirements;
- Replacing throughout Chapter 176 the term "person" with the term "vendor," a newly defined term;
- Adding a provision explaining when a person who is both a local governmental officer and a vendor must file the VENDOR QUESTIONNAIRE;
- Redefining "LOCAL GOVERNMENT OFFICER" to include a district agent, which is defined to include an employee who exercises discretion in the planning, recommending, selecting, or contracting of a vendor;
- Adding to the DUTIES OF A RECORDS ADMINISTRATOR a requirement for the administrator to make a list of the district's local government officers available; and
- Revising the VIOLATIONS provisions for failing to file a required conflicts disclosure statement to include graduated penalties based on the value of the underlying contract, the ability for the board to discipline an employee who knowingly fails to file, and the authorization for the board to declare a contract void if a vendor fails to file.

HB 3683 now requires ELECTRONIC FILING of a trustee financial statement with the Ethics Commission. See page 8.

HB 3680 makes confidential an electronic report or any financial statement data that is temporarily stored with the Ethics Commission pending official filing.

Changes to the SUBSTANTIAL INTEREST AFFIDAVIT provisions were made to better match legal sources and for clarification.

We have also added an existing statutory provision permitting a local public official to serve on the board of a private, nonprofit corporation if the official does not receive compensation. See PRIVATE CORPORATION.

The Texas Ethics Commission has posted updated Chapter 176 conflict of interest forms at https://www.ethics.state.tx.us/filinginfo/conflict_forms.htm.

BBFA (EXHIBIT) ETHICS
CONFLICT OF INTEREST DISCLOSURES

HB 23 deleted existing provisions that authorized a district to extend the Local Government Code Chapter 176 requirements to employees with authority to approve contracts for the district. As a result, we have deleted from this exhibit a reference to that option and added language reflecting that some employees are required by law to file disclosures.

BDF (LEGAL) BOARD INTERNAL ORGANIZATION
CITIZEN ADVISORY COMMITTEES

SB 97 adds to the list of items that a district must publish in the student handbook and post on the district's website a statement as to whether the district has policies and procedures that prescribe penalties for the use of e-cigarettes. See PUBLIC STATEMENT, item 4.

BE (LEGAL) BOARD MEETINGS

Effective January 1, 2016, HB 283 requires a board for a school district that has a student enrollment of 10,000 or more to make a video and audio recording of reasonable quality of each regularly scheduled open meeting that is not a work session or a special called meeting. These districts must also make available an archived copy of the video and audio recording of each applicable meeting on the Internet. See VIDEO AND AUDIO RECORDING OF MEETING, beginning on page 8.

A conforming change was made at INTERNET BROADCAST on page 9.

BF (LOCAL) BOARD POLICIES

Three new provisions are recommended for this policy, which lays out the structure and protocol of the local policy manual.

- At ORGANIZATION, new text reminds readers that at each policy code the legally referenced policy must be read together with the local policy to further a full understanding of a topic. This structure eliminates the need to duplicate relevant legal provisions in each board-adopted local policy.
- At TERMS, new text explains that "board member" and "trustee" are used interchangeably throughout the local policy manual, without any intent to distinguish between the terms. Both terms reflect all the duties and obligations of the position.
- At HARMONY WITH LAW, new text explains that newly enacted law is applicable when effective.

Two other recommended changes are to better match district practice.

- A change at OFFICIAL POLICY MANUAL reflects that the official copy of the manual shall be kept in the central administration office, rather than the superintendent's office.
- The reference to the practice of distributing copies of the manual throughout the district has been deleted, based on the widespread use of *Policy On Line*.

BJA (LEGAL) SUPERINTENDENT
QUALIFICATIONS AND DUTIES

New provisions from SB 168 have been added at QUALIFICATIONS. The bill allows the Commissioner to waive the requirement for certification of a superintendent if requested by a district and prohibits a district from employing by contract a person who is not certified as a superintendent unless the person has a waiver. A school district that currently employs a person as a superintendent who does not hold a superintendent certificate must obtain a waiver from the Commissioner by October 1, 2015.

The statutory DUTIES of the superintendent were revised by HB 1706 to require the superintendent to deliver to TEA a copy of any report required by federal law, rule, or regulation. See item 13 on page 2.

BQ (LEGAL) PLANNING AND DECISION-MAKING PROCESS

As reflected throughout this legally referenced policy, HB 2804 revised references to the "student achievement indicators" and "student achievement indicator system" to remove the word "student." This change reflects the legislature's philosophy that everyone at a district is accountable for achievement, not just students.

CAA (LOCAL) FISCAL MANAGEMENT GOALS AND OBJECTIVES
FINANCIAL ETHICS

Revisions to this local policy on financial ethics are recommended as a result of revised federal regulations governing all federal grants and awards, known as the new Education Department General Administrative Regulations (EDGAR).

As added to the Note on page 1, we have included key legal provisions at CBB(LEGAL) and additional local provisions at CB(LOCAL), below.

The standards of conduct in CAA(LOCAL), which require individuals involved in district financial transactions to act with integrity and diligence and prohibit those individuals from engaging in fraud or financial impropriety, have been broadened to include "agents," as referred to in EDGAR conflict of interest provisions.

For further clarification, new text affirmatively states that FRAUD AND FINANCIAL IMPROPRIETY includes the failure to comply with requirements for state and federal awards (item 13) and the failure to provide financial records as required by federal entities (item 10).

At FEDERAL AWARDS DISCLOSURE, text reiterates the legal requirement for a district to disclose in writing to the federal awarding agency or pass-through entity (TEA) any violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting a federal grant award.

For additional information, see TEA's website at:
http://tea.texas.gov/Finance_and_Grants/Grants/Administering_a_Grant/The_New_EDGAR/.

CB (LOCAL) STATE AND FEDERAL REVENUE SOURCES

This local policy on state and federal revenue sources is recommended for inclusion in the district's policy manual as a result of revised federal regulations governing all federal grants and awards, known as the new Education Department General Administrative Regulations (EDGAR).

The policy clarifies the superintendent’s authority regarding state and federal grants and awards and connects the district's policy manual to relevant administrative procedures required by EDGAR.

Text included for consideration at GRANTS AND AWARDS authorizes the superintendent to act in three key areas regarding state and federal grants and awards:

- Application for state and federal grants and awards deemed appropriate for district operations;
- Approval of funds for matching, cost sharing, or jointly funded projects up to amounts specifically allowed in the board-approved budget; and
- Approval of grant and award amendments.

To ensure implementation of the affirmative policy statement that the district shall comply with state and federal grant and award requirements, the recommended text directs the superintendent to develop and enforce financial management systems and procedures on internal control, procurement, and other topics as needed to provide reasonable assurance of compliance.

At FEDERAL AWARDS—CONFLICT OF INTEREST, EDGAR requires a district receiving a federal grant or award to have written standards of conduct covering conflicts of interest of its employees engaged in the selection, award, or administration of a contract and, as included in this local policy, prohibits an employee, board member, or agent from participating in the selection, award, or administration of a contract supported by a federal award if the individual has a conflict of interest, as described by law. The district may establish standards for when a financial interest is not considered substantial. See CBB(LEGAL), below.

The provisions in this local policy address these obligations by requiring individuals described above who have a conflict as defined by federal law to disclose to the district in writing any conflict that meets the disclosure thresholds in Chapter 176 of the Local Government Code. As reflected at CBB(LEGAL), a conflict of interest arises under the federal law when an employee, officer, or agent; any member of his or her immediate family; his or her partner; or an organization that employs or is about to employ any of these parties has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The recommended policy language aligns these disclosures under federal law with the disclosure threshold amounts established in Chapter 176 for existing state law disclosures. Likewise, "immediate family" is defined in the policy to have the same meaning as "family member" used in Chapter 176. "Partner" is defined in the policy to have the same meaning as in the Texas Business Organizations Code.

The policy provisions also require employees, board members, and agents of the district to comply with any other conflict of interest requirements that may be imposed by the granting agency or pass-through entity.

At GIFTS AND GRATUITIES, recommended policy language aligns the federal prohibitions with the disclosure threshold amounts established in Chapter 176 for existing state law disclosures.

For additional information, see TEA's website at:
http://tea.texas.gov/Finance_and_Grants/Grants/Administering_a_Grant/The_New_EDGAR/.

CBB (LEGAL) STATE AND FEDERAL REVENUE SOURCES
FEDERAL

Revisions to this legally referenced policy on state and federal revenue sources are based on revised federal regulations governing all federal grants and awards, known as the new EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS (EDGAR).

Highlights of the EDGAR provisions have been included in the policy for ease of reference and access to relevant legal citations. Districts should visit TEA's grants website for the full text of the law and other essential information:
http://tea.texas.gov/Finance_and_Grants/Grants/Administering_a_Grant/The_New_EDGAR/.

Topics addressed in the policy include general compliance standards, conflicts of interest and mandatory disclosures, general procurement standards, suspension and debarment, financial management and internal controls, and remedies for noncompliance. References and citations have also been added for direct grant programs, state-administered programs, and the General Education Provision Act.

CCA (LEGAL) LOCAL REVENUE SOURCES
BOND ISSUES

New material on CAPITAL APPRECIATION BONDS (CAB) from HB 114 has been added to this policy. A district may not issue CABs secured by ad valorem taxes except in limited circumstances and must comply with extensive requirements when issuing CABs. Other details included in this policy address limits on the use of CAB proceeds and caps on the total amount of these bonds.

As reflected on page 3 at CALL FOR ELECTION, bond elections must be ordered not later than the 78th day before election day, regardless of the uniform election date on which the election will be held. This change is from SB 1703.

CCG (LEGAL) LOCAL REVENUE SOURCES
AD VALOREM TAXES

As reflected at CALL FOR ELECTION, SB 1703 requires that tax ratification elections be ordered not later than the 78th day before election day, regardless of the uniform election date on which the election will be held. (SB 1703)

We have adjusted provisions and added a reference to statute for revised deadlines for INSTALLMENT PAYMENTS in accordance with HB 1933.

We have also removed details on ADDITIONAL PENALTIES that may be imposed when a district contracts with a private attorney for collection of delinquent taxes.

CDA (LEGAL) OTHER REVENUES
INVESTMENTS

HB 870 reduces the hours of required ONGOING training from ten to eight hours for the district's chief financial officer and investment officer.

CE (LEGAL) ANNUAL OPERATING BUDGET

SB 810 added an exception to the prohibition against a school district using district resources for improvements to real property not owned or leased by the district. The exception permits a district and a municipality that are located in the same county as the district to contract for the district to contribute district resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility, stadium, or other athletic facility owned by, on the property of, or under the control of the municipality. The full statutory text for this exception has been added at CX(LEGAL), below. In this legally referenced policy, we have revised the citations at USE OF DISTRICT RESOURCES to refer to the new exception and, as a result of SB 1296, at PUBLICATION OF ADOPTED BUDGET to reflect the transfer of a provision from Education Code Chapter 39 to Chapter 44.

CFC (LEGAL) ACCOUNTING
AUDITS

Amended rules, effective March 10, 2015, clarify AUDIT REQUIREMENTS AND PROCEDURES for hiring an independent auditor to conduct an audit and give an opinion on the district's annual financial and compliance report. The rules require a school district to hire at its own expense an INDEPENDENT AUDITOR and sets forth the criteria for the independent auditor and the associated certified public accountancy (CPA) firm. TEA may require a district to select a new audit firm if TEA finds that the firm or quality of the work does not meet the required standards.

CH (LEGAL) PURCHASING AND ACQUISITION

New vendor disclosure requirements from HB 1295 have been added at DISCLOSURE OF INTERESTED PARTIES on page 3. A district may not enter into a contract that requires board action or a vote before the contract may be signed or that is valued at $1 million or more unless the business entity entering into the contract submits to the district a disclosure of interested parties along with the signed contract. The disclosure will be on a form developed by the Texas Ethics Commission, and the district must submit all completed disclosures to the Texas Ethics Commission within 30 days of receipt.

SB 1281 clarifies that a school district can participate in a COOPERATIVE PURCHASING PROGRAM through an interlocal agreement with another local government of this state or another state. See page 10.

CHE (LEGAL) PURCHASING AND ACQUISITION
VENDOR RELATIONS

As described at BBFA(LEGAL) and DBD(LEGAL), HB 23 made significant changes to the conflict of interest provisions in Chapter 176 of the Local Government Code.

Relevant DEFINITIONS have been added, which expand the disclosure requirements for relationships between a vendor and a local governmental officer.

The changes also add a requirement for vendors to report a family relationship, within the third degree by blood and the second degree by marriage, with a local government officer. Other provisions address the requirement for a vendor to file an updated disclosure after an event that would make a previous disclosure incomplete or inaccurate, filing requirements when a vendor is also a local government officer, and the validity of a contract if a vendor fails to file a disclosure as required by law.

CHG (LEGAL) PURCHASING AND ACQUISITION
REAL PROPERTY AND IMPROVEMENTS

Not later than February 1 of each year, a school district must submit to the comptroller a report containing records and other specified information for the purpose of providing the comptroller with information needed to maintain the comptroller's eminent domain database. A school district’s initial report is due February 1, 2016, and a district has a continuing obligation to submit any changes to the information within 90 days of the change. A district that fails to submit reports as required is subject to penalties allowed by law. Failure to report or late submission does not affect a district’s authority to exercise the power of eminent domain. This change at REPORTING TO COMPTROLLER on pages 2 and 3 is from SB 1812.

A sample report will be included in the next update to the *TASB Regulations Resource Manual*.

CI (LEGAL) SCHOOL PROPERTIES DISPOSAL

Provisions from HB 473 prohibit a school district from selling or transferring a marked patrol car or other law enforcement vehicle to the public unless the district removes any equipment or insignia that could mislead a reasonable person to believe that the vehicle is a law enforcement motor vehicle. The bill also prohibits such sales to a security services contractor who is regulated by the Texas Department of Public Safety, unless the district removes each emblem or insignia that identifies the vehicle as a law enforcement motor vehicle. See SALE OR TRANSFER OF LAW ENFORCEMENT VEHICLES.

CKE (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT
SECURITY PERSONNEL

Multiple bills affected this legally referenced policy on security personnel. Significant changes are described with the relevant bill number in parenthesis.

A district with 30,000 or more students that commissions a school police officer or at which a school resource officer (SRO) provides law enforcement must adopt a policy requiring the officer or SRO to complete the model training curriculum for school district peace officers and SROs that the Texas Commission on Law Enforcement (TCOLE) will develop. See TRAINING in Section I, pertaining to peace officers, and Section IV, pertaining to SROs. (HB 2684) Recommended changes to CKE(LOCAL) to comply with this requirement are included in this update; see below.

Policy is required if a law enforcement agency operates a BODY-WORN CAMERA program. The policy must ensure that a body-worn camera is activated only for a law enforcement purpose and must address specific topics. The policy may not require an officer to keep a body-worn camera activated for the entire period of the officer’s shift, and the policy must be consistent with the Federal Rules of Evidence and the Texas Rules of Evidence.

Before a law enforcement agency may operate a body-worn camera program, the agency must provide training to officers and any other personnel who will come into contact with data from the cameras. Peace officers equipped with a body-worn camera must act consistent with the agency's policy and the Occupations Code. (SB 158)

A law enforcement agency must file reports with the attorney general and post the reports on the agency's website if there is an OFFICER-INVOLVED INJURY OR DEATH, in which an officer discharges a firearm causing injury or death to another, or another person discharges a firearm and causes injury or death to an officer. (HB 1036)

Because of legislation authorizing open carry of handguns, effective January 1, 2016, a license to carry a concealed handgun will be called a license to carry a handgun, and language has been adjusted as appropriate throughout the policy. (HB 910, **effective January 1, 2016**)

As reflected in Section II on SCHOOL MARSHALS, upon request of a parent, a district must provide the parent written notice indicating whether any district employee is currently appointed as a school marshal. (SB 996)

CKE (LOCAL) SAFETY PROGRAM/RISK MANAGEMENT
SECURITY PERSONNEL

As explained at CKE(LEGAL), above, HB 2684 requires districts of a certain size at which a school resource officer (SRO) provides law enforcement to adopt a policy requiring the SRO to complete the model training curriculum for SROs developed by the Texas Commission on Law Enforcement (TCOLE).

The new text at TRAINING now requires SROs to receive at least the minimum amount of education and training required by law. This text was broadly drafted to meet the new policy requirement and any other current or future training requirements and is suitable for districts of any size that use SROs.

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

HB 1474 changes the payment of a school district's instructional materials allotment from an annual payment to a payment each biennium. See FUNDING on page 1 and ORDER OF PURCHASE and INSTRUCTIONAL MATERIALS ACCOUNT on page 4.

CO (LEGAL) FOOD SERVICES MANAGEMENT

A recent federal rule requires districts to ensure that newly hired school nutrition program directors meet hiring standards and that new and existing directors complete minimum annual training and education requirements as described in federal law. See MINIMUM STANDARDS FOR SCHOOL NUTRITION PROGRAM DIRECTORS.

To allow greater flexibility, amended Texas Department of Agriculture rules, effective June 28, 2015, repealed state provisions on deep-fat fryers, prohibitions on soft drinks, and time and place restrictions on competitive foods. A new provision from the amended rules allows schools to establish EXEMPT FUNDRAISERS for up to six days per year at each campus. Any local school district regulations must be consistent with federal law.

A new local policy requirement at INSUFFICIENT MEAL CARD BALANCE is from HB 3562. This bill requires a district that allows students to use a prepaid meal card or account to adopt a grace period policy for use of the cards or accounts. The policy:

- Must allow a student with an insufficient or exhausted balance to continue to use the meal card or account by accumulating a negative balance or otherwise receiving an extension of credit from the district;
- Must require parental notification of the exhausted balance;
- May include provisions for a repayment schedule on the account balance; and
- May not require payment of a fee or interest in connection with meals purchased during the grace period.

Recommendations to satisfy this policy requirement are included at CO(LOCAL), below.

CO (LOCAL) FOOD SERVICES MANAGEMENT

This local policy is recommended for inclusion in the district's policy manual to meet the new requirement from HB 3562 for districts that allow students to use prepaid meal cards or accounts to adopt a grace period policy that applies when a card or account is exhausted.

The recommended text requires the superintendent to develop administrative regulations specifying the length of the grace period and addressing parental notification, including a schedule of repayment, when a card or account is exhausted.

The local policy text also prohibits fees or interest for meals purchased with an exhausted card or account, as required to be addressed in local policy.

Please note: Sample administrative regulations are included in the post-legislative supplement to the *2015-16 TASB Model Student Handbook* and the next update to the *TASB Regulations Resource Manual*.

If you would like to specify the length of your district's grace period in policy, please contact your policy consultant. If your district does not use prepaid meal cards or accounts, contact your policy consultant to delete the policy recommendation.

COB (LEGAL) FOOD SERVICES MANAGEMENT
FREE AND REDUCED-PRICE FOOD PROGRAM

As authorized by HB 1305, on a campus-by-campus basis a district may choose to participate in the national school BREAKFAST PROGRAM or in a locally funded and developed program to provide free meals, including breakfast and lunch. See EHBC, below, for changes to the way the number of educationally disadvantaged students is determined.

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

Several new items have been added to the list of REQUIRED INTERNET POSTINGS:

- HB 2721 requires posting of election notices (item 2).
- HB 283, effective January 1, 2016, requires a district with a student enrollment of 10,000 or more to post the archived recording or a link to the recording of its meetings (item 7).
- HB 114 requires posting of certain information about capital appreciation bonds (item 8).
- Existing law requires posting of the transition and employment guide for students enrolled in special education programs and their parents (item 15).
- HB 1559 explains that a district must post information regarding local programs and services available to assist homeless students (item 17).

CR (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT

We have updated the provision at DESIGNATED BROKER OF RECORD to reflect the current competitive procurement threshold of $50,000.

CV (LEGAL) FACILITIES CONSTRUCTION

Reflected on page 7, HB 2049 adds new provisions on CONTRACTS FOR ENGINEERING OR ARCHITECTURAL SERVICES. A contract provision is void and unenforceable if it provides that an engineer or architect must indemnify the district or defend a party against claims based on the fault of the school district, its agent, or its employee. A contract may provide for the reimbursement of a school district's reasonable attorney's fees in proportion to the engineer's or architect's liability and may require that the engineer or architect name the district as an additional insured under the engineer's or architect's general liability insurance policy.

District contracts for engineering or architectural services must include the STANDARD OF CARE as described in the policy.

CVD (LEGAL) FACILITIES CONSTRUCTION
CONSTRUCTION MANAGER-AT-RISK

HB 2634 prohibits a school district's architect or engineer or any entity related to the engineer or architect from serving as the district's construction manager-at-risk and deletes a provision that once allowed the architect or engineer to do so under certain conditions. See ARCHITECT/ENGINEER, beginning on page 1.

CX (LEGAL) RENTING OR LEASING FACILITIES FROM OTHERS

On page 1 at DESIGN OR CONSTRUCTION OF AN INSTRUCTIONAL OR ATHLETIC FACILITY, we have added from SB 810 a new exception to the prohibition against school districts using district resources for improvements to real property not owned or leased by the district. A district and a municipality that are located in the same county as the district may contract for the district to contribute district resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility, stadium, or other athletic facility owned by, on the property of, or under the control of the municipality. The district and municipality must enter into a written agreement authorizing the district to use the facility.

D (LEGAL) PERSONNEL

We have revised the D section table of contents to add a new policy, DHB, on reports to the State Board for Educator Certification.

DBA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CREDENTIALS AND RECORDS

A change at PROFESSIONAL PERSONNEL, CERTIFICATE is from SB 1309, which clarifies that a person is not required to hold a Junior Reserve Officer Training Corps (JROTC) SBEC certificate to be a JROTC instructor.

HB 2205 establishes new criteria for issuance of a SCHOOL DISTRICT TEACHING PERMIT. If a person will teach only noncore academic career and technical education courses, a school board may issue a permit even if the person does not have a baccalaureate degree. However, the superintendent must certify the person's qualifications to the board. The board does not need to obtain approval from the Commissioner to issue a permit but is required to send the Commissioner written notice identifying the person, the course the person will teach, and the person’s qualifications to teach the course. Other changes at this section are to better reflect statutory wording.

DBAA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CRIMINAL HISTORY AND CREDIT REPORTS

HB 1783 requires a superintendent to provide SBEC NOTIFICATION that a certified educator has a criminal record unless the superintendent learned about the criminal record from the criminal history clearinghouse established by the Texas Department of Public Safety (DPS). This will avoid a superintendent reporting information to TEA that TEA has already received from DPS.

DBB (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

Changes regarding COST OF TESTING are from SB 1574 and address accidental exposure of emergency personnel and first responders to the blood or body fluids of a patient. SB 1574 adds testing for HIV and any other reportable disease and revises the list of applicable individuals by deleting specific references to firefighters and peace officers and including emergency response employees and volunteers.

DBD (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

HB 23 made significant changes to the CONFLICTS DISCLOSURE STATEMENT provisions in Chapter 176 of the Local Government Code by:

- Deleting existing provisions that authorized a district to extend the Chapter 176 requirements to employees with authority to approve contracts for the district; and
- Broadening the disclosure requirements as described at BBFA(LEGAL), above, the key provisions of which are also included in this legally referenced policy for employee conflicts of interest.

The Texas Ethics Commission has posted updated Chapter 176 conflict of interest forms at: https://www.ethics.state.tx.us/filinginfo/conflict_forms.htm.

DBD (LOCAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

Text reflecting the district's choice not to extend the Local Government Code Chapter 176 disclosure requirements to employees other than the superintendent is recommended for deletion. HB 23 eliminated the district option to extend the Chapter 176 requirements to employees with authority to approve contracts for the district. The law now requires an employee who exercises discretion in the planning, recommending, selecting, or contracting of a vendor to file a disclosure statement.

We have also added a Note at the beginning of the policy to refer to CB and CBB for conflict of interest, gift, and gratuity provisions related to federal grants and awards.

DBD (EXHIBIT) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CONFLICT OF INTEREST

HB 23 deleted existing provisions that authorized a district to extend the Local Government Code Chapter 176 requirements to employees with authority to approve contracts for the district. As a result, we have deleted from this exhibit a reference to that option. Please note, however, that certain employees are now required by law to complete conflicts disclosure forms.

DEA (LEGAL) COMPENSATION AND BENEFITS
COMPENSATION PLAN

HB 2974 modifies the method for determining the HEALTH INSURANCE CONTRIBUTIONS surcharge imposed on a district that hires a retiree. Under former law, a district was responsible for a health insurance surcharge in the amount of the state's contribution toward the employee and family's health insurance (the difference between the full premium and the specific employee's contribution). This bill provides that TRS will now determine the amount of the health insurance surcharge, taking into consideration the amount of the state's contribution.

DEAA (LEGAL) COMPENSATION PLAN
INCENTIVES AND STIPENDS

A new provision at ACHIEVEMENT ACADEMY STIPENDS is based on SBs 925, 934, and 972. These bills require the Commissioner of Education to establish literacy achievement academies, mathematics achievement academies, and reading-to-learn academies for teachers. From funds appropriated for that purpose, a teacher who attends one of these academies is entitled to receive a stipend in the amount determined by the Commissioner. The stipend is not considered in determining whether a school district is paying the teacher the state minimum monthly salary.

At the same margin note, HB 18 requires the Center for Teaching and Learning at UT Austin to create postsecondary education and career counseling academies for middle school and high school counselors and other postsecondary advisers. The Center may pay a stipend from appropriated funds to participating educators. The stipend is not considered in determining whether a school district is paying the participating individual the state minimum monthly salary.

DEAB (LEGAL) COMPENSATION PLAN
WAGE AND HOUR LAWS

Existing federal provisions on breaks for nursing mothers have been moved without revision to DG(LEGAL) on employee rights and privileges. See below.

DEC (LEGAL) COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

HB 2398 made significant changes to truancy provisions. See FEA and FED(LEGAL), below. A new provision from the bill added to this legally referenced policy provides that an employer may not terminate the employment of a permanent employee because the employee was required to attend a truancy court hearing with his or her child. See ATTENDANCE AT TRUANCY HEARING on page 4.

DECA (LEGAL) LEAVES AND ABSENCES
FAMILY AND MEDICAL LEAVE

In June 2015, the U.S. Supreme Court ruled in *Obergefell v. Hodges* that same-sex couples have a fundamental right to marry and that a state must license a marriage between two people of the same sex and recognize a marriage between two people of the same sex that was lawfully performed in another state. Now that same-sex marriage is legal throughout the U.S., a district must treat a same-sex spouse as an employee's spouse for any benefits, regardless of where the couple was married.

As a result of the *Obergefell* ruling, a federal district court in Texas dissolved an injunction that had delayed implementation of Department of Labor rules defining “spouse” under the Family and Medical Leave Act (FMLA) to include those in same-sex marriages. The Department of Labor's new definition of "SPOUSE" has been incorporated into this legally referenced policy and conforming changes have been made throughout. The effect of the new definition of "spouse" is that district employees in same-sex marriages can now take FMLA leave to care for their spouses or family members.

Please note: TASB Legal Services has an e-Source article, "Same-Sex Marriage and School District Employees," explaining the effect of the *Obergefell* decision on school districts in Texas.

DECB (LEGAL) LEAVES AND ABSENCES
MILITARY LEAVE

As reflected on page 2 at STATE LEAVE FOR MEMBER OF MILITARY OR RESCUE TEAM, HB 445 requires a district to provide written notice of the number of workdays of paid leave to which an employee is entitled each fiscal year under state law as a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team. Upon request, a district must provide the employee a statement of the number of workdays the employee used for paid military leave during the fiscal year.

Please note: The TASB HR Services *2015 Model Employee Handbook* includes provisions that satisfy this notice requirement.

DF (LEGAL) TERMINATION OF EMPLOYMENT

The following changes were made to this legally referenced policy on termination of employment:

- Provisions detailing the circumstances when a superintendent must file reports to SBEC were revised and moved to DHB, a new code created to include all relevant material on reports to SBEC. A cross-reference to DHB has been added as a reminder that a report may be required in the case of an educator's termination.
- A new Labor Code provision from SB 664 has been added on page 4. This bill allows a district to discharge a contract employee if the district determines that the employee engaged in FALSIFICATION OF A MILITARY RECORD.

DFE (LEGAL) TERMINATION OF EMPLOYMENT
RESIGNATION

Provisions detailing the circumstances when a superintendent must file a report with SBEC in the case of an educator's resignation were revised and moved to DHB, a new code created to include all relevant material on reports to SBEC. A cross-reference to DHB has been added at REPORT TO SBEC.

HB 1783 revised the standard for when a superintendent must complete an INVESTIGATION regarding an educator's alleged abuse or other unlawful act with a minor even though the educator has resigned. Previous law referred to an investigation based on "reasonable cause to believe" that the educator may have engaged in the conduct; the new provision refers to "evidence that" the educator may have engaged in the conduct.

DG (LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES

The following changes were made to this legally referenced policy on employee rights and privileges:

- Pursuant to HB 1783, a school district employee has the RIGHT TO REPORT A CRIME the employee witnessed at school to any peace officer with authority to investigate the crime. A district is prohibited from adopting a policy requiring an employee to report a crime witnessed at the school only to certain persons or peace officers or to refrain from reporting a crime witnessed at the school.
- Existing federal provisions on BREAKS FOR NURSING MOTHERS—NONEXEMPT EMPLOYEES were moved without revision from DEAB(LEGAL), above.
- New provisions from HB 786 provide that a district employee has a RIGHT TO EXPRESS BREAST MILK at the employee's workplace. A district, as a public employer, must develop a written policy on the expression of breast milk by employees, which must state that the district will support the practice of expressing breast milk and make reasonable accommodations for the needs of employees who express breast milk. The district must provide a reasonable amount of break time for an employee to express breast milk each time the employee has the need to express the milk and must provide a place, other than a multiple-user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk. A district may not suspend or terminate the employment of, or otherwise discriminate against, an employee because the employee has asserted her right to express breast milk. However, the bill does not create a private or state cause of action against a public employer. Please note, the TASB HR Services *2015 Model Employee Handbook* includes provisions to satisfy the requirement for a written policy.

DH (LEGAL) EMPLOYEE STANDARDS OF CONDUCT

Provisions detailing the circumstances when a superintendent must file a report with SBEC were revised and moved to DHB, a new code created to include all relevant material on reports to SBEC.

Revisions at TOBACCO AND E-CIGARETTES are from SB 97, which requires a school district to prohibit anyone from using e-cigarettes at a school-related or school-sanctioned activity on or off school property.

SB 339 prohibits a district from enacting, adopting, or enforcing a rule or regulation that prohibits the possession of LOW-THC CANNABIS as authorized by Chapter 487 of the Health and Safety Code, which permits prescriptions for low-THC (non-intoxicating) cannabis in limited circumstances. Local policy recommendations regarding SB 339 are included at DH(LOCAL), below.

DH (LOCAL) EMPLOYEE STANDARDS OF CONDUCT

Changes in state law from HB 910, effective January 1, 2016, allow open carry of firearms by license holders in limited circumstances. Districts that wish to pursue criminal trespass charges against license holders for open carry in certain locations must post appropriate signage. Changes in state law from SB 273 prohibit a school district from posting signs that bar a handgun license holder from having a concealed handgun where the license holder is not otherwise prohibited by law from having a concealed handgun. A district may post signs at the entrances to its buildings prohibiting a license holder from carrying a firearm into district buildings. See GKA(LEGAL), below, for more information.

Based on the employment relationship, TASB Legal Services believes that a district can continue to prohibit employees from possessing firearms on district property. Therefore, we have moved without revision provisions from GKA(LOCAL) to this local policy. These provisions prohibit employees from using, possessing, or displaying weapons, including firearms, on district property except at certain district-approved activities. See WEAPONS PROHIBITED.

Revisions at TOBACCO AND E-CIGARETTES are based on SB 97, which requires a school district to prohibit employees from smoking or using e-cigarettes at a school-related or school-sanctioned activity on or off school property.

SB 339 prohibits a district from enacting, adopting, or enforcing a rule or regulation that prohibits the possession of low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code, which permits prescriptions for low-THC (non-intoxicating) cannabis in limited circumstances. In accordance with this bill, we have added an EXCEPTION to the district's prohibition against possession of controlled substances and drugs if an employee possesses low-THC cannabis or any other controlled substance or drug that a licensed physician has prescribed for the employee's child or another individual for whom the employee is a legal guardian. And the district's existing exception for an employee's use of a drug prescribed by a licensed physician has been expanded to apply to use "or possession" of a "controlled substance" or drug.

DHB (LEGAL) EMPLOYEE STANDARDS OF CONDUCT
REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION

This new code has been added to include all relevant provisions on reports to SBEC and is organized into major sections describing when reports are required, what constitutes reportable misconduct, deadlines to report, contents of the report, and sanctions for failure to report. The material at this code was moved from DH, DF, and DFE and modified as a result of HB 1783.

Changes at REPORT REQUIRED include the following:

- A superintendent must provide notice to SBEC if an educator has a CRIMINAL HISTORY record that the district obtained through a means other than the criminal history clearinghouse established by the Texas Department of Public Safety (DPS). This avoids a superintendent reporting information to TEA that TEA has already received from DPS.
- A superintendent must report a termination or resignation when there is "evidence," rather than a "determination," of misconduct.

The list of REPORTABLE MISCONDUCT was modified to include new statutory wording that was previously only in state rule requiring a report if there is evidence that the educator was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or a minor.

The superintendent's DEADLINE TO REPORT was changed to not later than seven days from the date the superintendent "knew about" the reportable incident. Previous law required a report within seven days of when the superintendent "first learned about" the reportable incident.

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

New provisions from HB 1151 have been added on page 2. The new law prohibits sexual HARASSMENT OF UNPAID INTERNS. An employer commits an unlawful employment practice if sexual harassment of an unpaid intern occurs and the employer knew or should have known that the conduct was occurring and failed to take appropriate corrective action.

See DIA(LOCAL), below, for local policy recommendations as a result of this bill.

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

A recommended revision at DEFINITIONS is to address HB 1151, which prohibits sexual harassment of unpaid interns. Solely for purposes of the district's discrimination, harassment, and retaliation policy, unpaid interns are included in the definition of "employee." This change will ensure that unpaid interns are required to report any alleged harassment and comply with the other procedural elements of the policy.

In addition, to eliminate the need for the board to readopt this policy every time the district's Title IX and ADA/Section 504 coordinators change, we have moved the contact information for those positions to DIA(EXHIBIT), which is not a board-adopted document. The Department of Education's Office for Civil Rights emphasizes the duty of school districts to make the Title IX and ADA/Section 504 coordinators "visible" to the school community, but recognizes the cost and administrative burden associated with staffing changes. Moving the contact information to this exhibit will maintain the visibility of the coordinator while reducing the administrative burden. *See* U.S. Dep't of Educ., OCR, *Dear Colleague Letter* (PDF) (Apr. 24, 2015).

Please contact your policy consultant if the district wishes to add specific EXAMPLES of HARASSMENT, SEXUAL HARASSMENT, or RETALIATION.

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

To eliminate the need for the board to readopt DIA(LOCAL) each time the district's Title IX or ADA/Section 504 coordinator changes, we have moved the contact information from that local policy to this exhibit, which is not a board-adopted document.

Please contact your policy consultant if you need to make adjustments to the contact information included in this exhibit.

DMA (LEGAL) PROFESSIONAL DEVELOPMENT
REQUIRED STAFF DEVELOPMENT

The following changes were made to this legally referenced policy on staff development:

- HB 2186 requires that staff development for educators include SUICIDE PREVENTION training that must be provided on an annual basis as part of new employee orientation and on a schedule adopted by TEA rule to existing employees.
- Existing provisions addressing training of teachers, counselors, principals, and other appropriate personnel on MENTAL HEALTH, SUBSTANCE ABUSE PREVENTION, AND SUICIDE PREVENTION have been repeated from FFB(LEGAL), not included in this update.
- An outdated provision on training deadlines for existing employees was removed at CHILD ABUSE AND MALTREATMENT.

DNB (LEGAL) PERFORMANCE APPRAISAL
EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

This legally referenced policy on evaluation of professional employees has been updated to better reflect statutory wording, delete outdated provisions, and add an existing statutory provision on PRINCIPAL APPRAISAL.

EB (LEGAL) SCHOOL YEAR

Provisions at LENGTH OF SCHOOL YEAR have been revised based on HB 2610, which changes the requirement of 180 instructional days to 75,600 instructional minutes, including intermissions and recesses. A district may add minutes to the end of normal school hours as necessary to compensate for minutes of instruction lost due to school closures.

HB 2610 also prohibits a district from scheduling the LAST DAY OF SCHOOL before May 15, with an exception for districts that do not offer kindergarten through grade 12 and whose prospective or former students generally attend school in another state for the grade levels that the district does not offer.

EC (LEGAL) SCHOOL DAY

At LENGTH AND SCHEDULE, HB 2610 defines a day of instruction as 420 minutes of instruction.

HB 4 permits a district to participate in a grant for a high-quality prekindergarten program, which must be offered free of tuition or fees. A district participating in the PREKINDERGARTEN GRANT PROGRAM is entitled to receive half-day funding for each enrolled and eligible student. See EHBG, below, for additional details.

EEB (LEGAL) INSTRUCTIONAL ARRANGEMENTS
CLASS SIZE

A district participating in the HIGH-QUALITY PREKINDERGARTEN GRANT PROGRAM authorized by HB 4 must attempt to maintain an average ratio of not less than one certified teacher or teacher's aide for each 11 students.

EFAA (LOCAL) INSTRUCTIONAL MATERIALS
SELECTION AND ADOPTION

The State Board of Education (SBOE) at its July 2015 meeting passed a resolution encouraging local school boards and administrators to adopt policies, procedures, and practices that guarantee transparency and public access by providing:

- Public notice to parents of instructional materials under consideration;
- Access to parents for review of materials prior to adoption and, to the extent possible, during a comment period; and
- At least one public meeting that allows for public comment before materials used to certify 100 percent TEKS coverage are adopted by the board.

TASB Policy Service has revised its sample administrative regulation to include parental notice and additional review opportunities. Policy Service also has sample local policy text available if your district wishes to include a dedicated public comment period prior to board adoption of instructional materials. Contact your policy consultant for a copy of these materials.

EHAC (LEGAL) BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

Starting with the 2015–16 school year, districts must provide to students, at least once in seventh or eighth grade, INSTRUCTION IN HIGH SCHOOL, COLLEGE, AND CAREER PREPARATION. The instruction must cover personal graduation plans, the distinguished level of achievement, each endorsement, college readiness standards, and potential career choices and the necessary education for those careers. The instruction may be part of an existing class, or the district may create a new elective. This change is from HB 18.

EHAD (LEGAL) BASIC INSTRUCTIONAL PROGRAM
ELECTIVE INSTRUCTION

HB 3987 allows a school district to establish a SCHOOL-BASED SAVINGS PROGRAM as outlined in the policy in order to facilitate personal financial literacy instruction and increase awareness on saving for higher education. This program may be offered in conjunction with the personal financial literacy course offered under Education Code 28.0021.

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

Changes to this legally referenced policy are from SB 1259.

A REGULAR EDUCATION TEACHER who serves on a student's admission, review, and dismissal (ARD) committee must, to the extent practicable, be responsible for implementing a portion of the student’s individualized education program (IEP).

The definition of "INDIVIDUALIZED EDUCATION PROGRAM" (IEP) was revised to clarify that it must include the decisions of the ARD committee that are discussed at each meeting and, in addition to the previous requirements, must include the meeting date; the name, position, and signature of each committee member participating in the meeting; and an indication of whether the student’s parents, the adult student, if applicable, and the administrator agreed or disagreed with the committee's decisions. Each committee member who disagrees is entitled to include a written statement in the IEP.

A district must also develop a process for a teacher who instructs a student with a disability in a regular classroom setting to provide input in the development of the student’s IEP. See TEACHER REQUEST TO REVIEW IEP on page 10.

EHBC (LEGAL) SPECIAL PROGRAMS
COMPENSATORY/ACCELERATED SERVICES

HB 1305 revises how the number of educationally disadvantaged students is determined. Under previous law, the number of educationally disadvantaged students was based on the number of students enrolled in the National School Lunch Program (NSLP) in the previous year. So that districts that develop a local program are not penalized in funding, HB 1305 now allows a district to use the number of students eligible for free and reduced-price meals under the NSLP rather than the number of students actually enrolled. See COMPENSATORY EDUCATION ALLOTMENT on page 1. In addition, a district can include a student who is in full-time attendance in the TxVSN under certain circumstances.

HB 2660 addresses the Commissioner's calculation of ADA for students served in an OPTIONAL FLEXIBLE SCHOOL DAY PROGRAM. The Commissioner must ensure that FUNDING for attendance is based on the same instructional hour requirements as the regular program, rather than a full-time equivalent student basis that requires six hours of student contact time to qualify for a full day of attendance.

As provided by HB 1613, a student in a college prep math or English course under Education Code 28.014 (which is a course developed with a higher education partner to assist 12th-grade students who do not yet meet college readiness standards) who satisfies the college readiness benchmarks of the Texas Success Initiative (TSI) assessment is exempt from the relevant END-OF-COURSE EXAM. A student who does not meet the college readiness benchmarks of the TSI assessment may retake the relevant assessment or take the appropriate EOC exam.

EHBE (LEGAL) SPECIAL PROGRAMS
BILINGUAL EDUCATION/ESL

At PERSONNEL, details on certification requirements for bilingual and dual language programs have been added from HB 218, with different certification requirements for assignment to the different types of programs.

With dual-language immersion/one-way or two-way models, a district may assign different teachers for the language other than English component and for the English language component.

EHBG (LEGAL) SPECIAL PROGRAMS
PREKINDERGARTEN

Statutory provisions on the HIGH-QUALITY PREKINDERGARTEN GRANT PROGRAM authorized by HB 4 have been added. A district that meets program standards may choose to participate in the program, which must be offered free of tuition or fees.

Each eligible enrolled student who is four years old on September 1 of the year the student begins the program qualifies for additional FUNDING. Funds may be used only to improve the prekindergarten program.

Grant recipients must:

- Use TEA curriculum standards (not Common Core);
- Measure student progress on recommended standards;
- Starting with the 2016–17 school year, employ teachers who are SBEC certified and meet other specific qualifications;
- Attempt to maintain an average ratio of one certified teacher or aide for each 11 students; and

- Develop and implement a family engagement plan to promote family involvement and positive attitudes toward education. The plans must be based on strategies established by TEA.

See CURRICULUM AND TEACHER REQUIREMENTS and FAMILY ENGAGEMENT PLAN.

At PROGRAM EVALUATION, grant recipients must select methods of measuring student progress and must report data to parents. If a district decides to use a diagnostic instrument to measure progress, it must be selected from a TEA-approved list.

Grant recipients can contract with ELIGIBLE PRIVATE PROVIDERS to provide prekindergarten services under certain conditions.

EHBK (LEGAL) SPECIAL PROGRAMS
OTHER INSTRUCTIONAL INITIATIVES

At MANDATORY RECOGNITION DATES, HYDROCEPHALUS AWARENESS MONTH was moved from October to September. (HB 1052)

Two new OPTIONAL RECOGNITION DATES were added: January is HUMAN TRAFFICKING PREVENTION MONTH (HB 2290), while February 19 is IWO JIMA DAY (SB 961). Both may be regularly observed through appropriate activities in public schools.

EHBL (LEGAL) SPECIAL PROGRAMS
HIGH SCHOOL EQUIVALENCY

Pursuant to HB 2398, a student is eligible to participate in a High School Equivalency Program if a court under the Family Code, rather than the Code of Criminal Procedure, orders a student to participate in a prep class for or to take the high school equivalency examination. See STUDENT ELIGIBILITY, item 1.

EHDC (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION

The minimum score needed for a student in grades 6 and above to receive credit by examination is now a scaled score of 50, rather than 60, on a CLEP exam. This change is reflected at GRADES 6–12 and is from SB 453.

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

HBs 505 and 2812 repealed a provision that prohibited a student from enrolling in more than three courses for dual credit at a college if the college did not have a service area that includes the student's high school.

New provisions from HB 18 require a course for joint high school and college credit to be taught by a QUALIFIED INSTRUCTOR, as described in the policy.

Pursuant to rules and criteria set by the Commissioner, HB 2812 allows districts to include in ADA students who attend approved off-campus instructional programs. See ATTENDANCE ACCOUNTING beginning on page 3.

EHDE (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT
DISTANCE LEARNING

Amended rules on the TEXAS VIRTUAL SCHOOL NETWORK (TxVSN) effective April 7, 2015, have been added to this legally referenced policy on distance learning.

The rules clarify that a Texas school district may provide an electronic course through the TxVSN to a student who resides in Texas and is enrolled in a school other than a public school district or charter school. See STATEWIDE COURSE CATALOG PROVIDER ELIGIBILITY on page 3.

The amendments also update and clarify the GENERAL REQUIREMENTS for entities serving as TxVSN course providers. Providers must:

- Provide the receiver district with written notice of a student's performance at least once every 12 weeks and once every three weeks if the student's performance is unsatisfactory; and
- Meet all reporting requirements established by the TxVSN.

Requirements for receiver districts were added, including when a receiver district must award credit to a student who successfully completes a course through the TxVSN. See RECEIVER DISTRICT REQUIREMENTS on page 4.

At COURSE COST, beginning on page 9, the rules explain that a district may decline to pay the course costs for a student who chooses to enroll in more than three year-long courses during a school year. A student may enroll in additional courses at the student's expense.

Course providers shall maintain records documenting that EDUCATORS OF ELECTRONIC COURSES through the TxVSN have valid Texas educator certification credentials appropriate for the assignment and that the provider has conducted and maintained records on background checks.

EI (LEGAL) ACADEMIC ACHIEVEMENT

At ACADEMIC ACHIEVEMENT RECORD, HB 181 deletes the requirements for districts to put information on student diplomas about endorsements, performance acknowledgments, and the distinguished level of achievement.

EIA (LEGAL) ACADEMIC ACHIEVEMENT
GRADING/PROGRESS REPORTS TO PARENTS

HB 1993 allows a district that sends required PROGRESS REPORTS to parents electronically to permit a parent to sign the notices electronically, as long as the district retains a record verifying the parent’s acknowledgment of the required notice. A district that accepts electronic signatures must continue to offer parents the option to provide a handwritten signature.

EIF (LEGAL) ACADEMIC ACHIEVEMENT
GRADUATION

An exception to the graduation requirements for the foundation high school program added by SB 149 allow a student to receive a diploma using the INDIVIDUAL GRADUATION COMMITTEE (IGC) process.

For each 11th- and 12th-grade student who has not passed up to two end-of-course (EOC) exams, a school district must establish an IGC at the end of or after the student's 11th-grade year to determine whether the student is eligible to graduate. The committee's composition is detailed in the policy. The district must provide timely NOTICE to a parent of the time, place, and purpose of the IGC meeting. To graduate, a student must complete the CURRICULUM REQUIREMENTS for the relevant graduation program and the ADDITIONAL REQUIREMENTS TO GRADUATE recommended by the IGC, which must include remediation and, for each course in which the student failed the EOC exam, a project or portfolio showing proficiency. In determining whether a student is qualified to graduate, the IGC must consider the factors listed in statute and any other academic information designated for consideration by the board. The committee's vote must be unanimous.

A reference to EKB regarding English language learners who have failed to achieve satisfactory performance on EOC exams has been added on page 4 .

Revised Commissioner rules reflecting changes from SB 149 have been added. The rules align graduation requirements for students receiving special education services with changes to the state's assessment requirements for students in general education and specify that a student receiving special education services who has not passed up to two EOC assessments may graduate if all other requirements are met and may receive endorsements if graduating under the foundation high school program. The student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate. See Section VI, GRADUATION OF STUDENTS RECEIVING SPECIAL EDUCATION SERVICES.

An existing statutory provision permitting dual credit courses to satisfy graduation requirements has been added at COLLEGE COURSES on page 9.

On page 12, HB 181 deletes the requirements for districts to put information on student diplomas about PERFORMANCE ACKNOWLEDGMENTS and allows a student to receive an acknowledgment for earning:

- A certain score on a "nationally norm-referenced" college preparation or college admission exam (previous law listed the specific exams); or
- A state-recognized industry certification (previous law only included nationally and internationally recognized certifications).

Several expired provisions referring to the previous graduation programs have been deleted.

If a homeless student in the 11th or 12th grade transfers to a different district and does not meet the new district's graduation requirements, this bill requires the previous district to allow the student to graduate if he or she meets the graduation requirements of the previous district. This change from SB 1494 has been added at Section VIII of the policy, on pages 21 and 22.

EK (LEGAL) TESTING PROGRAMS

Rather than reducing a district's Foundation School Program allotment to pay for COLLEGE PREPARATION ASSESSMENTS administered in applicable grades, HB 743 provides that TEA will reimburse a district from appropriated funds, if any, for all fees associated with the administration of the tests.

EKB (LEGAL) TESTING PROGRAMS
STATE ASSESSMENT

At ASSESSMENT REQUIREMENTS FOR GRADUATION, HB 2349 clarifies that a student must meet satisfactory performance on end-of-course (EOC) exams only for the courses in which the student is enrolled and for which an EOC exam is administered. Existing text from Commissioner rules has been added to explain state assessment requirements for students who had CREDITS EARNED PRIOR TO ENROLLMENT or who completed a course prior to the 2011–12 spring assessment administration.

Information about the INDIVIDUAL GRADUATION COMMITTEE (IGC) process for students who have failed to pass not more than two EOCs has also been added from SB 149. Revised Commissioner rules reflecting changes from SB 149 have been added. The rules include specific provisions addressing the IGC process for ENGLISH LANGUAGE LEARNERS and assessment requirements for students who are currently receiving SPECIAL EDUCATION services or who have been dismissed from a special education program. See EIF(LEGAL), above, for more information.

HB 2349 repealed the requirement that a student who appeared unlikely to pass all required EOCs on completion of 11th grade be enrolled in a college prep course with a test that could substitute as the EOC. (College prep courses under Education 28.014 for seniors who are not college-ready are still in place.)

We have deleted an expired statutory provision on instructional materials provisions.

FD (LEGAL) ADMISSIONS

SB 206 clarifies that the entitlement for a STUDENT IN FOSTER CARE to continue in enrollment on a tuition-free basis at the school the student was attending applies to a student whether the child's relocation is because of an initial placement or a change in placement. This entitlement continues even if state conservatorship ends.

The addition of a citation to Education Code Chapter 29, Subchapter E-1 at FOUNDATION SCHOOL PROGRAM reflects that HB 4 provides funding for a student enrolled in a high-quality prekindergarten grant program. See EHBG(LEGAL), above, for more information.

FDC (LEGAL) ADMISSIONS
HOMELESS STUDENTS

Each campus within a district with 3,000 or more students and located in a county with a population of at least 50,000 that maintains an Internet website must post on the website information regarding local programs and services available to assist homeless students in a format and style that is easily understandable by students or parents. A school district is not liable for any harm to a student that results in connection with a local homeless program or service advertised on a school's website. This change is from HB 1559. See WEBSITE INFORMATION ON LOCAL PROGRAMS.

FEA (LEGAL) ATTENDANCE
COMPULSORY ATTENDANCE

HB 2398, which made significant changes to the truancy laws, prompted revisions throughout this legally referenced policy on compulsory attendance.

- The bill extends COMPULSORY ATTENDANCE through age 18, rather than through age 17.

- At VOLUNTARY ENROLLMENT OF STUDENTS 19 AND OVER, a student who voluntarily attends or enrolls after his or her 19th (rather than 18th) birthday is required to attend school for the entire period the program of instruction is offered. HB 2398 adds a requirement for the district to send the student notice after the student's third unexcused absence stating that the student's enrollment can be revoked. HB 2398 continues to allow a school district to revoke the enrollment of a voluntarily enrolled student if the person has more than five unexcused absences in a semester, except now the district may not revoke enrollment on a day on which the student is physically present at school. As an alternative to revoking enrollment, a district may impose a behavior improvement plan.
- HB 2398 removes the criminal offense of Failure to Attend School for students under Education Code 25.094 and adds an option to refer a student in a civil case to specific TRUANCY COURTS. In the WARNING NOTICE that must be issued at the beginning of each school year, a district must explain that if a student is absent from school on ten or more days or parts of days within a six-month period, the student is subject to referral to truancy court. Parents remain subject to criminal prosecution.
- If a student is absent on three or more days or parts of days within a four-week period, the NOTICE OF ABSENCES to the parent must explain that the student is subject to the imposition of TRUANCY PREVENTION MEASURES.
- At STUDENT LIABILITY, "truant conduct" is defined as failing to attend on ten or more days or parts of days within a six-month period, and no longer includes failing to attend on three or more days or parts of days within a four-week period. Likewise, truancy is no longer considered conduct indicating a need for supervision under the Family Code.
- Based on the definition of “child” to mean a person who is 12 years of age or older and younger than 19 years of age, a district cannot file a referral against a student age 19 or older.
- As with the previous AFFIRMATIVE DEFENSE for the offense of failure to attend, a student has an affirmative defense to an allegation of truant conduct if the student can show that the absence was or should have been excused or was involuntary.
- As described at DISTRICT COMPLAINT OR REFERRAL, after ten or more unexcused absences within a six-month period, a district must refer a student to truancy court and may file a complaint against the student's parent.

On page 4 at CHILDREN IN CONSERVATORSHIP OF DFPS, revisions from SB 206 clarify that absences are excused for compulsory attendance purposes when the Department of Family and Protective Services determines and documents that the absences are because the student is participating in an activity required under a court-ordered service plan or any other court-ordered activity, provided it is not practicable to schedule the student’s participation in the activity outside of school hours.

For a side-by-side comparison of the truancy laws before and after HB 2398 and a memo on truancy prevention measures, see TASB Legal Services’ *The Principal’s Guide to Truancy*, available on eSource at: https://www.tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Students/documents/principals_guide_to_truancy_aug15.pdf.

FEA (LOCAL) ATTENDANCE
COMPULSORY ATTENDANCE

As explained above at FEA(LEGAL), HB 2398 extends compulsory attendance to students through age 18 and requires a student who voluntarily attends or enrolls after his or her 19th birthday to attend school for the entire period the program of instruction is offered. A district can no longer make a truancy referral against a student age 19 or older who is voluntarily enrolled, but who fails to attend school. Because the law already requires these students to attend school through the end of the school year, we recommended deletion of the local policy provision to the same effect.

Also based on the above change to the age of compulsory attendance, we have revised the district's provisions at WITHDRAWAL FOR NONATTENDANCE to make them applicable to students under the age of 19 and adjusted the reference to FEA(LEGAL) for withdrawal of students age 19 or older.

For better context of the district's local provisions on EXCUSED ABSENCES for HIGHER EDUCATION VISITS and EARLY VOTING OR ELECTION CLERKS, we have added an acknowledgment that these absences are in addition to the excused absences required by law.

FEB (LEGAL) ATTENDANCE
ATTENDANCE ACCOUNTING

At CHILDREN IN CONSERVATORSHIP OF DFPS, revisions from SB 206 clarify that a student not on campus during the time when attendance is taken is still considered to be in attendance for funding purposes if the Department of Family and Protective Services determines and documents that the absences are because the student is participating in an activity required under a court-ordered service plan or any other court-ordered activity, provided it is not practicable to schedule the student's participation in the activity outside of school hours.

FEC (LOCAL) ATTENDANCE
ATTENDANCE FOR CREDIT

Recommended revisions to this policy on attendance committees are to improve the structure and provide better context for when the policy applies. The policy begins with the explanation that it applies when a student has not been in attendance for 90 percent of the days that the class is offered.

Also moved to the beginning of the policy is the statement based on Attorney General Opinion JC-0398 that all absences must be considered in determining whether a student has attended the required percentage of days.

Because the provision at GUIDELINES ON EXTENUATING CIRCUMSTANCES requiring the committee to ensure that its decision is in the best interest of the student is an overarching standard that applies in all decisions, the text has been removed from the list and made a stand-alone provision. See BEST INTEREST STANDARD.

The statement at APPEAL PROCESS has been simplified to give the district more flexibility by deleting the reference to the specific level at which the appeal of the attendance committee's decision must begin.

FED (LEGAL) ATTENDANCE
ATTENDANCE ENFORCEMENT

As described above at FEA(LEGAL), HB 2398 made significant changes to the truancy laws:

- As described at DISTRICT COMPLAINT OR REFERRAL, after ten or more unexcused absences within a six-month period, a district must refer a student to truancy court and may file a complaint against the student's parent. However, a district may delay the referral of a student or choose not to refer the student if the truancy prevention measures that the district is applying to the student are succeeding and it is in the best interest of the student to delay or not make the referral.
- A district cannot file a truancy referral if the student's truancy is the result of pregnancy, being in foster care, homelessness, or being the principal income earner for the student's family.
- A court will dismiss a complaint or referral that does not meet the FILING REQUIREMENTS.
- Provisions on EXPUNCTION OF RECORDS have also been added.

- The bill amends the POWERS AND DUTIES of an attendance officer, including a PEACE OFFICER serving as an attendance officer, by removing the authority of an officer to take a student into custody with the permission of the parent or pursuant to a court-ordered legal process.
- The bill adds TRUANCY PREVENTION MEASURES that must be applied prior to referral to court for truant conduct. A school district must refer the student to counseling, mediation, mentoring, a teen-court program, or other in-school or out-of-school service aimed at addressing the truancy or must impose either a behavior improvement plan or school-based community service. A district is required to offer counseling to a student who is truant because of pregnancy, being in the state foster program, homelessness, or being the principal income earner for the student's family.
- HB 2398 also requires a school district to employ a TRUANCY PREVENTION FACILITATOR OR JUVENILE CASE MANAGER or designate an existing district employee or juvenile case manager to serve in the role. Existing provisions allowing a district, on approval of the school board, to employ or jointly employ a juvenile case manager were revised to permit a district to jointly contribute to the costs when another entity employs the case manager.

For a side-by-side comparison of the truancy laws before and after HB 2398 and a memo on truancy prevention measures, see TASB Legal Services' *The Principal's Guide to Truancy*, available on eSource at: https://www.tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Students/documents/principals_guide_to_truancy_aug15.pdf.

Additional resources will be included in the next update to the *TASB Regulations Resource Manual*.

FFAC (LEGAL) WELLNESS AND HEALTH SERVICES
MEDICAL TREATMENT

Over-the-counter topical SUNSCREEN PRODUCTS may be used by a student on school property or at a school-related event as permitted by SB 265. The bill does not waive any immunity from liability or create any liability or cause of action against a school district, its board of trustees, or its employees.

At MAINTENANCE AND ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS, on page 5, SB 66 addresses school district administration of district-provided epinephrine auto-injectors to individuals reasonably believed to be experiencing anaphylaxis on a school campus, at an off-campus school event, or while in transit to or from a school event.

A district that chooses to authorize trained volunteers and school personnel, defined to include employees and board members, to administer epinephrine auto-injectors as permitted by SB 66 must adopt a policy that meets certain requirements and must provide written NOTICE TO PARENTS before the policy is implemented and before the start of each school year. The policy is required to provide that authorized and trained school personnel and volunteers may administer epinephrine to a person who is reasonably believed to be experiencing anaphylaxis on a school campus; SB 66 gives the district a choice whether trained individuals may do so at an off-campus school event or while in transit to or from a school event.

Each district that has an epinephrine policy must require that each campus have one or more authorized and trained school personnel or volunteers present to administer an epinephrine auto-injector during all hours the campus is open. Epinephrine auto-injectors must be stored in a secure location and be easily accessible.

The campus must file REPORTS within ten days of a trained individual administering epinephrine. Information on TRAINING requirements and the authority of a physician to provide the district with a STANDING ORDER for epinephrine has also been included. A district may accept GIFTS, GRANTS, AND DONATIONS to implement its program.

This bill provides IMMUNITY FROM LIABILITY, both civil and criminal, or disciplinary action for a person who in good faith takes, or fails to take, any action under an epinephrine auto-injector policy.

See FFAC(LOCAL), below, for information on local policy addressing this new law.

FFAC (LOCAL) WELLNESS AND HEALTH SERVICES
MEDICAL TREATMENT

As described above at FFAC(LEGAL), SB 66 requires a school district to adopt a policy meeting certain requirements if the district chooses to authorize trained school personnel and volunteers to administer epinephrine auto-injectors to individuals reasonably believed to be experiencing anaphylaxis on a school campus, at off-campus school events, or while in transit to or from a school event. A district must provide parents written notice before the policy is implemented and before the start of each school year. **If your district wishes to implement a program for epinephrine administration or if your district currently has a program to administer district-provided epinephrine, please contact the district's policy consultant for assistance in creating a draft policy for board adoption.**

Please note that if a student has a prescription for epinephrine, the district should follow its existing policies and applicable procedures for administering medication at FFAC and FFAF.

FFAF (LEGAL) WELLNESS AND HEALTH SERVICES
CARE PLANS

As reflected at STUDENTS AT RISK FOR ANAPHYLAXIS, if a district adopts a policy to authorize administration of epinephrine auto-injectors as permitted by SB 66 [see FFAC(LEGAL], above), the district is not required to adopt and administer a policy for the care of students with a diagnosed food allergy as otherwise required by law. Because the policies address different issues, however, TASB Policy Service recommends that districts retain existing policy on the care of students with diagnosed food allergies.

FFD (LEGAL) STUDENT WELFARE
STUDENT INSURANCE

HB 744 extends the coverage of insurance that school districts may obtain for students participating in athletic competitions or school-sponsored activities by deleting the requirement that the school-sponsored activity must occur on a school campus. See PURCHASING INSURANCE.

FFG (LEGAL) STUDENT WELFARE
CHILD ABUSE AND NEGLECT

In accordance with SB 219, we have:

- Revised terminology to refer to a "person with a disability" rather than "disabled persons" [see ABUSE OF PERSONS WITH DISABILITIES and ADULT VICTIMS OF ABUSE]; and
- Amended the list of entities to which a report of abuse or neglect may be made to delete the reference to an agency designated by the court to be responsible for the protection of children [see TO WHOM REPORTED].

The offense of COERCION was amended by HB 1783 to apply to a "public servant, including a school administrator" rather than to an "employee."

If the Department of Family and Protective Services conducts an INVESTIGATION of child abuse or neglect involving a district employee, the department shall, on request, provide a copy of the completed report of the investigation to the school board, the superintendent, and the principal. This is required by SB 206.

FNCD (LEGAL) STUDENT CONDUCT
TOBACCO USE AND POSSESSION

Revisions at USE OR POSSESSION BY STUDENTS are from SB 97, which requires a school district to prohibit students from smoking, using, or possessing e-cigarettes at a school-related or school-sanctioned activity on or off school property. A definition of e-cigarette is included.

FNCG (LEGAL) STUDENT CONDUCT
WEAPONS

Revisions throughout this legally referenced policy on weapons are from SB 107. This bill deleted from statute the detailed list of prohibited weapons in lieu of references to Penal Code sections 46.02 (UNLAWFUL CARRYING OF WEAPONS) and 46.05 (PROHIBITED WEAPONS), which are included in the policy. As a result of these changes, a student is subject to mandatory expulsion only for possession of an "illegal knife," a knife with a blade over five and a half inches, and not for shorter knives.

SB 473 creates an exception from sections of the PROHIBITED WEAPONS offense if the individual has registered the weapon or firearm with the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or the weapon or firearm is classified as a curio or relic by the U.S. Department of Justice.

FNF (LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

School administrators frequently ask about their authority to search a student's cell phone. New provisions from HB 1396 do not address a school administrator's authority to search a student's cell phone but do clarify this issue when a peace officer is conducting the search. The bill provides that a peace officer may not search a person’s cellular telephone or other wireless communications device pursuant to a lawful arrest of the person without obtaining a warrant, subject to several exceptions.

FO (LEGAL) STUDENT DISCIPLINE

SB 107 creates the position of CAMPUS BEHAVIOR COORDINATOR (CBC). Each campus must designate a CBC, which may be the principal of the campus or any other campus administrator selected by the principal.

The CBC is responsible for maintaining student discipline and implementing any duties assigned by law and as established by campus or district policy. Unless otherwise provided by campus or district policy, SB 107 requires the CBC to perform the duties imposed on a campus principal under Education Code Chapter 37 and permits the CBC to exercise a power granted to a campus principal or other campus administrator under Chapter 37.

In addition, a CBC must provide written notice to a parent when a student is placed into in-school or out-of-school suspension, DAEP, expelled, placed in a JJAEP, or is taken into custody by law enforcement.

If the CBC has not made contact with the parent by telephone or in person by 5 p.m. of the first business day after the day a disciplinary action was taken, the CBC must mail written notice to the parent. If the CBC is unavailable or unable to provide the required notice, the principal or designee is required to provide the notice.

For further information see the TASB Policy Service *2015 Model Student Code of Conduct*.

FOA (LEGAL) STUDENT DISCIPLINE
REMOVAL BY TEACHER OR BUS DRIVER

At INFORMAL REMOVAL, a teacher referring a student out of the classroom for misconduct must now make that referral directly to the campus behavior coordinator (CBC) in accordance with SB 107. The CBC shall respond with appropriate discipline techniques and, if the student's behavior does not improve, must employ alternative discipline management techniques, including any progressive interventions as permitted by the district's student code of conduct.

The CBC is required to consider self-defense and the other MITIGATING FACTORS listed in statute prior to ordering suspension.

As explained in the note at bottom of page 1, a power granted to a campus principal under Chapter 37 may be exercised by the CBC.

FOC (LEGAL) STUDENT DISCIPLINE
PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

SB 107 revises the PROCESS FOR REMOVAL when a teacher removes a student from class. Pursuant to the bill, the campus behavior coordinator (CBC) or other appropriate administrator must schedule the conference with the parents and teacher.

The CBC is required to consider self-defense and the other MITIGATING FACTORS listed in statute prior to ordering removal to a DAEP.

A reference to the CBC has also been added at APPEAL.

FOD (LEGAL) STUDENT DISCIPLINE
EXPULSION

Revisions at MANDATORY EXPULSION on page 1 are from SB 107. This bill deleted from statute the detailed list of prohibited weapons in lieu of references to Penal Code sections 46.02 (unlawful carrying of weapons) and 46.05 (prohibited weapons), which are included in full at FNCG(LEGAL). As a result of these changes, a student is subject to mandatory expulsion only for possession of an "illegal knife," a knife with a blade over five and a half inches, and not for shorter knives.

Existing text from the federal Gun-Free Schools Act that creates an exception for having a firearm at a school if it is for an approved district activity was added at FEDERAL FIREARM PROVISION.

SB 107 revises how EXPULSION PROCEEDINGS are handled and requires the board or board's designee to consider self-defense and the other MITIGATING FACTORS listed in statute prior to ordering expulsion.

Revisions at DUE PROCESS are to better track existing statutory language.

GA (LEGAL) ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES

SB 2065 addresses RELIGIOUS FREEDOM. If a religious organization, an employee of such an organization, or a clergy or minister exercises the right not to provide marriage-related services because of a sincerely held religious belief, the district may not penalize or withhold benefits or privileges from the organization or individual.

GBA (LEGAL) PUBLIC INFORMATION PROGRAM
ACCESS TO PUBLIC INFORMATION

Multiple bills affected this legally referenced policy on access to public information. Significant changes are described with the relevant bill number in parenthesis.

With some exceptions, a recording from a BODY-WORN CAMERA is public information. (SB 158)

Information that is a student record is confidential and excepted from required disclosure. STUDENT RECORDS are records as defined by FERPA and also include information in a record of an applicant for admission to an educational institution, including a transfer applicant. The applicant for admission or the applicant's parent or guardian is entitled to access the information provided by the applicant. (HB 4046)

A person is limited to four attempts to pass an EDUCATOR CERTIFICATION EXAM, therefore the provision referring to additional attempts has been deleted. (HB 2205)

Upon a parent's request, a district must disclose whether any employee has been appointed a school marshal. The district may not disclose a SCHOOL MARSHAL's IDENTITY. (SB 996)

E-mail addresses or personal phone numbers of ELECTION JUDGES AND CLERKS are confidential and do not constitute public information under the Public Information Act, subject to certain exceptions. (HB 2160)

GBAA (LEGAL) INFORMATION ACCESS
REQUESTS FOR INFORMATION

HB 685 provides that an officer for public information for the district may comply with a request for public information by referring a requestor to an exact Internet location or URL address on a website maintained by the district and accessible to the public if the requested information is identifiable and readily available on that website. The district must provide notice that the requestor may inspect the information or receive copies by mail. See LOCATION OF ACCESS on page 3.

If a requestor sends a request for public information by e-mail, the district may also send by e-mail any REQUESTS TO NARROW OR CLARIFY the original request. This change is from HB 2134.

GKA (LEGAL) COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

Revisions at TOBACCO AND E-CIGARETTES are from SB 97, which requires a school district to prohibit anyone from using e-cigarettes at a school-related or school-sanctioned activity on or off school property and makes conforming changes to the related CRIMINAL PENALTY.

Because of HB 910 authorizing open carry of handguns in a shoulder or belt holster by a licensed individual, **effective January 1, 2016**, a license to carry a concealed handgun will be called a license to carry a handgun and has been adjusted as appropriate throughout the policy. Also as a result of the new legislation, we have added on page 6 a new TRESPASS provision on OPEN CARRY OF A HANDGUN, which is similar to the existing trespass provision on concealed handguns. Text at INTERSCHOLASTIC EVENTS and BOARD MEETINGS has been updated to include references to the new open carry law.

SB 273 provides that a district may not post a sign prohibiting a handgun license holder from having a concealed handgun on the 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 state law. See UNAUTHORIZED NOTICE on page 6.

On page 7, SB 273 revises the provisions that apply to a license holder having a handgun at BOARD MEETINGS. The bill provides that a license holder commits an offense if the holder intentionally, knowingly, or recklessly carries a handgun in the room or rooms where a meeting of a governmental entity is held if the meeting is an open meeting subject to the Open Meetings Act.

GKA (LOCAL) COMMUNITY RELATIONS
CONDUCT ON SCHOOL PREMISES

Changes in state law from HB 910, effective January 1, 2016, allow open carry of firearms by license holders in limited circumstances. Districts that wish to pursue criminal trespass charges against license holders for open carry in certain locations must post appropriate signage. Changes in state law from SB 273 prohibit a school district from posting signs that bar a handgun license holder from having a concealed handgun where the license holder is not otherwise prohibited by law from having a concealed handgun. A district may post signs at the entrances to its buildings prohibiting a license holder from carrying a firearm into district buildings. See GKA(LEGAL), above, for more information.

The recommended revision at WEAPONS is to conform with these changes in law and prohibits the "unlawful" use, possession, or display of weapons, including firearms. The provisions at this local policy apply to community members. Because a district can impose different rules on possession of firearms by district employees, based on the employment relationship, we have made recommendations at DH(LOCAL), above.

The addition at TOBACCO AND E-CIGARETTES is based on SB 97, which requires a school district to prohibit anyone from smoking or using e-cigarettes at a school-related or school-sanctioned activity on or off school property.

GNC (LEGAL) RELATIONS WITH EDUCATIONAL ENTITIES
COLLEGES AND UNIVERSITIES

The types of INSTRUCTIONAL PARTNERSHIPS WITH COMMUNITY COLLEGE DISTRICTS were revised by state rule to include college preparatory programs for high school students.

A school district located wholly or partly in Harris County may enter into a DROPOUT RECOVERY PROGRAM articulation agreement with a college district located wholly or partly in Harris County. This change is from SB 1004.

GRA (LOCAL) RELATIONS WITH GOVERNMENTAL ENTITIES
STATE AND LOCAL GOVERNMENTAL AUTHORITIES

At STUDENTS TAKEN INTO CUSTODY, the district's current policy includes a statement that if an officer or other authorized person arresting or taking a student into custody raises a valid objection to the principal immediately notifying the parent at the time, the principal shall not notify the parent. However, as explained at FO(LEGAL), above, the campus behavior coordinator is required to provide written notice to a parent, within the time period described in law, when a student is taken into custody by law enforcement under Chapter 37 of the Education Code. We have added a cross-reference to FO as a reminder of this obligation.

We have lightly edited items 2 and 3, dating back to 2000, at OTHER QUESTIONING OF STUDENTS, requiring the superintendent or a designee to be notified if an objection to notifying a parent or having a third party present during an interview is raised. If this information is no longer accurate, please contact your policy consultant for revised language.

GRC (LEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES
EMERGENCY MANAGEMENT

New provisions from SB 1574 beginning on page 4 require a district that employs or uses the services of an emergency response employee (including a peace officer) or volunteer to nominate a designated INFECTION CONTROL OFFICER and an alternate designated infection control officer to be responsible for certain activities in the event of a potential exposure of an emergency response employee or any other employee to a reportable disease. The district must notify local health authorities or health-care facilities of the district's designated infection control officer or alternate officer.

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 A: BASIC DISTRICT FOUNDATIONS

AA	DISTRICT LEGAL STATUS
AB	DISTRICT NAME
AC	GEOGRAPHIC BOUNDARIES
AE	EDUCATIONAL PHILOSOPHY
AF	INNOVATION DISTRICTS
AG	HOME-RULE DISTRICTS
AH	OPEN-ENROLLMENT CHARTER SCHOOLS
AI	ACCOUNTABILITY
AIA	ACCREDITATION AND PERFORMANCE INDICATORS
AIB	PERFORMANCE REPORTING
AIC	INVESTIGATIONS AND SANCTIONS
AID	FEDERAL ACCOUNTABILITY STANDARDS

DISTRICT OF INNOVATION

A district is eligible for designation as a district of innovation if the district's most recent performance rating under Education Code 39.054 reflects at least acceptable performance.

Consideration of designation as a district of innovation may be initiated by a resolution adopted by the board or a petition signed by a majority of the members of the district-level committee [see BQA].

Education Code 12A.001

PUBLIC HEARING

Promptly after adopting a resolution or receiving a petition for consideration as a district of innovation, a board shall hold a public hearing to consider whether the district should develop a local innovation plan for the designation of the district as a district of innovation.

At the conclusion of the public hearing or as soon as possible after conclusion of the public hearing, the board may decline to pursue designation of the district as a district of innovation or appoint a committee to develop a local innovation plan.

Education Code 12A.002

LOCAL INNOVATION PLAN

A local innovation plan must be developed for a district before the district may be designated as a district of innovation.

The local innovation plan must provide for a comprehensive educational program for the district, which program may include:

1. Innovative curriculum, instructional methods, and provisions regarding community participation, campus governance, and parental involvement;
2. Modifications to the school day or year [see EB, EC];
3. Provisions regarding the district budget and sustainable program funding;
4. Accountability and assessment measures that exceed the requirements of state and federal law; and
5. Any other innovations prescribed by the board of trustees.

The plan must also identify requirements imposed by the Education Code that inhibit the goals of the plan and from which the district should be exempted on adoption of the plan, subject to Education Code 12A.004. [See EXCEPTIONS, below]

The Commissioner shall maintain a list of provisions from which designated districts of innovation are exempt. The Commissioner

shall notify the legislature of each provision from which districts enrolling a majority of students in this state are exempt.

Education Code 12A.003, 12A.004(b)

EXCEPTIONS

A local innovation plan may not provide for the exemption of a district from the following:

1. Education Code Chapter 11, Subchapters A (Accreditation), C (Board of Trustees), D (Powers and Duties of Board), and E (Superintendents and Principals), except that a district may be exempt from Sections 11.1511(b)(5) (district- and campus-level planning), 11.1511(b)(14) (board's role in termination and nonrenewal of educator contracts), and 11.162 (school uniforms);
2. State curriculum and graduation requirements adopted under Education Code Chapter 28; and
3. Academic and financial accountability and sanctions under Education Code Chapter 39.

Education Code 12A.004(a)

ADOPTION OF LOCAL INNOVATION PLAN

The board may not vote on adoption of a proposed local innovation plan unless:

1. The final version of the proposed plan has been available on the district's website for at least 30 days;
2. The board has notified the Commissioner of the board's intention to vote on adoption of the proposed plan; and
3. The district-level committee [see BQA] has held a public meeting to consider the final version of the proposed plan and has approved the plan by a majority vote of the committee members. The meeting may occur immediately before and on the same date as the meeting at which the board intends to vote on adoption of the proposed plan.

The board may adopt a proposed local innovation plan by an affirmative vote of two-thirds of the membership of the board.

On adoption of a local innovation plan, the district is designated as a district of innovation for the term specified in the plan and shall begin operation in accordance with the plan. In addition, the district is exempt from state requirements identified under Education Code 12A.003(b)(2). [See LOCAL INNOVATION PLAN, above]

Education Code 12A.005

TERM — The term of a district's designation as a district of innovation may not exceed five years. *Education Code 12A.006*

AMENDMENT, RESCISSION, OR RENEWAL OF LOCAL INNOVATION PLAN — A local innovation plan may be amended, rescinded, or renewed if the action is approved by a vote of the district-level committee [see BQA] and the board in the same manner as required for initial adoption of a local innovation plan. *Education Code 12A.007*

TERMINATION BY COMMISSIONER

DISCRETIONARY TERMINATION — The Commissioner may terminate a district's designation as a district of innovation if the district receives for two consecutive school years:

1. An unacceptable academic performance rating under Education Code 39.054;
2. An unacceptable financial accountability rating under Education Code 39.082; or
3. An unacceptable academic performance rating under Education Code 39.054 for one of the school years and an unacceptable financial accountability rating under Education Code 39.082 for the other school year.

Instead of terminating a district's designation, the Commissioner may permit the district to amend the local innovation plan to address concerns specified by the Commissioner.

Education Code 12A.008(a)–(b)

MANDATORY TERMINATION — The Commissioner shall terminate a district's designation as a district of innovation if the district receives for three consecutive school years:

1. An unacceptable academic performance rating under Education Code 39.054;
2. An unacceptable financial accountability rating under Education Code 39.082; or
3. Any combination of one or more unacceptable ratings Education Code 39.054 and one or more unacceptable ratings under Education Code 39.082.

Education Code 12A.008(c)

NO APPEAL — The Commissioner’s decision to terminate a district’s designation as a district of innovation is final and may not be appealed. *Education Code 12A.008(d)*

MONITORING REVIEWS AND ON-SITE INVESTIGATIONS

The Commissioner may direct TEA to conduct monitoring reviews and random on-site visits of a district at any time, as authorized by Education Code 7.028, only as necessary to ensure:

1. Compliance with federal law and regulations;
2. Financial accountability, including compliance with grant requirements; and
3. Data integrity for purposes of:
    a. The Public Education Information Management System (PEIMS); and
    b. Accountability under Education Code Chapter 39.

A monitoring review may include desk reviews and on-site visits, including random on-site visits. In conducting a monitoring review, TEA may obtain information from administrators, other district employees, parents of students enrolled in the district, and other persons as necessary.

The Commissioner may at any time convert a monitoring review to a special accreditation investigation under Education Code 39.057, provided the Commissioner promptly notifies the district of the conversion. The agency shall give written notice to the superintendent and the board of any impending investigation of the district's accreditation.

TEA shall report in writing to the superintendent and president of the board and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers. A district that takes action with regard to the recommendations provided by TEA shall make a reasonable effort to seek assistance from a third party in developing an action plan to improve district performance using improvement techniques that are goal-oriented and research-based.

As a result of the investigation, the Commissioner may change the accreditation status of a district, change the accountability rating of a district or campus, or withdraw a distinction designation.

Education Code 7.028, 39.056

SPECIAL ACCREDITATION INVESTIGATIONS

The Commissioner may authorize a special accreditation investigation:

1. When excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;
2. When excessive numbers of allowable exemptions from the required state assessment are determined;

3. In response to complaints to the agency of alleged violations of civil rights or other requirements imposed on the state by federal law or court order;

4. In response to established compliance reviews of the district's financial accounting practices and state and federal reporting requirements;

5. When extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Education Code 37.006 and 37.007, are determined;

6. In response to an allegation involving a conflict between members of the board or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by the Education Code. If the agency's findings indicate the board has observed a lawfully adopted policy, the agency may not substitute its judgment for that of the board;

7. When excessive numbers of students in special education programs are assessed through modified assessment instruments;

8. In response to an allegation regarding, or an analysis using a statistical method result indicating, a possible violation of an assessment instrument security procedure;

9. When a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily on the state assessments;

10. When excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the Commissioner;

11. When resource allocation practices indicate a potential for significant improvement in resource allocation;

12. When a disproportionate number of students of a particular demographic group is graduating with a particular endorsement;

13. When an excessive number of students is graduating with a particular endorsement;

14. In response to repeated complaints concerning imposition of excessive paperwork requirements on classroom teachers;

15. In response to a complaint with respect to alleged inaccurate data that is reported through the Public Education Information Management System (PEIMS) or through other reports required by state or federal law or rule or court order and that is used by the agency to make a determination relating to public school accountability, including accreditation, under Education Code Chapter 39; or

16. As the Commissioner otherwise determines necessary.

Education Code 39.057(a)–(c)

TEA shall adopt written procedures for conducting special accreditation investigations, including procedures that allow TEA to obtain information from district employees in a manner that prevents a district or campus from screening the information. *Education Code 39.057(a)*

Based on the results of a special accreditation investigation, the Commissioner may take one of the actions listed below, lower the district's accreditation status or a district's or campus's performance rating, or both. Regardless of whether the Commissioner takes such actions, the Commissioner may impose one of the district- or campus-level interventions or sanctions listed at INTERVENTIONS AND SANCTIONS. *Education Code 39.057(d), (e)*

INTERVENTIONS AND SANCTIONS

DISTRICT-LEVEL

If a district does not satisfy the accreditation criteria, the academic performance standards, or any financial accountability standard, or if considered appropriate by the Commissioner on the basis of a special accreditation investigation under Education Code 39.057, the Commissioner shall take any of the following actions to the extent the Commissioner determines necessary:

1. Issue public notice of the deficiency to the board;

2. Order the board to conduct a hearing to notify the public of insufficient performance, expected improvements, and potential interventions and sanctions;

3. Order the preparation of a student achievement improvement plan;

4. Order the president of the board and superintendent to appear at a hearing before the Commissioner or designee to explain the district's low performance, lack of improvement, and plans for improvement;

5. Arrange a monitoring review;

6. Appoint a TEA monitor to participate in and report to TEA on the activities of the board and superintendent;

7. Appoint a conservator to oversee district operations. The duties and powers of a conservator are set forth at Education Code 39.111;

8. Appoint a management team to direct the operations of the district in areas of insufficient performance, or require the district to obtain certain services under contract with another person. The duties and powers of a management team are set forth at Education Code 39.111;

9. If the district's status is accredited-warned or accredited-probation, or if the district fails to satisfy any standard under Education Code 39.054(e) (student achievement indicators in relation to state standards and required improvement), appoint a board of managers to exercise the powers and duties of the board. The duties and powers of a board of managers are set forth at Education Code 39.112;

10. If the district has received a status of accredited-warned or accredited-probation for two consecutive school years, including the current school year, has failed to satisfy any standards under Section 39.054(e) (student achievement indicators in relation to state standards and required improvement), or has failed to satisfy financial accountability standards, revoke the district's accreditation and:

    a. Order closure of the district and annex it to one or more adjoining districts; or

    b. In the case of a home-rule school district charter, order closure of all programs operated under the district's charter; or

11. If the district has failed to satisfy any student achievement indicator standard, impose sanctions designed to improve high school completion rates.

Education Code 39.102(a)

If a district has had a conservator or management team assigned for two consecutive school years, the Commissioner may appoint a board of managers to exercise the powers and duties of the district's board. The majority of the board of managers must be residents of the district. *Education Code 39.102(b)*

CAMPUS-LEVEL

If a campus's performance satisfies the standards under Education Code 39.054(e) (student achievement indicators in relation to state standards and required improvement) for the current school year, but would not satisfy the standards for the following school year, the Commissioner may request that the campus-level committee

revise and submit the portions of the campus improvement plan that are relevant to those areas for which the campus would not satisfy performance standards. *Education Code 39.105*

If a campus's performance is below any standard under Education Code 39.054(e) (student achievement indicators in relation to state standards and required improvement), the Commissioner shall take actions, to the extent the Commissioner determines necessary, under Education Code Chapter 39, Subchapter F. If the Commissioner determines that a campus subject to interventions or sanctions has implemented substantially similar interventions under federal accountability requirements, the Commissioner may accept those measures. *Education Code 39.103(a), (c)*

In addition, the Commissioner may:

1. Order the president of the board, superintendent, and the campus principal to appear at a hearing before the Commissioner or designee to explain the campus's low performance, lack of improvement, and plans for improvement; or

2. Establish a school community partnership team composed of members of the campus-level planning and decision-making committee and additional community representatives as determined appropriate by the Commissioner.

Education Code 39.103(b)

CAMPUS INTERVENTION TEAM

The Commissioner shall assign a campus intervention team to a campus whose performance is below any standard. [See Education Code 39.113 for composition of campus intervention team.] The campus intervention team shall:

1. Conduct an on-site needs assessment, as set forth at Education Code 39.106(a)(1) and (b);

2. Recommend appropriate actions relating to any area of insufficient performance, as set forth at Education Code 39.106(c);

3. Assist in the development of a targeted improvement plan, and in the execution of the plan as set forth at Education Code 39.106(d-3);

4. Conduct a public meeting at the campus, as set forth at Education Code 39.106(a)(4) and (a-1);

5. Assist the campus in submitting the targeted improvement plan to the board and the Commissioner for approval, and presenting the plan in a public hearing as provided by Education Code 39.106(e-1); and

6. Assist the Commissioner in monitoring the campus's progress in implementing the targeted improvement plan.

Education Code 39.106

After a targeted improvement plan or updated plan is submitted to the board, the board shall:

1. Conduct a hearing for the purpose of notifying the public of insufficient performance, expected improvements, and possible intervention measures and sanctions, and soliciting public comment on the plan. The board may conduct one hearing for one or more campuses.

2. Post the plan on the district's Internet website before the hearing; and

3. Submit the plan to the Commissioner for approval.

Education Code 39.106(d), (e-1)

CAMPUS TURNAROUND PLAN

After a campus has been identified as unacceptable for two consecutive school years, the Commissioner shall order the campus to prepare a turnaround plan.

A campus intervention team shall assist the campus in:

1. Developing an updated targeted improvement plan, including a campus turnaround plan. An updated targeted improvement plan must include all plans and details that are required to execute the campus turnaround plan without any additional action or approval by the board of trustees;

2. Submitting the plan to the board for approval and presenting the plan in a public hearing;

3. Obtaining approval of the plan from the Commissioner; and

4. Executing the plan.

Education Code 39.107(a), (b-3)

Before a campus turnaround plan is prepared and submitted for approval to the board, the district, in consultation with the campus intervention team, shall provide notice to parents, the community, and stakeholders that the campus has received an academically unacceptable performance rating for two consecutive years and will be required to submit a campus turnaround plan. The district shall request assistance from parents, the community, and stakeholders in developing the campus turnaround plan. *Education Code 39.107(a-2)*

The district, in consultation with the campus intervention team, shall prepare the campus turnaround plan and allow parents, the community, and stakeholders an opportunity to review the plan before it is submitted to the board for approval. A district may request that a regional education service center provide assistance in the development and implementation of a campus turnaround plan or partner with an institution of higher education to develop and implement a campus turnaround plan. *Education Code 39.107(b), (b-2)*

CONTENTS OF PLAN

A campus turnaround plan must include:

1. A detailed description of the academic programs to be offered at the campus, including instructional methods, length of school day and school year, academic credit and promotion criteria, and programs to serve special student populations;
2. The term of the charter, if a district charter is to be granted for the campus under Education Code 12.0522 [see EL];
3. Written comments from the campus-level committee [see BQB], if applicable, parents, and teachers at the campus; and
4. A detailed description of the budget, staffing, and financial resources required to implement the plan, including any supplemental resources to be provided by the district or other identified sources.

The plan must include details on the method for restructuring, reforming, or reconstituting the campus. If the district determines that granting a district charter under Education Code 12.0522 is appropriate for the campus, the campus turnaround plan must provide information on the implementation of the district charter. The plan must assist the campus in implementing procedures to satisfy all performance standards required under Education Code 39.054(e).

Education Code 39.107(b), (b-1)

A campus turnaround plan must take effect not later than the school year following the third consecutive school year that the campus has received an academically unacceptable performance rating. *Education Code 39.107(b-4)*

IMPLEMENTATION

Following approval of a campus turnaround plan by the Commissioner, the district, in consultation with the campus intervention team, may take any actions needed to prepare for the implementation of the plan.

If a campus for which a campus turnaround plan has been ordered receives an academically acceptable performance rating for the school year following the order, the board may implement the campus turnaround plan, implement a modified version of the campus turnaround plan, or withdraw the campus turnaround plan.

A district required to implement a campus turnaround plan may modify the plan if the campus receives an academically acceptable performance rating for two consecutive school years following the implementation of the plan.

The campus shall implement the updated targeted improvement plan. The Commissioner may appoint a monitor, conservator, management team, or board of managers to ensure and oversee district-level support to low-performing campuses and the implementation of the updated targeted plan.

Education Code 39.107(b-5)–(b-7), (c)

COMMISSIONER APPROVAL

The Commissioner may approve a campus turnaround plan only if the Commissioner determines that the campus will satisfy all student performance standards required under Education Code 39.054(e) not later than the second year the campus receives a performance rating following the implementation of the campus turnaround plan. If the Commissioner does not make this determination, the Commissioner shall order:

1. Appointment of a board of managers to govern the district as provided at Education Code 39.112(b);
2. Alternative management of the campus; or
3. Closure of the campus.

Education Code 39.107(d)

UNACCEPTABLE FOR THREE YEARS

If the campus is considered to have an unacceptable performance rating for three consecutive school years after the campus is ordered to submit a campus turnaround plan, the Commissioner shall order appointment of a board of managers for the district or closure of the campus. *Education Code 39.107(e)*

CLOSURE

If the Commissioner orders the closure of a campus, that campus may be repurposed to serve students at that campus location only if the Commissioner finds that the repurposed campus offers a distinctly different academic program and serves a majority of grade levels at the repurposed campus not served at the original campus, and approves a new campus identification number for the campus. The majority of students assigned to a campus that has been closed and repurposed may not have attended that campus in the

previous school year. Any student assigned to a campus that has been closed must be allowed to transfer to any other campus in the district that serves that student's grade level and on request must be provided transportation to the other campus. The Commissioner may grant an exemption allowing students assigned to a closed campus to attend the repurposed campus if there is no other campus in the district at which the students may enroll. *Education Code 39.107(e-1)*

BOARD OF MANAGERS

A board of managers appointed by the Commissioner is required to take appropriate actions to resolve the conditions that caused a campus to be subject to a turnaround order, including amending the district's budget, reassigning staff, or relocating academic programs.

The Commissioner may remove a board of managers only if the campus receives an academically acceptable performance rating for two consecutive school years. If the campus receives an academically unacceptable performance rating for two additional consecutive years following the appointment of the board of managers, the Commissioner may remove the board of managers and, in consultation with the local community, may appoint a new board of managers to govern the district.

Education Code 39.107(f)

The board of managers must, if possible, include community leaders, business representatives who have expertise in leadership, and individuals who have knowledge or expertise in the field of education. The Commissioner must provide each individual appointed to a board of managers with training in effective leadership strategies.

A board of managers shall, during the period of the appointment, order the election of members of the board of trustees of the district in accordance with applicable provisions of law. Except as provided by this subsection, the members of the board of trustees do not assume any powers or duties after the election until the appointment of the board of managers expires. Not later than the second anniversary of the date the board of managers of a district was appointed, the Commissioner shall notify the board of managers and the board of trustees of the date on which the appointment of the board of managers will expire. Following each of the last three years of the period of the appointment, one-third of the members of the board of managers shall be replaced by the number of members of the school district board of trustees who were elected at an election ordered under this subsection that constitutes, as closely as possible, one-third of the membership of the board of trustees. On the expiration of the appointment of the board of

managers, the board of trustees assumes all of the powers and duties assigned to a board of trustees by law, rule, or regulation.

Following the expiration of the period of appointment of a board of managers for a district, the Commissioner shall provide training in effective leadership strategies to the board of trustees.

Education Code 39.112(d-1)–(d-2), (e), (g)

If, before the second anniversary of the date the board of managers of a district was appointed, the Commissioner determines, after receiving local feedback, that insufficient progress has been made toward improving the academic or financial performance of the district, the Commissioner may extend the authority of the board of managers for a period of up to two additional years. *Education Code 39.112(f)*

PARENT REQUEST

The Commissioner shall order the specific action (repurposing, alternative management, or closure) requested by the parents of a majority of students enrolled at the campus, if the Commissioner is presented, in the time and manner specified by Commissioner rule, a written petition signed by the parents. The signature of only one parent per student is required.

If the board of the district in which the campus is located presents a written request that the Commissioner order a specific action (repurposing, alternative management, or closure) other than the action requested in the parents' petition and a written explanation of the basis for the board's request, the Commissioner may order the action requested by the board. The board's request must be presented to the Commissioner in the time and manner specified by Commissioner rule.

Education Code 39.107(e-2)–(e-3)

ALTERNATIVE MANAGEMENT

Following the removal of a board of managers under Education Code 39.107(f), or at the request of a managing entity appointed under Education Code 39.107(d) to oversee the implementation of alternative management, the Commissioner may appoint a conservator or monitor for the district to ensure district-level support for low-performing campuses and to oversee the implementation of the updated targeted improvement plan. *Education Code 39.107(g)*

The district shall execute a contract with a managing entity for a term not to exceed five years. The Commissioner may require a district to extend the term of the contract if the Commissioner determines that extending the contract on expiration of the initial term is in the best interest of the students attending the campus. The terms of the contract must be approved by the Commissioner. If a

campus receives an academically unacceptable performance rating for two consecutive school years after the managing entity assumes management of the campus, the Commissioner shall cancel the contract with the managing entity. *Education Code 39.107(g-1)*

Subject to Education Code 39.107(e), at the end of the contract term with a managing entity or the cancellation of a contract with a managing entity under Education Code 39.107(g-1), the board of trustees shall resume management of the campus. *Education Code 39.107(g-2)*

TRANSITIONAL INTERVENTIONS AND SANCTIONS

For a campus that received an academically unacceptable performance rating for the 2013–14, 2014–15, and 2015–16 school years, the Commissioner may apply the interventions and sanctions authorized by Education Code Chapter 39 as that chapter existed on January 1, 2015. If the campus receives an academically unacceptable performance rating for the 2016–17 and 2017–18 school years, the Commissioner shall apply the interventions and sanctions authorized by Education Code 39.107(e).

For a campus that received an academically acceptable performance rating for the 2013–14 school year and an academically unacceptable performance rating for the 2014–15 and 2015–16 school years, the Commissioner shall apply the interventions and sanctions authorized by Education Code 39.107(a). If the campus receives an academically unacceptable performance rating for the 2016–17, 2017–18, and 2018–19 school years, the Commissioner shall apply the interventions and sanctions authorized by Education Code 39.107(e).

Education Code 39.1071

If the Commissioner determines that the basis for the unsatisfactory performance of a campus for more than two consecutive school years is limited to a specific condition that may be remedied with targeted technical assistance, the Commissioner may require the district to contract for the appropriate technical assistance. *Education Code 39.107(i)*

NO NAME CHANGE

In reconstituting, repurposing, or imposing any other intervention or sanction on a campus, the Commissioner may not require that the name of a campus be changed. *Education Code 39.115*

PROFESSIONAL SERVICES

In addition to the other authorized interventions and sanctions, the Commissioner may order a district or campus to acquire professional services at the expense of the district or campus to address the applicable financial, assessment, data quality, program, performance, or governance deficiency. The Commissioner's order may require the district or campus to:

1. Select or be assigned an external auditor, data quality expert, professional authorized to monitor district assessment instrument administration, or curriculum or program expert; or

2. Provide for or participate in the appropriate training of district staff or board members, in the case of a district, or campus staff in the case of a campus.

Education Code 39.109

COSTS OF INTERVENTIONS AND SANCTIONS

The costs of providing a monitor, conservator, management team, campus intervention team, technical assistance team, managing entity, or service provider shall be paid by the district.

If the district fails or refuses to pay the costs in a timely manner, the Commissioner may pay the costs using amounts withheld from any funds to which the district is otherwise entitled, or recover the costs in the manner provided for recovery of an overallocation of state funds under Education Code 42.258. *Education Code 39.110*

APPEALS

The Commissioner shall provide a process for a district to challenge an academic or financial accountability rating. A district may not challenge an academic or financial accountability rating in another proceeding if the district had an opportunity to challenge the decision under the process provided by the Commissioner. *Education Code 39.151*

Note: The following provisions apply to a district with a central administrative office that is located in a county with a population of more than two million and that has a student enrollment that is more than 125,000 and less than 200,000, and that is operating under a turnaround plan.

STUDENT BOARD MEMBER

Notwithstanding Education Code 11.051(b) (regarding number of trustees on a school board), the board may adopt a resolution establishing as a nonvoting member a student trustee position. If a board adopts such a resolution, the board shall adopt a policy addressing the topics specified in statute. *Education Code 11.0511*

Note: This policy addresses the powers and duties of the board set forth in Education Code Chapter 11, Subchapter D. For other powers and duties of the board not listed below, see the applicable policy codes.

The trustees, as a body corporate, have the exclusive power and duty to govern and oversee the management of the public schools of a district. The trustees may adopt rules and bylaws necessary to carry out these powers and duties.

All powers and duties not specifically delegated by statute to TEA or the State Board of Education are reserved for the board.

Education Code 11.151(b), (d)

MANDATORY POWERS AND DUTIES

A board shall:

1. Seek to establish working relationships with other public entities to make effective use of community resources and to serve the needs of public school students in the community.
2. Adopt a vision statement and comprehensive goals for the district and the superintendent, and monitor progress toward those goals. [See AE]
3. Establish performance goals for the district concerning the academic and fiscal performance indicators under Education Code Chapter 39, Subchapters C, D, and J, and any performance indicators adopted by the district. [See AI series]
4. Ensure that the superintendent is accountable for achieving performance results, recognizes performance accomplishments, and takes action as necessary to meet performance goals. [See BJA]
5. Collaborate with the superintendent as set forth at Education Code 11.1512(b). [See BJA]
6. Adopt a policy to establish a district- and campus-level planning and decision-making process as required under Education Code 11.251. [See BQ series]
7. Publish an annual educational performance report as required under Education Code 39.306. [See AIB, BQ series]
8. Adopt an annual budget for the district as required under Education Code 44.004. [See CE]
9. Adopt a tax rate each fiscal year as required by Tax Code 26.05. [See CCG]

10. Monitor district finances to ensure that the superintendent is properly maintaining the district's financial procedures and records. [See CF series]

11. Ensure that district fiscal accounts are audited annually as required by Education Code 44.008. [See CFC]

12. Publish an end-of-year financial report for distribution to the community. [See CFA]

13. Conduct elections as required by law. [See BBB]

14. By rule, adopt a process through which district personnel, students or the parents or guardians of students, and members of the public may obtain a hearing from the district administrators and the board regarding a complaint. [See DGBA, FNG, and GF]

15. Make decisions relating to terminating the employment of district employees employed under a contract to which Education Code Chapter 21 applies, including terminating or not renewing an employment contract to which that chapter applies. [See DF series]

16. Select the internal auditor if a district employs an internal auditor. The internal auditor shall report directly to the board. *Education Code 11.170* [See DC]

17. Adopt a policy providing for the employment and duties of district personnel. *Education Code 11.1513* [See BJ series, DC series, and DEA series]

18. Limit redundant requests for information and the number and length of written reports that a classroom teacher is required to prepare. The board shall review paperwork requirements imposed on classroom teachers and transfer to existing non-instructional staff a reporting task that can reasonably be accomplished by that staff. *Education Code 11.164* [See DLB]

19. Carry out other powers and duties as provided by the Education Code or other law.

Education Code 11.1511(b), except as noted

DISCRETIONARY POWERS AND DUTIES

A board may:

1. Issue bonds and levy, pledge, assess, and collect an annual ad valorem tax to pay the principal and interest on the bonds as authorized under Education Code 45.001 and 45.003.

2. Levy, assess, and collect an annual ad valorem tax for maintenance and operation of a district as authorized under Education Code 45.002 and 45.003.

Education Code 11.1511(c)(1), (2) [See CCA and CCG]

3. Employ a person to assess or collect the district's taxes as authorized under Education Code 45.231. *Education Code 11.1511(c)(3)* [See BDAF]

4. Enter into contracts as authorized under the Education Code or other law and delegate contractual authority to a superintendent as appropriate. *Education Code 11.1511(c)(4)*

5. Sue and be sued in the name of the district. *Education Code 11.151(a)*

6. Receive bequests and donations or other moneys or funds coming legally into its hands in the name of the district. A conveyance, devise, or bequest of property for the benefit of the public schools, if not otherwise directed by the donor, vests the property in the board or their successors in office. *Education Code 11.151(a), .156* [See CDC]

7. Contract with a public or private entity for that entity to provide educational services for the district. *Education Code 11.157* [See EEL]

8. Charge fees as set forth at Education Code 11.158. *Education Code 11.158* [See FP]

9. Change the name of the district. *Education Code 11.160* [See AB]

10. Adopt rules that require students at a school in the district to wear school uniforms as set forth at Education Code 11.162. *Education Code 11.162* [See FNCA]

11. Adopt rules to keep school campuses, including school libraries, open for recreational activities, latchkey programs, and tutoring after school hours. *Education Code 11.165*

12. Operate a school or program or hold a class on the campus of an institution of higher education as set forth at Education Code 11.166. *Education Code 11.166* [See GNC]

13. Operate a school or program, including an extracurricular program, or hold a class outside the boundaries of the district. *Education Code 11.167* [See GNA]

DISTRICT PROPERTY

A board may acquire and hold real and personal property in the name of the district. All rights and titles to the school property of a district, whether real or personal, shall be vested in the trustees and their successors in office. *Education Code 11.151(a), (c)* [See CHG]

The board may, by resolution, authorize the sale of any property, other than minerals, held in trust for public school purposes. The trustees may, in any appropriate manner, dispose of property that is no longer necessary for the operation of the district. *Education Code 11.151(c), .154(a)* [See CI]

The board may, by resolution, authorize the donation of real property and improvements formerly used as a school campus to a municipality, county, state agency, or nonprofit organization as provided at Education Code 11.1541. *Education Code 11.1541* [See CDB]

Minerals in land belonging to the district may be sold to any person. The sale must be authorized by a resolution adopted by majority vote of the board. *Education Code 11.153* [See CDB]

RESTRICTIONS ON BOARD POWERS AND DUTIES

A board may not:

1. Enter into an agreement authorizing the use of district employees, property, or resources for the provision of materials or labor for the design, construction, or renovation of improvements to real property not owned or leased by the district, except as provided at Education Code 45.109. *Education Code 11.168* [See CE]

2. Impose taxes; issue bonds; use or authorize the use of district employees; use or authorize the use of district property, money, or other resources; or acquire property for the design, construction, renovation, or operation of a hotel. *Education Code 11.178* [See CE]

ELIGIBILITY

To be eligible to be a candidate for, or elected or appointed to, the office of school board member, a person must:

1. Be a United States citizen.
2. Be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable.
3. Have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote.
4. Have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities.
5. Be a resident of Texas and the district for the period of time described at RESIDENCY, below. *Tex. Const. Art. XVI, Sec. 14*
6. Be registered to vote. [See REGISTERED VOTER, below]

Election Code 1.020, 141.001(a), 601.009; Brown v. Patterson, 609 S.W.2d 287 (Tex. Civ. App.—Dallas 1980, no writ)

QUALIFIED VOTER

A person may not be elected board member of the district unless the person is a qualified voter. *Education Code 11.061(b)*

"Qualified voter" means a person who:

1. Is 18 years of age or older;
2. Is a United States citizen;
3. Has not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote;
4. Has not been finally convicted of a felony; *[See also Atty. Gen. Op. LO 96-114 (1996) (concluding that caveat at Election Code 11.002 does not mitigate blanket prohibition in Election Code 141.001, above at ELIGIBILITY)]*
5. Is a resident of this state; and
6. Is a registered voter.

Election Code 1.020, 11.002

RESIDENCY

To be eligible to be a candidate for, or elected or appointed to, the office of school board member, a person must have resided continuously in the state for 12 months and in the district for six months immediately preceding the following date:

1. For an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot.
2. For a write-in candidate, the date of the election at which the candidate's name is written in.
3. For an appointee to an office, the date the appointment is made.

Election Code 141.001(a)(5)

"RESIDENCE" DEFINED

"Residence" shall mean domicile, one's home and fixed place of habitation to which one intends to return after any temporary absence; one does not lose one's residence status by leaving to go to another place for temporary purposes only. A person does not acquire a residence in a place to which the person has come for temporary purposes only and without the intention of making that place the person's home. Residence shall be determined in accordance with the common-law rules, as enunciated by the courts of this state, except as otherwise provided by the Election Code. *Election Code 1.015*

Note: The issue of whether a candidate has satisfied residency requirements should be judicially determined. *State v. Fischer, 769 S.W.2d 619 (Tex. App.—Corpus Christi 1989, writ dism'd w.o.j)*

REGISTERED VOTER

To be eligible to be a candidate for, or elected or appointed to, the board, a person must be registered to vote in the territory from which the office is elected on the date described below:

1. For an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot.
2. For a write-in candidate, the date of the election at which the candidate's name is written in.
3. For an appointee to an office, the date the appointment is made.

Election Code 141.001(a)(6)

This introductory page outlines the contents of the elections policy. See the following sections for statutory provisions on:

SECTION I — Elections Generally

1. Membership and terms
2. General election date
3. Joint elections
4. Method of election
5. Boundary change notice
6. Methods of voting

SECTION II — Conducting Elections

1. Election services
2. Delivery/submission of election documents
3. Election order and notices
4. Filing information
5. Election of unopposed candidate
6. Ballot
7. Election judges and clerks
8. Polling places
9. Bilingual materials
10. Voting systems
11. Early voting
12. Conducting elections

SECTION III — Post-Election Procedures

1. Runoff election
2. Tie votes
3. Recounts
4. Canvass returns
5. Certificate of election
6. Officer’s statement
7. Oath of office
8. Election records
9. Destruction of records

SECTION I: ELECTIONS GENERALLY

MEMBERSHIP AND TERMS

The board consists of seven members serving terms of three years, with elections held annually. The terms of one-third of the Board members, or as near to one-third as possible, expire each year. *Education Code 11.051(b), .059*

Board policy shall state the schedule on which specific terms expire. *Education Code 11.059* [See BBB(LOCAL)]

GENERAL ELECTION DATE

Election of board members of the district shall be on the May uniform election date. *Election Code 41.001*

JOINT ELECTIONS REQUIRED

A district board member election shall be held on the same date as:

1. The election for the members of the governing body of a municipality located in the district;
2. The general election for state and county officers. The general election for state and county officers is the first Tuesday after the first Monday in November in even-numbered years;
3. The election for the members of the governing body of a hospital district, if the school district:
    a. Is wholly or partly located in a county with a population of less than 40,000 that is adjacent to a county with a population of more than three million; and
    b. Held its election for board members jointly with the election for the members of the governing body of the hospital district before May 2007; or
4. The election for the members of the governing board of a public junior college district in which the school district is wholly or partly located.

The district may enter into a joint election agreement with another political subdivision holding an election on the same day in all or part of the same county to conduct the election jointly. The election shall be held as a joint election under Election Code Chapter 271 and the voters shall be served by common polling places consistent with Election Code 271.003(b).

Education Code 11.0581; Election Code 271.002, .003, 42.002, .0621, 43.004

METHOD OF ELECTION

Election of board members is by position or place in accordance with Texas law. The decision to elect board members by this method shall not be rescinded. *Education Code 11.058*

BOUNDARY CHANGE NOTICE

A district that changes its boundaries shall not later than the 30th day after the date the change is adopted:

1. Notify the voter registrar of the county in which the area subject to the boundary change is located of the adopted boundary change; and

2. Provide the voter registrar with a map of an adopted boundary change in a format that is compatible with the mapping format used by the registrar's office.

Election Code 42.0615

METHODS OF VOTING

PLURALITY

To be elected to a public office, a candidate must receive a plurality of votes, more votes than any other candidate, except as otherwise provided by law. *Election Code 2.001*

MAJORITY VOTE OPTION

The board in which the positions of board members are designated by number may provide by resolution, not later than the 180th day before the date of an election, that a candidate must receive a majority of the votes cast for a position or in a board member district, as applicable, to be elected.

The resolution is effective until rescinded by a subsequent resolution adopted not later than the 180th day before the date of the first election to which the rescission applies.

Education Code 11.057(c)

SECTION II: CONDUCTING ELECTIONS

ELECTION SERVICES

If requested to do so by the district, a county elections administrator shall enter into a contract to furnish election services, as set forth at Election Code Chapter 31, Subchapter D. A county elections administrator is not required to enter into a contract to furnish elections services for an election held on the first Saturday in May in an even-numbered year. *Election Code 31.093, 41.001(d)*

DELIVERY OR SUBMISSION OF ELECTION DOCUMENTS

Unless otherwise provided by the Election Code, delivery, submission, or filing of an application, notice, report, or other document or paper with an employee of the district at the district's usual place for conducting official business constitutes filing with the district. The district may accept the document or paper at a place other than the authority's usual place for conducting official business.

A delivery, submission, or filing of a document or paper under the Election Code may be made by personal delivery, mail, telephonic facsimile machine, or any other method of transmission.

Election Code 1.007(c)

ELECTION ORDER

A call for an election held on a uniform election date shall be made not later than the 78th day before election day. A board shall order the election. *Election Code 3.004–.005*

Each election order must state the date of the election, the offices or measures to be voted on, the location of the main early voting polling place, the dates and hours for early voting, the dates and hours of any Saturday and Sunday early voting, and the early voting clerk's official mailing address. *Election Code 3.006, .008, 83.010, 85.004, .007*

FAILURE TO ORDER AN ELECTION

Failure to order a general election does not affect the validity of the election. *Election Code 3.007*

ELECTION NOTICE

Notice of the election shall state:

CONTENTS

1. The nature and date of the election;
2. The location of each polling place;
3. The hours the polls will be open;
4. The location of the main early voting place, as determined under Election Code 85.002;
5. The dates and hours for early voting, including the dates and hours of any Saturday and Sunday early voting; and
6. The early voting clerk's official mailing address.

Election Code 4.004(a), 83.010, 85.004, .007

NOTICE OF SPECIAL ELECTION

The notice of a special election must also state each office to be filled or the proposition stating each measure to be voted on. *Election Code 4.004(b)*

PUBLICATION

Notice of the election shall be published at least once, not earlier than the 30th day or later than the tenth day before election day, in a newspaper published within a district's boundaries or in a newspaper of general circulation in a district if none is published within the district's boundaries. *Election Code 4.003(a)(1), (c), .005(a)*

POSTING

In addition to the notice described above, the district shall, not later than the 21st day before election day, post a copy of the notice on the bulletin board used for posting notices of the meetings of the board. The notice must remain posted continuously through election day. The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the board after the last posting is made. *Election Code 4.003(b), .005(b)*

If the district maintains a website, the district is required to post the notice described above on the Internet website of the district. *Election Code 85.007(d)*

NOTICE TO COUNTY CLERK AND VOTER REGISTRAR

The board shall also deliver notice of the election to the county clerk and voter registrar of each county in which the district is located not later than the 60th day before election day. *Election Code 4.008(a)*

NOTICE TO ELECTION JUDGE

Not later than the 15th day before election day or the seventh day after the date the election is ordered, whichever is later, the board shall deliver to the presiding judge of each election precinct in which the election is to be held in the district a written notice of:

1. The nature and date of the election;
2. The location of the polling place for the precinct served by the judge;
3. The hours that the polls will be open;
4. The judge's duty to hold the election in the precinct specified by the notice; and
5. The maximum number of clerks that the judge may appoint for the election.

Election Code 4.007

FAILURE TO GIVE NOTICE OF ELECTION

Failure to give notice of a general election does not affect the validity of the election. *Election Code 4.006*

FILING INFORMATION

The district shall post notice of the dates of the filing period in a public place in a building where applications are filed not later than the 30th day before the last day on which a candidate may file an application for a place on the ballot. *Election Code 141.040*

NOTICE TO CANDIDATES

APPLICATION

A candidate application shall include all statutorily required information, including that found at Election Code 141.031 and 141.039, such as an oath and a statement that the candidate is aware of the nepotism law [see BBBB] and a public mailing address and e-mail at which the candidate receives correspondence relating to the candidate's campaign. *Election Code 31.0021, 141.031, .039*

BALLOT CANDIDATE

An application for a place on the ballot may not be filed earlier than the 30th day before the date of the filing deadline.

An application must be filed not later than 5:00 p.m. of the 78th day before election day for any uniform election.

Education Code 11.055(a); Election Code 144.005(d)

WRITE-IN CANDIDATE

A declaration of write-in candidacy must be filed not later than 5:00 p.m. of the 74th day before election day for any uniform election. *Education Code 11.056(b); Election Code 146.054*

SPECIAL ELECTION

An application for a place on a special election ballot may not be filed before the election is ordered.

An application must be filed not later than:

1. 5:00 p.m. of the 62nd day before election day if election day is on or after the 70th day after the election is ordered; or

2. 5:00 p.m. of the 40th day before election day, if election day is on or after the 46th day and before the 70th day after the date the election is ordered.

EXCEPTION

For a special election to be held on the date of the general election for state and county officers (the November uniform election date of even-numbered years), the day of the filing deadline is the 75th day before election day.

Election Code 201.054

UNOPPOSED CANDIDATE

The board may declare each unopposed candidate elected to office if, after all filing deadlines have passed, each candidate for an office that is to appear on the ballot is unopposed.

A measure election held at the same time as a general election or special election for officers is considered a separate election.

Election Code 2.051

PROCEDURE FOR CANCELING ELECTION

The board may declare each unopposed candidate elected to the office upon receipt of certification from the authority responsible for having the official ballot prepared. The certification must state that if the election were held, only the votes cast for that candidate in the election for that office may be counted. If the board makes such a declaration, the election is not held. *Election Code 2.052, .053(a), (b)*

If no election is to be held by the district on election day, a copy of the order shall be posted on election day at each polling place used or that would have been used in the election.

If a board member election has been canceled but a separate election is to be held by the district on election day, the ballots used at the separate election shall include the offices and names of the

candidates declared elected. The offices and names of unopposed candidates shall be listed separately, after the measures or contested races in the separate election, under the heading "Unopposed Candidates Declared Elected." The candidates shall be grouped in the same relative order prescribed for the ballot generally. No votes are cast in connection with the unopposed candidates.

Election Code 2.053(a), (c)

BALLOT

The ballot shall be printed in the form required by law.

DRAWING

The district shall conduct a drawing of the names of candidates if more than one candidate for the same office are to appear on the ballot. The district shall post notice of the date, hour, and place of the ballot drawing in the place where notices are posted and shall be posted continuously for 72 hours immediately preceding the day and time of the scheduled drawing. The district shall mail written notice of the date, hour, and place of the drawing to each candidate not later than the fourth day before the date of the drawing.

Election Code 52.061–.064, .069, .093–.094; Education Code 11.058(g)

ELECTION JUDGES AND CLERKS

The board shall appoint election judges and set the maximum number of election clerks. The judges and clerks shall be selected and serve in accordance with Election Code Chapter 32. *Election Code Ch. 32*

POLLING PLACES

The board shall designate polling places for election day and early voting. Each polling place shall be accessible to and usable by the elderly and physically handicapped. *Election Code 42.002, .0621, 43.004, .034, Ch. 85*

If the district holds an election on a uniform election date, the district shall designate as the polling places for the election the regular county polling places in the county election precincts that contain territory from the district, as applicable.

The district is not required to use the county election precincts as the polling places for an election conducted on the May uniform election date if the district conducts early voting:

1. At 75 percent or more of its permanent or temporary branch polling places on the same days and during the same hours as voting is conducted at the main early voting place; and

2. At each remaining polling place for at least two consecutive days of voting during the early voting period, and for at least eight hours on each day; or

3. Has not established a permanent or temporary branch early voting polling place.

Election Code 42.002(a)(5), .0621, 43.004(b)

POLLING PLACES FOR EARLY VOTING

The following provision applies to a district that:

1. Holds an election on the November uniform election date;
2. Is not holding a joint election with a county; and
3. Has not executed a contract with a county elections officer under which the district and the county share early voting polling places for the election.

The district shall designate as an early voting polling place for the election any early voting polling place, other than a polling place established under Election Code 85.062(e) (temporary branch polling place), established by the county and located in the district.

A shared polling place established under this provision that is designated as a main early voting polling place by any political subdivision must be open for voting for all political subdivisions the polling place serves for at least the days and hours required of a main early voting polling place under Election Code 85.002 for the political subdivision making the designation.

Election Code 85.010

ELECTIONEERING

A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party.

“Electioneering” includes the posting, use, or distribution of political signs or literature.

“Voting period” means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

“Early voting period” is described at Election Code 85.001.

A district that owns or controls a public building being used as a polling place or early voting polling place may not, at any time during the voting period or early voting periods, as applicable, prohibit electioneering on the building’s premises outside of the area described above. The district may enact reasonable regulations concerning the time, place, and manner of electioneering.

Election Code 61.003, 85.036

BILINGUAL MATERIALS

SPANISH

Bilingual election materials shall be used in each election precinct situated wholly or partly in a county in which five percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census that may be officially recognized or acted upon by the state or political subdivisions. *Election Code 272.002*

OTHER LANGUAGES

If the director of the census determines that the district must provide election materials in a language other than English or Spanish, the district shall provide election materials in that language in the same manner in which the district would be required to provide materials in Spanish, to the extent practicable. *Election Code 272.011; 42 U.S.C. 1973aa-1a*

VOTING SYSTEMS

A voting system shall be selected and utilized in accordance with Election Code Title 8. *Election Code Title 8*

ACCESSIBLE VOTING STATIONS

Each polling place in an election of the district must provide at least one voting station that complies with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments, Title II of the federal Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments, and the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) and its subsequent amendments, and that provides a practical and effective means for voters with physical disabilities to cast a secret ballot. *Election Code 61.012(a)*

ELECTRONIC VOTING SYSTEM EXCEPTIONS

Upon providing the notice detailed in Election Code 61.013, the district is not required to meet the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) if the district's election is not held jointly with another election in which a federal office appears on the ballot and if the district is located in a county with a certain population designation as set forth in Election Code 61.013.

Election Code 61.013

EARLY VOTING

The board shall provide for early voting in district elections by personal appearance at an early voting polling place and by mail in accordance with Election Code Title 7. *Election Code 81.001*

CONDUCTING ELECTIONS

Elections shall be conducted in accordance with Election Code Title 6. *Election Code Title 6*

SECTION III: POST-ELECTION PROCEDURES

RUNOFF ELECTION

If no candidate for a particular office receives the vote necessary to be elected in an election requiring a majority vote, a runoff election for that office is required. *Election Code 2.021 et seq.*

TIE VOTES

If two or more candidates for the same office tie for the number of votes required to be elected, a second election to fill the office shall be held, unless the candidates agree to cast lots, one candidate withdraws, or an automatic recount resolves the tie. *Election Code 2.002*

RECOUNTS

A candidate in a board election may obtain an initial recount after an election if the difference in the number of votes received by the candidate and any candidate for the office, who is shown by the election returns to be elected, tied, or entitled to a place on a runoff ballot if applicable, is less than 10 percent of that candidate's number of votes.

A candidate seeking a recount shall submit a petition to the presiding officer of the local canvassing authority in accordance with Election Code Chapter 212, Subchapter B and E. The district will conduct the initial recount in accordance with Election Code Chapter 212, Subchapter F, and Chapter 213.

Election Code 2.002, 212.022

CANVASS RETURNS

Except as provided below, the board shall canvass the returns at the time set by the presiding officer not earlier than the eighth day or later than the 11th day after election day. *Election Code 67.003(a)*

EARLY VOTING CANVASS—NOVEMBER ELECTION

For an election held on the date of the general election for state and county officers (November of even-numbered years), the time for the canvass of early voting results by the district may be set not later than the 14th day after election day. *Election Code 65.051(a-1), 67.003(c)*

MAY ELECTION

For an election held on the uniform election date in May, the local canvass must occur not later than the 11th day after election day and not earlier than the later of:

1. The third day after election day;
2. The date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or
3. The date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

Election Code 67.003(b)

QUORUM FOR CANVASS

Two members of the board constitute a quorum for purposes of canvassing an election. *Election Code 67.004(a)*

CERTIFICATE OF ELECTION

After the completion of a canvass, the presiding officer shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by that authority's canvass. A certificate of election must contain:

1. The candidate's name;
2. The office to which the candidate is elected;
3. A statement of election to an unexpired term, if applicable;
4. The date of the election;
5. The signature of the officer preparing the certificate; and
6. Any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies.

The authority preparing a certificate of election shall promptly deliver it to the person for whom it is prepared, subject to the submission of a recount petition.

A recount petition shall delay the issuance of a certificate of election and qualification for the office involved in the recount pending completion of the recount. A candidate may not qualify for an office involved in a recount before completion of the recount. A candidate who has received a certificate of election and qualified for an office before the submission of a recount petition shall not be affected by the recount petition.

A certificate of election may not be issued to a person who has been declared ineligible to be elected to the office.

The presiding officer of the canvass shall also prepare a report of the precinct results as contained in the election register and shall deliver the report to the secretary of state as required by law.

Election Code 67.016, .017, 212.0331

CERTIFICATE FOR UNOPPOSED CANDIDATE

A certificate of election shall be issued to each unopposed candidate in the same manner and at the same time as provided for a candidate elected at the election. The candidate must qualify for the office in the same manner as provided for a candidate elected at the election. *Election Code 2.053(c)*

OFFICER'S STATEMENT

Newly elected and appointed board members, before taking the oath or affirmation of office and entering upon the duties of office, shall sign the required officer's statement. The statement shall be retained with the official records of the office. *Tex. Const. Art. XVI, Sec. 1(b)* [See BBB(EXHIBIT)]

OATH OF OFFICE

After the officer's statement has been signed and certificates of election have been issued, but before entering upon the duties of the office, the board member shall take the oath or affirmation of office and shall file it with the president of the board. *Tex. Const. Art. XVI, Sec. 1(a); Education Code 11.061* [See BBB(EXHIBIT)]

The oath may be administered and a certificate of the fact given by the individuals listed at Government Code 602.002 including, among others:

1. A judge, retired judge, or clerk of a municipal court.
2. A judge, retired judge, senior judge, clerk, or commissioner of a court of record.
3. A notary public.
4. A justice of the peace or clerk of a justice court.

Gov't Code 602.002

ELECTION RECORDS

Except as otherwise provided by the Election Code, the district shall preserve the precinct election records distributed to it for at least six months after election day. *Election Code 66.058(a)*

DESTRUCTION OF RECORDS

After expiration of the period for preserving precinct election records the records may be destroyed or otherwise disposed of unless, at the expiration of the preservation period, an election contest or a criminal investigation or proceeding connected with the election is pending. If a case is pending, the records shall be preserved until the contest, investigation, or other proceeding is completed. *Election Code 1.013*

RESIGNATION

A board member may resign by delivering written notice, signed by the board member, to the presiding officer of the board. A board may not refuse to accept a resignation. *Election Code 201.001*

EFFECTIVE DATE

If a board member submits a resignation, whether to be effective immediately or at a future date, a vacancy occurs on the date the resignation is accepted by the board or on the eighth day after the date of its receipt by the board, whichever is earlier. *Election Code 201.023*

HOLDOVER DOCTRINE

All public officers shall continue to perform the duties of their offices until their successors shall be duly qualified, i.e., sworn in. Until the vacancy created by a board member's resignation is filled by a successor, the board member continues to serve and have the duties and powers of office and continues to be subject to the nepotism provisions. A holdover board member may not vote on the appointment of his or her successor. *Tex. Const., Art. XVI, Sec. 17; Atty. Gen. Ops. JM-636 (1987), DM-2 (1991), O-6259 (1945)* [See DBE]

RESIDENCY

A person elected to serve as a board member must remain a resident of a district throughout the term of office. A board member who ceases to reside in a district vacates his or her office. *Tex. Const., Art. XVI, Sec. 14; Prince v. Inman, 280 S.W.2d 779 (Tex. Civ. App.—Beaumont 1955, no writ); Whitmarsh v. Buckley, 324 S.W.2d 298 (Tex. Civ. App.—Houston 1959, no writ)* [See BBA]

INVOLUNTARY REMOVAL FROM OFFICE

On his or her own motion, or at the request of an individual, the attorney general or the county district attorney may petition the district court for leave to file an action in quo warranto to remove a board member. An action in quo warranto is available if:

QUO WARRANTO

1. A person usurps, intrudes into, or unlawfully holds or executes a public office; or
2. A public officer does an act or allows an act that by law causes forfeiture of office.

Civ. Prac. & Rem. Code 66.001–.002

REMOVAL BY PETITION AND TRIAL

A resident of the state who has lived for at least six months in the county in which the petition is to be filed and who is not currently under indictment in the county may file a petition to remove a public officer from office for one of the reasons listed below. A proceeding for removal is begun by filing a written petition for removal in a district court of the county in which the officer resides. *Local Gov't Code 87.015*

REASONS FOR REMOVAL

A public officer may be removed from office for:

1. "Incompetency," which means:

   a. Gross ignorance of official duties;

   b. Gross carelessness in the discharge of those duties; or

   c. Unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of election.

2. "Official misconduct," which means intentional, unlawful behavior relating to official duties by a board member entrusted with the administration of justice or the execution of the law. The term includes an intentional or corrupt failure, refusal, or neglect of a board member to perform a duty imposed on the board member by law.

3. Intoxication on or off duty caused by drinking an alcoholic beverage, but not if it was caused by drinking an alcoholic beverage on the direction and prescription of a licensed physician.

4. Conviction of a board member by a jury for any felony or for misdemeanor official misconduct. The conviction of a public officer by a petit jury for any felony or for a misdemeanor involving official misconduct operates as an immediate removal from office of that officer.

Tex. Const., Art. V, Sec. 24; Local Gov't Code 87.011, .013, .031; Hendricks v. State, 49 S.W. 705 (1899), Tovar v. Somerset Indep. Sch. Dist., 994 S.W.2d 756 (Tex. App.—Corpus Christi 1999, pet. denied)

REMOVAL FOR PURCHASING VIOLATIONS

A board member who is convicted of a purchasing offense [see CH(LEGAL), IMPERMISSIBLE PRACTICES] is considered to have committed official misconduct and is subject to removal under Local Government Code Chapter 87. *Education Code 44.032*

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*

FILLING A VACANCY

If a vacancy occurs on the board, whether by death, resignation, lack of residency or other qualification, or involuntary removal, the remaining board members may fill the vacancy by appointment until the next board member election, or may order a special election to fill the vacancy. If more than one year remains in the term of the position vacated, the vacancy shall be filled not later than the 180th day after the date the vacancy occurs. *Education Code 11.060*

An election to fill a vacancy shall be to fill the unexpired term only. *Tex. Const. Art. XVI, Sec. 27*

APPOINTMENT

To be eligible to be appointed to a board, a person must have the qualifications set forth at Election Code 141.001(a). *Election Code 141.001(a)* [See BBA]

SPECIAL ELECTION

A special election to fill a vacancy shall be conducted in the same manner as the district's general election. *Education Code 11.060(c)*

DATE OF ELECTION

A special election to fill a vacancy shall be held on an authorized uniform election date occurring within the period after the vacancy occurs. If no uniform election date affords enough time to hold the election in the manner required by law, the election shall be held on the first authorized uniform election date occurring after the expiration of the period. *Election Code 41.001(a), .004(a)* [See BBB]

ORDERING ELECTION

If a vacancy is to be filled by special election, the election shall be ordered as soon as practicable after the vacancy occurs. The special election shall be held on the next uniform election date after the vacancy occurs. If the special election is to be held on the date of the general election for state and county officers, the election shall be ordered in accordance with statutory deadlines for the election. The general election for state and county officers is the first Tuesday after the first Monday in November in even-numbered years. *Election Code 41.002, 201.051*

OATH

After election or appointment, the board member shall file the official oath with the board president. *Education Code 11.061(a)* [See BBB]

TEMPORARY REPLACEMENT OF BOARD MEMBER ON MILITARY ACTIVE DUTY

A board member who enters active duty in the armed forces of the United States as a result of being called to duty, drafted, or activated does not vacate the office held, but the board may appoint a replacement to serve as a temporary board member if the elected or appointed board member will be on active duty for longer than 30 days.

The board member who is temporarily replaced may recommend to the board the name of a person to temporarily fill the office. The board shall appoint the temporary board member to begin service on the date specified in writing by the board member being temporarily replaced as the date the board member will enter active military service.

A temporary board member has all the powers, privileges, and duties of the office as the board member who is temporarily replaced. A temporary board member shall perform the duties of office for the shorter period of:

1. The term of the active military service of the board member who is temporarily replaced; or

2. The term of office of the board member who is temporarily replaced.

"Armed forces of the United States" means the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, any reserve or auxiliary component of any of those services, or the National Guard.

Tex. Const., Art. XVI, Sec. 72

SUBSTANTIAL INTEREST AFFIDAVIT

If a local public official has a substantial interest in a business entity or in real property, the local public official shall, before a vote or decision on any matter involving the business entity or the real property, file an affidavit stating the nature and extent of the interest if:

1. In the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or

2. In the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

The affidavit shall be filed with the official recordkeeper of the district.

Local Gov't Code 171.004(a)–(b)

ABSTENTION

The local public official shall also abstain from further participation in the matter.

If a trustee is required to file and does file an affidavit, that trustee shall not be required to abstain from further participation in the matter or matters requiring such an affidavit if a majority of the trustees are likewise required to file and do file affidavits of similar interests on the same official action.

Local Gov't Code 171.004(a), (c)

DEFINITIONS

"SUBSTANTIAL INTEREST"

A person has a substantial interest in a business entity if any of the following is the case:

1. The person owns at least:

   a. Ten percent of the voting stock or shares of the business entity, or

   b. Either ten percent or $15,000 of the fair market value of the business entity.

2. Funds received by the person from the business entity exceed ten percent of the person's gross income for the previous year.

Local Gov't Code 171.002

"BUSINESS ENTITY"

"Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership,

trust, or any other entity recognized by law. *Local Gov't Code 171.001(2)*

"FIRST DEGREE RELATIVES" — The local public official is considered to have a substantial interest if a person related in the first degree by either affinity or consanguinity to the local public official, as determined under Government Code Chapter 573, Subchapter B [see DBE(EXHIBIT)], has a substantial interest as defined above. *Local Gov't Code 171.002*

"LOCAL PUBLIC OFFICIAL" — "Local public official" means a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), central appraisal district, or other local governmental entity who exercises responsibilities beyond those that are advisory in nature. *Local Gov't Code 171.001(1)*

"REAL PROPERTY" — A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of $2,500 or more. *Local Gov't Code 171.002*

CONTRACTS PERMITTED — A board may contract with a business entity in which a trustee has a substantial interest if the trustee follows the disclosure and abstention procedure set out above. *Atty. Gen. Op. JM-424 (1986)*

SEPARATE VOTE ON BUDGET — A board shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a trustee has a substantial interest. The affected trustee shall not participate in that separate vote, but may vote on a final budget if he or she filed the affidavit and the matter in which he or she is concerned has been resolved. *Local Gov't Code 171.005*

DEPOSITORY BANK — A school board member with a "substantial interest" in a depository bank must file an affidavit stating his interest and must abstain from participating in decisions on loan contracts with the depository if action on the matter will have a special economic effect on the bank that is distinguishable from the effect on the public. *Atty. Gen. Op. JM-1082 (1989)*

VIOLATIONS — A local public official commits an offense if the official knowingly:

1. Violates Local Government Code 171.004.
2. Acts as surety for a business entity that has a contract, work, or business with a district.
3. Act as surety on any official bond required of an officer of a district.

Local Gov't Code 171.003

VOIDABLE ACTIONS — The finding by a court of a violation of Local Government Code Chapter 171 does not render an action of the board voidable un-

less the measure that was the subject of an action involving a conflict of interest would not have passed without the vote of the person who violated the chapter. *Local Gov't Code 171.006*

CONFLICTS DISCLOSURE STATEMENT

A local government officer shall file a conflicts disclosure statement, as adopted by the Texas Ethics Commission, with respect to a vendor if the vendor enters into a contract with the district or the district is considering entering into a contract with the vendor; and the vendor:

BUSINESS RELATIONSHIP

1. Has an employment or other business relationship with the local government officer or a family member of the officer, and the business relationship results in the officer or family member receiving taxable income, other than investment income, that exceeds $2,500 during the 12-month period preceding the date that the officer becomes aware that:

    a. A contract between the district and the vendor has been executed; or

    b. The district is considering entering into a contract with the vendor;

GIFTS

2. Has given to the local government officer or a family member of the officer one or more gifts, and the gift or gifts have an aggregate value of more than $100 in the 12-month period preceding the date the officer becomes aware that:

    a. A contract between the district and the vendor has been executed; or

    b. The district is considering entering into a contract with the vendor; or

FAMILY RELATIONSHIP

3. Has a family relationship with the local government officer.

GIFTS—EXCEPTION

A local government officer is not required to file a conflicts disclosure statement in relation to a gift, as defined by law, accepted by the officer or a family member of the officer if the gift is:

1. A political contribution as defined by Title 15, Election Code; or

2. Food accepted as a guest.

Local Gov't Code 176.003(a)–(a-1)

FILING DATE

A local government officer shall file the conflicts disclosure statement with the records administrator of a district not later than 5:00 p.m. on the seventh business day after the date on which the of-

ficer becomes aware of the facts that require the filing of the statement. *Local Gov't Code 176.003(b)*

VENDOR QUESTIONNAIRE

A person who is both a local government officer and a vendor of a local governmental entity is required to file a vendor questionnaire if the person enters or seeks to enter into a contract with the local governmental entity; or is an agent of a person who enters or seeks to enter into a contract with the local governmental entity. [See CHE] *Local Gov't Code 176.006(e)*

DEFINITIONS

"AGENT"

"Agent" means a third party who undertakes to transact some business or manage some affair for another person by the authority or on account of the other person. The term includes an employee. *Local Gov't Code 176.001(1)*

"BUSINESS RELATIONSHIP"

"Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

1. A transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
2. A transaction conducted at a price and subject to terms available to the public; or
3. A purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Gov't Code 176.001(a-1)

"FAMILY MEMBER"

"Family member" means a person related to another person within the first degree by consanguinity or affinity, as described by Government Code Chapter 573, Subchapter B. [See DBE(EXHIBIT)] *Local Gov't Code 176.001(2)*

"FAMILY RELATIONSHIP"

"Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Government Code Chapter 573, Subchapter B. [See DBE(EXHIBIT)] *Local Gov't Code 176.001(2-a)*

"GIFT"

"Gift" means a benefit offered by a person, including food, lodging, transportation, and entertainment accepted as a guest. The term does not include a benefit offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient. *Local Gov't Code 176.001(2-b)*

"INVESTMENT INCOME"

"Investment income" means dividends, capital gains, or interest income generated from:

1. A personal or business:
    a. Checking or savings account,
    b. Share draft or share account, or
    c. Other similar account;
2. A personal or business investment; or
3. A personal or business loan.

Local Gov't Code 176.001(2-d)

"LOCAL GOVERNMENT OFFICER" — "Local government officer" means a member of the board, the superintendent, or an agent (including an employee) of the district who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. *Local Gov't Code 176.001(4)*

"RECORDS ADMINISTRATOR" — "Records administrator" means the director, superintendent, or other person responsible for maintaining the records of a district or another person designated by the district to maintain statements and questionnaires filed under Local Government Code 176 and perform related functions. *Local Gov't Code 176.001(5)* [See CPC]

"VENDOR" — "Vendor" means a person who enters or seeks to enter into a contract with a local governmental entity. The term includes an agent of a vendor. The term includes an officer or employee of a state agency when that individual is acting in a private capacity to enter into a contract. The term does not include a state agency except for Texas Correctional Industries. *Local Gov't Code 176.001(7)*

DUTIES OF RECORDS ADMINISTRATOR — A records administrator shall:

1. Maintain a list of local government officers of the district and shall make that list available to the public and any vendor who may be required to file a conflict of interest questionnaire under Local Government Code 176.006; and
2. Maintain the statements and questionnaires that are required to be filed under Government Code Chapter 176 in accordance with the district's records retention schedule. [See CPC]

Local Gov't Code 176.0065

INTERNET POSTING — A district that maintains an Internet website shall provide access on the district's Internet website to the conflicts disclosure statements and questionnaires required to be filed with the records administrator. *Local Gov't Code 176.009*

VIOLATIONS

A local government officer commits an offense if the officer is required to file a conflicts disclosure statement and knowingly fails to file the required conflicts disclosure statement with the appropriate records administrator not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement. It is an exception to the application of the penalty that the local government officer filed the required conflicts disclosure statement not later than the seventh business day after receiving notice from the district of the alleged violation.

A board may reprimand, suspend, or terminate the employment of an employee who knowingly fails to comply with a requirement adopted under Government Code 176. [See DF Series]

A board may, at its discretion, declare a contract void if the board determines that a vendor failed to file a conflict of interest questionnaire required by Government Code 176.006.

Local Gov't Code 176.013

AFFIDAVIT DISCLOSING INTEREST IN PROPERTY

If a public servant has a legal or equitable interest in any property that is to be acquired with public funds, and has actual notice of the acquisition or intended acquisition of the property, the public servant shall file an affidavit as follows:

1. The affidavit shall be filed with the county clerk(s) of the county or counties in which the property is located and of the county in which the public servant resides within ten days before the date on which the property is to be acquired by purchase or condemnation.
2. The affidavit must:
    a. State the name of the public servant and the public office title or job designation held or sought.
    b. Fully describe the property.
    c. Fully describe the nature, type, and amount of interest in the property, including the percentage of ownership interest and the date the interest was acquired.
    d. Include a verification of the truth of the information in the affidavit. [See BBFA(EXHIBIT)]
    e. Include an acknowledgment of the same type required for recording a deed in the deed records of a county.

Gov't Code 553.002

"PUBLIC SERVANT"—GOVERNMENT CODE

"Public servant" means a person who is elected, appointed, employed, or designated, even if not yet qualified for or having assumed the duties of office, as:

1. A candidate for nomination or election to public office, or
2. An officer of government.

Gov't Code 553.001

VIOLATIONS

A public servant who fails to file the affidavit when required is presumed to have the intent to commit an offense. An offense under this section is a Class A misdemeanor. *Gov't Code 553.003*

ANNUAL FINANCIAL MANAGEMENT REPORT

A district's annual financial management report shall include summary reports of reimbursement received by each board member, reports of certain gifts from school vendors, and reports of board member business transactions with the school district. [See CFA] *Education Code 39.083; 19 TAC 109.1005*

***Note*:** The following provisions do not apply to the board of a district that is subject to Education Code Section 11.0641. *Education Code 11.064(d)*

TRUSTEE FINANCIAL STATEMENT

A board by resolution adopted by majority vote may require each member of the board to file the financial statement required of state officers under Subchapter B, Chapter 572, Government Code, with the board and the Texas Ethics Commission.

Not later than the 15th day after the date a board adopts this resolution, the board shall deliver a certified copy of the resolution to the Texas Ethics Commission. A resolution applies beginning on January 1 of the second year following the year in which the resolution is adopted. A member of a board that has adopted a resolution is not required to include, in a financial disclosure statement, financial activity occurring before January 1 of the year following the year in which the resolution is adopted.

The Commissioner by order shall require the members of a board to file the financial statement required of state officers under Subchapter B, Chapter 572, Government Code, in the same manner as the members of the board that have adopted a resolution if the Commissioner determines that:

1. A board member has failed to comply with filing and recusal requirements applicable to the member under Chapter 171, Local Government Code;
2. District financial accounting practices are not adequate to safeguard state and district funds; or

3. A district has not met a standard set by the Commissioner in the financial accountability rating system.

The Commissioner may require the filing of financial statements covering not more than three fiscal years and beginning on January 1 of the second year following the date of the Commissioner's order. A member of a board subject to an order issued by the Commissioner is not required to include, in a financial disclosure statement, financial activity occurring before January 1 of the year following the year in which the order is issued. The Commissioner may renew the requirement if the Commissioner determines that a condition described above continues to exist.

Education Code 11.064

ELECTRONIC FILING

A financial statement filed with the Ethics Commission must be filed by computer diskette, modem, or other means of electronic transfer, using computer software provided by the commission or computer software that meets commission specifications for a standard file format. *Gov't Code 572.0291*

CONFIDENTIALITY

Electronic report or financial statement data saved in an Ethics Commission temporary storage location for later retrieval and editing before the report or financial statement is filed is confidential and may not be disclosed. After the report or financial statement is filed with the Ethics Commission, the information disclosed in the filed report or financial statement is public information to the extent provided by the law requiring the filing of the report or financial statement. *Gov't Code 571.0671(d)*

VIOLATIONS

A trustee serving in a school district that has adopted a resolution or that is subject to an order issued by the Commissioner commits an offense if the trustee fails to file the statement required by the resolution or order. An offense under this section is a Class B misdemeanor. *Education Code 11.064(c)*

Note: See also CBB for conflict of interest requirements when federal funds are involved.

PRIVATE CORPORATION

It is lawful for a local public official to serve as a member of the board of directors of private, nonprofit corporations when such officials receive no compensation or other remuneration from the nonprofit corporation or other nonprofit entity. *Local Gov't Code 171.009*

ETHICS BBFA
CONFLICT OF INTEREST DISCLOSURES (EXHIBIT)

See the following pages for forms that may be used for compliance with disclosure requirements:

Exhibit A: Affidavit Disclosing Substantial Interest in a Business Entity or Real Property, as defined in Local Government Code 171.002 — 2 pages

Exhibit B: Affidavit Disclosing Interest in Property, under Government Code Chapter 553, Subchapter A — 1 page

ADDITIONAL DISCLOSURE: The conflicts disclosure statement required of members of the Board, the Superintendent, and, as applicable, other District employees by Local Government Code 176.003 is available on the Texas Ethics Commission website at http://www.ethics.state.tx.us.

EXHIBIT A

AFFIDAVIT DISCLOSING SUBSTANTIAL INTEREST
IN A BUSINESS ENTITY OR REAL PROPERTY

STATE OF TEXAS
COUNTY OF BURNET

I, _____ *(name)*, as a local public official of Marble Falls Independent School District, make this affidavit and on my oath state the following:

1. I, or a person(s) related to me in the first degree, have a substantial interest in:

   ☐ a business entity, as those terms are defined in Local Government Code Sections 171.001–.002, that would experience a special economic effect distinguishable from its effect on the public by a vote or decision of the Board.

   or

   ☐ real property for which it is reasonably foreseeable that the Board's action or my action will have a special economic effect on the value of the property distinguishable from its effect on the public.

2. The business entity or real property is

   _____
   (name/address of business or description of property).

   _____ *("I" or name of relative and relationship)* (have)(has) a substantial interest in this business entity or real property as follows:
   (check all that apply)

   ☐ Ownership of ten percent or more of the voting stock or shares of the business entity.

   ☐ Ownership of ten percent or more of the fair market value of the business entity.

   ☐ Ownership of $15,000 or more of the fair market value of the business entity.

   ☐ Funds received from the business entity exceed ten percent of _____ *(my, her, his)* gross income for the previous year.

   ☐ Real property is involved and _____ *(I, she, he)* (have)(has) an equitable or legal ownership with a fair market value of at least $2,500.

3. The statements in this affidavit are based on my personal knowledge and are true and correct.

4. Upon the filing of this affidavit with the Board's official record keeper, I affirm that I shall abstain from participation in any decision involving this business entity or real property, unless permitted according to Local Government Code 171.004(c).

Signed _____ *(date)*

Signature of official _____

Title _____

STATE OF TEXAS
COUNTY OF BURNET

Sworn to and subscribed before me on this _____ day of _____ *(month)*, _____ *(year)*.

_____, Notary Public, State of Texas

EXHIBIT B

AFFIDAVIT DISCLOSING INTEREST IN PROPERTY

STATE OF TEXAS
COUNTY OF BURNET

I, _____ *(name of affiant), (check one of the following)*

☐ as an officer of, or

☐ as a Board candidate for,

Marble Falls Independent School District make this affidavit and on my oath state the following:

1. I have a legal or equitable interest in property to be acquired with public funds, either by purchase or condemnation. The property is fully described as follows:

   _____.

2. The nature, type, and amount of interest, including percentage of ownership, I have in the property is:

   _____.

3. I acquired my interest in the property on _____ *(date)*.

4. The information stated in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code.

Signed _____ *(date)*

Signature of affiant _____

Office or public title _____

STATE OF TEXAS
COUNTY OF BURNET

Sworn to and subscribed before me on this _____ day of _____ *(month)*, _____ *(year)*.

_____, Notary Public, State of Texas

NOTE: *This affidavit must be filed with the county clerk(s) of the county or counties in which the property is located and of the county in which the public servant or candidate resides within ten days before the date on which the property is to be acquired by purchase or condemnation.*

SCHOOL HEALTH ADVISORY COUNCIL

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

The SHAC shall meet at least four times each year. *Education Code 28.004(d-1)*

COMPOSITION

A board shall appoint at least five members to the SHAC. A majority of the members must be parents of students enrolled in the district and must not be employed by the district. One of those members shall serve as chair or co-chair of the SHAC.

A board may also appoint one or more public school teachers, public school administrators, district students, health-care professionals, members of the business community, law enforcement representatives, senior citizens, clergy, representatives of nonprofit health organizations, representatives of local domestic violence programs, or representatives of another group.

Education Code 28.004(d)

PHYSICAL ACTIVITY AND FITNESS PLANNING SUBCOMMITTEE

The SHAC shall establish a physical activity and fitness planning subcommittee to consider issues relating to student physical activity and fitness and make policy recommendations to increase physical activity and improve fitness among students. *Education Code 28.004(l-1)*

ANNUAL REPORT

In addition to its other duties, the SHAC shall submit to the board, at least annually, a written report that includes:

1. Any SHAC recommendation concerning a district's health education curriculum and instruction or related matters that the SHAC has not previously submitted to the board;
2. Any suggested modification to a SHAC recommendation previously submitted to the board; and
3. A detailed explanation of the SHAC's activities during the period between the date of the current report and the date of the last prior written report.

Education Code 28.004(m)

CHANGES IN CURRICULUM

A district must consider the recommendations of the local SHAC before changing the district's health education curriculum or instruction. *Education Code 28.004(b)*

PUBLIC STATEMENT

A district shall publish in the student handbook and post on the district's Internet website, if the district has an Internet website, a statement of:

1. District policies adopted to ensure that elementary school, middle school, and junior high school students engage in at least the amount and level of physical activity required by Education Code 28.002(l) [see EHAB and EHAC];
2. The number of times during the preceding year the SHAC has met;
3. Whether the district has adopted and enforces policies to ensure compliance with TEA's vending machine and food service guidelines for restricting student access to vending machines;
4. Whether the district has adopted and enforces policies and procedures that prescribe penalties for the use of e-cigarettes, as defined at Education Code 38.006, and tobacco products by students and others on school campuses or at school-sponsored or school-related activities [see DH and GKA]; and
5. Notice to parents that they can request in writing their child's physical fitness assessment results at the end of the school year [see FFAA].

Education Code 28.004(k)

A board may act only by majority vote of the members present at a meeting held in compliance with Government Code Chapter 551, at which a quorum of the board is present and voting. A majority vote is generally determined from a majority of those present and voting, excluding abstentions, assuming a quorum is present. *Education Code 11.051(a-1); Atty. Gen. Op. GA-689 (2009)*

DEFINITIONS

"MEETING" "Meeting" means a deliberation among a quorum of a board, or between a quorum of the board and another person, during which public business or public policy over which the board has supervision or control is discussed or considered, or during which the board takes formal action. "Meeting" also means a gathering:

1. That is conducted by a board or for which a board is responsible;
2. At which a quorum of members of a board is present;
3. That has been called by a board; and
4. At which board members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of a district, about the public business or public policy over which the board has supervision or control.

Gov't Code 551.001(4)

A communication or exchange of information between board members about public business or public policy over which the board has supervision or control does not constitute a meeting or deliberation for purposes of the Texas Open Meetings Act if the communication is posted to an online message board or similar Internet application in compliance with Government Code 551.006. *Gov't Code 551.006* [See BBI(LEGAL)]

"DELIBERATION" "Deliberation" means a verbal exchange during a meeting among a quorum of a board, or between a quorum of a board and another person, concerning any issue within the jurisdiction of the board or any public business. *Gov't Code 551.001(2)*

"RECORDING" "Recording" means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. *Gov't Code 551.001(7)*

"VIDEOCONFERENCE CALL" "Videoconference call" means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through duplex audio and

video signals transmitted over a telephone network, a data network, or the Internet. *Gov't Code 551.001(8)*

SOCIAL FUNCTION OR CONVENTION

The term "meeting" does not include the gathering of a quorum of a board at a social function unrelated to the public business that is conducted by the board, or the attendance by a quorum of the board at a regional, state, or national convention or workshop, ceremonial event, or press conference, if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, or press conference. *Gov't Code 551.001(4)*

LEGISLATIVE COMMITTEE OR AGENCY MEETING

The attendance by a quorum of a board at a meeting of a committee or agency of the legislature is not considered to be a meeting of a board if the deliberations at the meeting by the board members consist only of publicly testifying, publicly commenting, and publicly responding to a question asked by a member of the legislative committee or agency. *Gov't Code 551.0035(b)*

SUPERINTENDENT PARTICIPATION

A board shall provide a superintendent an opportunity to present at a meeting an oral or written recommendation to the board on any item that is voted on by the board at the meeting. *Education Code 11.051(a-1)*

OPEN TO PUBLIC

Every meeting of a board shall be open to the public. A board may, however, exclude a witness from a hearing during the examination of another witness in a matter being investigated and may enter into a closed meeting, as provided by law. *Gov't Code 551.002, .084, Ch. 551, Subch. D* [See BDB and BEC]

PARENTAL ACCESS

A parent, as defined in Education Code 26.002, is entitled to complete access to any meeting of a board, other than a closed meeting held in compliance with the Open Meetings Act. *Education Code 26.007(a)*

RECORDING

All or any part of an open meeting may be recorded by any person in attendance by means of a recorder, video camera, or any other means of aural or visual reproduction. A board may adopt reasonable rules to maintain order at a meeting, including rules related to the location of recording equipment and the manner in which the recording is conducted. These rules shall not prevent or unreasonably impair a person from exercising the right to record a meeting that is open to the public. *Gov't Code 551.023*

MINUTES

A board shall prepare and keep minutes or make a recording of each open meeting. The minutes shall state the subject matter of each deliberation and indicate each vote, order, decision, or other action taken. *Gov't Code 551.021*

BOARD MEMBER ATTENDANCE

The minutes or recording, as applicable, of a regular or special meeting of a board must reflect each member's attendance at or absence from the meeting. *Education Code 11.0621*

AVAILABILITY

The minutes and recording are public records and shall be available for public inspection and copying on request to a superintendent or designee. *Gov't Code 551.022; Education Code 11.0621*

NOTICE REQUIRED

A board shall give written notice of the date, hour, place, and subject(s) of each meeting it holds. *Gov't Code 551.041*

CONTINUED MEETING

If a board recesses an open meeting to the following regular business day, the board is not required to post notice of the continued meeting if the action is taken in good faith and not to circumvent Government Code Chapter 551. If an open meeting is continued to the following regular business day and, on that following day, a board continues the meeting to another day, the board must give the required written notice of the meeting continued to that other day. *Gov't Code 551.0411(a)*

INQUIRY DURING MEETING

If a member of the public or of a board inquires at a meeting about a subject for which notice has not been given, the notice provisions do not apply to a statement of specific factual information given in response to the inquiry or a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda of a subsequent meeting. *Gov't Code 551.042*

LOCATION

A board must hold each public meeting within the boundaries of the district, except:

1. As otherwise required by law; or
2. To hold a joint meeting with another district or with another governmental entity if the boundaries of the governmental entity are in whole or in part within the boundaries of the district.

Education Code 26.007(b)

TIME OF NOTICE AND ACCESSIBILITY

Notice of a board meeting shall be posted on a bulletin board at a place convenient to the public in the central administration office for at least 72 hours before the scheduled time of the meeting. That notice or a notice posted at another board-designated place shall at all times be readily accessible to the public for at least 72 hours before the scheduled time of the meeting. *Gov't Code 551.043(a), .051; City of San Antonio v. Fourth Court of Appeals, 820 S.W. 2d 762 (Tex. 1991)*

If a district is required to post notice of a meeting on the Internet, the district satisfies the requirement that the notice must be posted in a place readily accessible to the general public at all times by

making a good-faith attempt to continuously post the notice on the Internet during the prescribed period.

A district must still comply with the duty to physically post the notice in the central administration office and if the district makes a good-faith attempt to continuously post the notice on the Internet during the prescribed period, the physically posted notice must be readily accessible to the general public during normal business hours.

Gov't Code 551.043(b)

INTERNET POSTING

If a district maintains an Internet website, in addition to the other place at which notice is required to be posted, a board must also concurrently post notice of a meeting on the Internet website.

A district that contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more must also, concurrently with the notice, post on the district's Internet website the agenda for a board meeting, if the agenda differs from the posted notice.

The validity of a posting of a district that made a good-faith attempt to comply with the Internet posting requirements is not affected by a failure to comply that is due to a technical problem beyond the control of the district.

Gov't Code 551.056

SPECIFICITY OF AGENDA / NOTICE

Agendas for all meetings shall be sufficiently specific to inform the public of the subjects to be deliberated at the meeting, setting out any special or unusual matters to be considered or any matter in which the public has a particular interest. Deliberations or actions pertaining to a superintendent and principals are of particular public interest, and notice of those subjects must be worded with such clarity that the public will understand what a board proposes to discuss or accomplish. *Cox Enterprises, Inc. v. Austin Indep. Sch. Dist., 706 S.W.2d 956 (Tex. 1986); Point Isabel Indep. Sch. Dist. v. Hinojosa, 797 S.W.2d 176 (Tex. App.—Corpus Christi 1990, writ denied); Atty. Gen. Ops. M-494 (1969), H-419 (1974), H-662 (1975), H-1045 (1977)*

The terms "employee briefing" or "staff briefing" do not give adequate notice of the subject matter to be presented to a board by employees or staff members. *Atty. Gen. Op. JC-169 (2000)*

The subject of a report or update by district staff or a member of the board must be set out in the notice in a manner that informs a reader about the subjects to be addressed. *Atty. Gen. Op. GA-668 (2008)*

EMERGENCY MEETING OR EMERGENCY ADDITION TO AGENDA

In an emergency or when there is an urgent public necessity, the notice of a meeting or the supplemental notice of a subject added to an agenda posted in accordance with law is sufficient if it is posted for at least two hours before the meeting is convened.

An emergency or urgent public necessity exists only if immediate action is required because of an imminent threat to public health and safety or a reasonably unforeseeable situation. A board shall clearly identify the emergency or urgent public necessity for each item in the notice of an emergency meeting and each item added in a supplemental notice.

The sudden relocation of a large number of residents from the area of a declared disaster to a district's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation. Notice of an emergency meeting or supplemental notice of an emergency item added to the agenda of a meeting to address a situation described by this subsection must be given to members of the news media as provided by Government Code 551.047 not later than one hour before the meeting.

Gov't Code 551.045

CATASTROPHE

A board prevented from convening an open meeting that was otherwise properly posted under Government Code Section 551.041 because of a catastrophe may convene the meeting in a convenient location within 72 hours pursuant to Government Code Section 551.045 if the action is taken in good faith and not to circumvent Government Code Chapter 551. If a board is unable to convene the open meeting within those 72 hours, the board may subsequently convene the meeting only if the board gives the required written notice of the meeting.

"Catastrophe" means a condition or occurrence that interferes physically with the ability of a board to conduct a meeting, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

Gov't Code 551.0411(b), (c)

SPECIAL NOTICE TO NEWS MEDIA

A district shall provide special notice of each meeting by telephone, facsimile transmission, or electronic mail to any news media that has requested it and agreed to reimburse the district for the cost of providing the special notice. When an emergency meeting is called or an emergency item added to an agenda, a board president shall notify by telephone, facsimile transmission, or electronic mail any news media who have previously requested special notice of all meetings. *Gov't Code 551.047, .052*

QUORUM

A majority of a board (e.g., four members of a seven-member board or five members of a nine-member board, regardless of the number of vacancies) constitutes a quorum for meetings of the board. *Gov't Code 551.001(6), 311.013(b)*

DISASTER

Notwithstanding any other law, a quorum is not required for a board to act if:

1. The district's jurisdiction is wholly or partly located in the area of a disaster declared by the president of the United States or the governor; and
2. A majority of the members of the board are unable to be present at a board meeting as a result of the disaster.

Gov't Code 418.1102

SECRET BALLOT

No vote shall be taken by secret ballot. *Atty. Gen. Op. H-1163 (1978)*

MEETING BY TELEPHONE CONFERENCE CALL

A board may hold a meeting by telephone conference call if an emergency or public necessity exists within the meaning of Government Code 551.045 and the convening at one location of a quorum of the board is difficult or impossible, or if the meeting is held by an advisory board.

Each part of the telephone conference call meeting that is required to be open shall be audible to the public at the location specified in the notice of the meeting. The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking.

NOTICE

The telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice must specify as the location of the meeting, the location where meetings of the governmental body are usually held.

RECORDING

The conference call meeting shall be recorded and made available to the public.

Gov't Code 551.125

MEETING BY VIDEOCONFERENCE CALL

A board member or district employee may participate remotely in a board meeting by means of a videoconference call if the video and audio feed of the board member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the provisions below. A board member who participates by videoconference call shall be counted as present at the meeting for all purposes.

A meeting of the board may be held by videoconference call only if:

1. The board makes available to the public at least one suitable physical space located in the district's geographic jurisdiction that is equipped with videoconference equipment that provides an audio and video display, as well as a camera and microphone by which a member of the public can provide testimony or otherwise actively participate in the meeting;
2. The board member presiding over the meeting is present at the physical space; and
3. Any member of the public present at that physical space is provided the opportunity to participate in the meeting by means of a videoconference call in the same manner as a person who is physically present at a board meeting that is not conducted by videoconference call.

The location where the presiding officer is physically present shall be open to the public during the open portions of the meeting.

Gov't Code 551.001(7), .127

NOTICE

A meeting held by videoconference call is subject to the notice requirements applicable to other meetings in addition to the notice requirements applicable to meetings by videoconference call.

The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location where the presiding officer will be physically present and specify the intent to have the presiding officer present at that location.

QUALITY OF AUDIO AND VIDEO SIGNALS

Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at the location specified in the notice. If a problem occurs that causes a meeting to no longer be visible and audible to the public at that location, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or less, the meeting must be adjourned.

The physical location specified in the notice, and each remote location from which a member of the board participates, shall have two-

way audio and video communication with each member who is participating by videoconference call during the entire meeting. The face of each participant in the videoconference call, while that participant is speaking, shall be clearly visible, and the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the physical location described by the notice and at any other location of the meeting that is open to the public.

The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed standards specified by the Department of Information Resources. The audio and video signals perceptible by members of the public at each location of the meeting described by the notice and at any other location of the meeting that is open to the public must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

RECORDING

A board shall make at least an audio recording of the meeting. The recording shall be made available to the public.

REMOTE PARTICIPATION BY THE PUBLIC

A board may allow a member of the public to testify at a meeting from a remote location by videoconference call even if a board member is not participating in the meeting from a remote location.

Gov't Code 551.127; 1 TAC 209.10–.11

VIDEO AND AUDIO RECORDING OF MEETING

A board for a district that has a student enrollment of 10,000 or more shall make a video and audio recording of reasonable quality of each regularly scheduled open meeting that is not a work session or a special called meeting. In addition, the board may broadcast a regularly scheduled open meeting on television.

The board shall make available an archived copy of the video and audio recording on the Internet not later than seven days after the date the recording was made. The board shall maintain the archived recording on the Internet for not less than two years after the date the recording was first made available. However, a board is exempt from the requirements in this paragraph if the board's failure to make the required recording of a meeting available is the result of a catastrophe, as defined by Government Code 551.0411 [see CATASTROPHE, above], or a technical breakdown. Following a catastrophe or breakdown, the board must make all reasonable efforts to make the required recording available in a timely manner.

The board may make the archived recording available on an existing Internet site, including a publicly accessible video-sharing or

social networking site. The board is not required to establish a separate Internet site and provide access to archived recordings of meetings from that site.

A district that maintains an Internet site shall make available on that site, in a conspicuous manner, the archived recording of each meeting or an accessible link to the archived recording of each such meeting.

Gov't Code 551.128(b-1)–(b-6)

INTERNET BROADCAST

A board that is not subject to the provisions above at VIDEO AND AUDIO RECORDING OF MEETING may broadcast an open meeting over the Internet. If a board broadcasts a meeting over the Internet, it shall establish an Internet site and provide access to the broadcast from that site. A board shall provide on the Internet site the same notice of the meeting, within the time required for posting that notice, that the board is required to post under the Open Meetings Act. *Gov't Code 551.128(b), (c)*

ATTORNEY CONSULTATION

A board may use a telephone conference call, videoconference call, or communications over the Internet to conduct a public consultation with its attorney in an open meeting of the board or a private consultation with its attorney in a closed meeting of the board. [See BEC]

Each part of a public consultation by a board with its attorney in an open meeting must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.

EXCEPTION

This does not apply to a consultation with an attorney who is an employee of a district. An attorney who receives compensation for legal services performed, from which employment taxes are deducted by a district, is an employee of the district.

Gov't Code 551.129

HEARING-IMPAIRED PERSONS

In a proceeding before a board in which the legal rights, duties, or privileges of a party are to be determined by the board after an adjudicative hearing, the board shall supply for a party who is deaf or hearing impaired an interpreter who has qualifications approved by the Texas Department of Assistive and Rehabilitative Services.

For purposes of this requirement, "deaf or hearing impaired" means having a hearing impairment, regardless of the existence of a speech impairment, that inhibits comprehension of a proceeding or inhibits communication with others.

Gov't Code 558.001, .003

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

ORGANIZATION

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

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

TERMS

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

[See AB for District name terminology.]

HARMONY WITH LAW

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

SEVERABILITY

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

POLICY DEVELOPMENT

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

OFFICIAL POLICY MANUAL

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

ADOPTION AND AMENDMENT

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

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

TASB LOCALIZED UPDATES

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

QUALIFICATIONS

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

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

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

Education Code 21.003

DUTIES

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

The duties of a superintendent include:

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

8. Developing or causing to be developed appropriate administrative regulations to implement policies established by a board.

9. Providing leadership for the attainment and, if necessary, improvement of student performance in a district based on the state's student achievement and quality of learning indicators and other indicators as may be adopted by the Commissioner or the board. [See AIA]

10. Organizing a district's central administration.

11. Consulting with the district-level committee. [See BQA]

12. Ensuring:

    a. Adoption of a Student Code of Conduct [see FO] and enforcement of that Code of Conduct; and

    b. Adoption and enforcement of other student disciplinary rules and procedures as necessary.

13. Submitting reports as required by state or federal law, rule, or regulation, and ensuring that a copy of any report required by federal law, rule, or regulation is also delivered to TEA.

14. Providing joint leadership with a board to ensure that the responsibilities of the board and superintendent team are carried out; and

15. Performing any other duties assigned by action of a board.

Education Code 11.201(d)

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

COLLABORATION WITH THE BOARD

A board and a superintendent shall work together to:

1. Advocate for the high achievement of all district students;

2. Create and support connections with community organizations to provide community-wide support for the high achievement of all district students;

3. Provide educational leadership for a district, including leadership in developing the district vision statement and long-range educational plan [see AE];

4. Establish district-wide policies and annual goals that are tied directly to the district's vision statement and long-range educational plan;

5. Support the professional development of principals, teachers, and other staff; and

6. Periodically evaluate board and superintendent leadership, governance, and teamwork.

Education Code 11.1512(b)

PLANNING AND DECISION-MAKING PROCESS

A board shall adopt a policy to establish a district- and campus-level planning and decision-making process that will involve the professional staff of a district, parents of students enrolled in a district, business representatives, and community members in establishing and reviewing the district's and campuses' educational plans, goals, performance objectives, and major classroom instructional programs. *Education Code 11.251(b)*

The planning and decision-making requirements do not:

1. Prohibit a board from conducting meetings with teachers or groups of teachers other than the district-level committee meetings.
2. Prohibit a board from establishing policies providing avenues for input from others, including students or paraprofessional staff, in district- or campus-level planning and decision making.
3. Limit or affect the power of a board to govern the public schools.
4. Create a new cause of action or require collective bargaining.

Education Code 11.251(g), .252(e)

EVALUATION

At least every two years, a district shall evaluate the effectiveness of the district's decision-making and planning policies, procedures, and staff development activities related to district- and campus-level decision making and planning to ensure that they are effectively structured to positively impact student performance. *Education Code 11.252(d)*

ADMINISTRATIVE PROCEDURE

A board shall ensure that an administrative procedure is provided to clearly define the respective roles and responsibilities of the superintendent, central office staff, principals, teachers, district-level committee members, and campus-level committee members in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization.

A board shall ensure that the district-level planning and decision-making committee will be actively involved in establishing the administrative procedure that defines the respective roles and responsibilities pertaining to planning and decision making at the district and campus levels.

Education Code 11.251(d)

FEDERAL REQUIREMENTS

The district policy must provide that all pertinent federal planning requirements are addressed through the district- and campus-level planning process. *Education Code 11.251(f)*

REQUIRED PLANS

A board shall ensure that a district improvement plan and improvement plans for each campus are developed, reviewed, and revised annually for the purpose of improving the performance of all students. A board shall annually approve district and campus performance objectives and shall ensure that the district and campus plans:

1. Are mutually supportive to accomplish the identified objectives; and
2. At a minimum, support the state goals and objectives under Education Code Chapter 4.

Education Code 11.251(a)

SHARED SERVICES ARRANGEMENT FOR DAEP SERVICES

A district participating in a shared services arrangement for disciplinary alternative education program (DAEP) services shall ensure that the district improvement plan and each campus-level plan include the performance of the DAEP student group for the district. The identified objectives for the improvement plans shall include:

1. Student groups served, including overrepresentation of students from economically disadvantaged families, with ethnic and racial representations, and with a disability who receive special education and limited English proficiency services;
2. Attendance rates;
3. Pre- and post-assessment results;
4. Dropout rates;
5. Graduation rates; and
6. Recidivism rates.

19 TAC 103.1201(b)

DISTRICT IMPROVEMENT PLAN

A district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups, including students in special education programs under Education Code Chapter 29, Subchapter A, in order to attain state standards in respect to the achievement indicators. *Education Code 11.252(a)* [See AIA]

The district improvement plan must include provisions for:

1. A comprehensive needs assessment addressing performance on the achievement indicators, and other appropriate

measures of performance, that are disaggregated by all student groups served by a district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Education Code Chapter 29, Subchapter A.

2. Measurable district performance objectives for all appropriate achievement indicators for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, and other measures of student performance that may be identified through the comprehensive needs assessment.

3. Strategies for improvement of student performance that include:

    a. Instructional methods for addressing the needs of student groups not achieving their full potential.

    b. Methods for addressing the needs of students for special programs, including:

        (1) Suicide prevention programs adopted by the district, if any, in accordance with Health and Safety Code Chapter 161, Subchapter O-1 [see FFB];

        (2) Conflict resolution programs;

        (3) Violence prevention programs; and

        (4) Dyslexia treatment programs.

    c. Dropout reduction.

    d. Integration of technology in instructional and administrative programs.

    e. Discipline management.

    f. Staff development for professional staff of a district.

    g. Career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities.

    h. Accelerated education.

4. Strategies for providing to middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about:

a. Higher education admissions and financial aid opportunities.

b. The TEXAS grant program and the Teach for Texas grant program.

c. The need for students to make informed curriculum choices to be prepared for success beyond high school.

d. Sources of information on higher education admissions and financial aid.

5. Resources needed to implement identified strategies.

6. Staff responsible for ensuring the accomplishment of each strategy.

7. Time lines for ongoing monitoring of the implementation of each improvement strategy.

8. Formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance.

Education Code 11.252(a)

9. A discipline management program providing for prevention of and education concerning unwanted physical or verbal aggression, sexual harassment, and other forms of bullying in schools, on school grounds, and in school vehicles. *Education Code 37.083(a)*

10. A dating violence policy that must:

a. 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

b. 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 37.0831 [See FFH]

11. A policy addressing sexual abuse and other maltreatment of children that must include:

a. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse and other maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim of sexual abuse or other maltreatment, using resources developed by TEA. These methods must include the staff training described at Education Code 38.0041(c) [see DMA];

b. Actions that a child who is a victim of sexual abuse or other maltreatment should take to obtain assistance and intervention; and

c. Available counseling options for students affected by sexual abuse or other maltreatment.

The policy must be included in any informational handbook provided to students and parents.

Education Code 38.0041

A district's plan for the improvement of student performance is not filed with TEA, but the district must make the plan available to TEA on request. *Education Code 11.252(b)*

CAMPUS-LEVEL PLAN

Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan. The purpose of the campus-level plan is to improve student performance for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, with respect to the student achievement indicators and any other appropriate performance measures for special needs populations. *Education Code 11.253(c)*

Each campus improvement plan must:

1. Assess the academic achievement for each student in the school using the achievement indicator system.

2. Set the campus performance objectives based on the achievement indicator system, including objectives for special needs populations, including students in special education programs under Education Code Chapter 29, Subchapter A.

3. Identify how the campus goals will be met for each student.

4. Determine the resources needed to implement the plan.

5. Identify staff needed to implement the plan.

6. Set time lines for reaching the goals.

7. Measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement.

8. Provide for a program to encourage parental involvement at the campus.

9. Include goals and methods for violence prevention and intervention on campus.

10. If the campus is an elementary, middle, or junior high school, set goals and objectives for the coordinated health program at the campus based on:

    a. Student fitness assessment data, including any data from research-based assessments such as the school health index assessment and planning tool created by the federal Centers for Disease Control and Prevention;

    b. Student academic performance data;

    c. Student attendance rates;

    d. The percentage of students who are educationally disadvantaged;

    e. The use and success of any method to ensure that students participate in moderate to vigorous physical activity; and

    f. Any other indicator recommended by the local school health advisory council.

Education Code 11.253(d)

All Trustees, employees, vendors, contractors, agents, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources.

Note: See the following policies and/or administrative regulations regarding conflicts of interest, ethics, and financial oversight:

- Code of ethics:
  for Board members—BBF
  for employees—DH
- Financial conflicts of interest:
  for public officials—BBFA
  for all employees—DBD
  for vendors—CHE
- Compliance with state and federal grant and award requirements: CB, CBB
- Financial conflicts and gifts and gratuities regarding federal funds: CB, CBB
- Systems for monitoring the District's investment program: CDA
- Budget planning and evaluation: CE
- Compliance with accounting regulations: CFC
- Activity fund management: CFD
- Criminal history record information for employees: DBAA, DC
- Disciplinary action for fraud by employees: DCD, DCE, and DF series

FRAUD AND FINANCIAL IMPROPRIETY

The District prohibits fraud and financial impropriety, as defined below, in the actions of its Trustees, employees, vendors, contractors, agents, consultants, volunteers, and others seeking or maintaining a business relationship with the District.

DEFINITION

Fraud and financial impropriety shall include but not be limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.

3. Misappropriation of funds, securities, supplies, or other District assets, including employee time.

4. Impropriety in the handling of money or reporting of District financial transactions.

5. Profiteering as a result of insider knowledge of District information or activities.

6. Unauthorized disclosure of confidential or proprietary information to outside parties.

7. Unauthorized disclosure of investment activities engaged in or contemplated by the District.

8. Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the District, except as otherwise permitted by law or District policy. [See CB, DBD]

9. Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.

10. Failure to provide financial records required by federal, state, or local entities.

11. Failure to disclose conflicts of interest as required by law or District policy.

12. Any other dishonest act regarding the finances of the District.

13. Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

FINANCIAL CONTROLS AND OVERSIGHT

Each employee who supervises or prepares District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety.

FRAUD PREVENTION

The Superintendent or designee shall maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District.

REPORTS

Any person who suspects fraud or financial impropriety in the District shall report the suspicions immediately to any supervisor, the Superintendent or designee, the Board President, or local law enforcement.

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with

law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

PROTECTION FROM RETALIATION

Neither the Board nor any District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety. [See DG]

FRAUD INVESTIGATIONS

In coordination with legal counsel and other internal or external departments or agencies, as appropriate, the Superintendent, Board President, or a designee shall promptly investigate reports of potential fraud or financial impropriety.

RESPONSE

If an investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee shall promptly inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration.

If an employee is found to have committed fraud or financial impropriety, the Superintendent or designee shall take or recommend appropriate disciplinary action, which may include termination of employment. If a contractor or vendor is found to have committed fraud or financial impropriety, the District shall take appropriate action, which may include cancellation of the District's relationship with the contractor or vendor.

When circumstances warrant, the Board, Superintendent, or designee may refer matters to appropriate law enforcement or regulatory authorities. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.

The final disposition of the matter and any decision to file a criminal complaint or to refer the matter to the appropriate law enforcement or regulatory agency for independent investigation shall be made in consultation with legal counsel.

FEDERAL AWARDS DISCLOSURE

The District shall disclose, in a timely manner in writing to the federal awarding agency or pass-through entity, all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting a federal grant award. [See CBB]

ANALYSIS OF FRAUD

After any investigation substantiates a report of fraud or financial impropriety, the Superintendent or designee shall analyze conditions or factors that may have contributed to the fraudulent or improper activity. The Superintendent or designee shall ensure that appropriate administrative procedures are developed and implemented to prevent future misconduct. These measures shall be presented to the Board for review.

GRANTS AND AWARDS

The Superintendent shall be authorized to:

1. Apply, on behalf of the Board, for any and all special federal and state grants and awards as deemed appropriate for the District's operations;

2. Approve commitment of District funds for matching, cost sharing, cooperative, or jointly funded projects up to the amounts specifically allowed under the District budget approved by the Board; and

3. Approve grant and award amendments as necessary.

The District shall comply with all requirements for state and federal grants and awards imposed by law, the awarding agency, or an applicable pass-through entity. The Superintendent shall develop and enforce financial management systems, internal control procedures, procurement procedures, and other administrative procedures as needed to provide reasonable assurance that the District is complying with requirements for state and federal grants and awards.

[See CAA, CBB]

FEDERAL AWARDS

CONFLICT OF INTEREST

Each employee, Board member, or agent of the District who is engaged in the selection, award, or administration of a contract supported by a federal grant or award and who has a potential conflict of interest as defined at Code of Federal Regulations, title 2, section 200.318, shall disclose to the District, in writing, any conflict that meets the disclosure threshold in Chapter 176 of the Local Government Code. [See CBB]

In addition, each employee, Board member, or agent of the District shall comply with any other conflict of interest requirements imposed by the granting agency or a pass-through entity.

For purposes of this policy, "immediate family member" shall have the same meaning as "family member" as described in Chapter 176 of the Government Code. [See BBFA]

For purposes of this policy, "partner" shall have the same meaning as defined in Business Organizations Code Chapter 1, Subchapter A.

An employee, Board member, or agent of the District who is required to disclose a conflict in accordance with the provisions above shall not participate in the selection, award, or administration of a contract supported by a federal grant or award.

GIFTS AND GRATUITIES

Employees, Board members, and agents of the District shall not solicit any gratuities, favors, or items from a contractor or a party to a subcontractor for a federal grant or award and shall not accept:

1. Any single item with a value at or above $50; or
2. Items from a single contractor or subcontractor that have an aggregate monetary value exceeding $100 in a 12-month period.

[See BBFB, CBB, DBD. In the event of a violation of these requirements, see CAA and DH.]

The Texas Education Agency (TEA) may enter into an agreement with a federal agency concerning a project related to education, including provision of school lunches and construction of school buildings. TEA, or another state agency designated by the governor, shall coordinate a district's actions relating to participation in a federal financial assistance program. *Education Code 7.021(b), (c); Gov't Code 742.003*

RETIREMENT AND INSURANCE CONTRIBUTIONS

If a district applies to obtain money provided by the United States government or its agencies and if any of the money will pay part or all of any employee's salary, the district must also apply for any legally available funds to pay state contributions to the retirement system as set out in Government Code 825.404, and to pay state contributions to the group insurance program for retired school employees as set out in Insurance Code Chapter 1575.

When a district receives funds to pay for state contributions for retirement and insurance pursuant to this application, it shall immediately send such funds to the retirement system for deposit in the state contribution account. A district shall report monthly to the system, in a form it prescribes, the names of each employee paid in whole or in part from a grant, the source of the grant, the amount of the employee's salary paid from the grant, the amount of money provided for state contributions for the employee by the grant, and such other information as the retirement system deems necessary.

A district shall comply with applicable rules governing examination of its records by the Teacher Retirement System.

Gov't Code 825.406; Insurance Code 1575

BLOCK GRANT FUNDS

If a district receives more than $5,000 in block grant funds to be used as the district determines is appropriate, it shall provide evidence to TEA that a public meeting or hearing was held in a timely manner solely to seek public comment on the needs or uses of block grant funds. This meeting or hearing may be held in conjunction with another board meeting or hearing if the meeting or hearing to consider block grant funds is clearly noted on the public announcement for the other meeting or hearing. *Gov't Code 2105.058*

EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS (EDGAR)

The Education Department General Administrative Regulations (EDGAR) are federal regulations for administering discretionary and formula grants awarded by the U.S. Department of Education (DOE).

UNIFORM GUIDANCE

The Uniform Guidance (2 C.F.R. Part 200) establishes uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities. It is intended to streamline and consolidate government requirements for receiving and using federal awards so as to reduce administrative burden and improve outcomes.

The Uniform Guidance is effective for new and continuation awards issued on or after December 26, 2014. The regulations do not affect grant funds awarded prior to December 26, 2014, unless funds made available under those grants are carried forward into a new federal fiscal year or a continuation grant. *2 C.F.R. 200.100*

GENERAL COMPLIANCE

A district is responsible for complying with all requirements of the federal award. *2 C.F.R. 200.300(b)*

CONFLICT OF INTEREST

A district must disclose in writing any potential conflict of interest to the DOE or TEA in accordance with applicable DOE policy. *2 C.F.R. 200.112*

MANDATORY DISCLOSURES

A district must disclose, in a timely manner, in writing to the DOE or TEA all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. 200.338 (Remedies for noncompliance), including suspension or debarment. *2 C.F.R. 200.113*

GENERAL PROCUREMENT STANDARDS

The district must use its own documented procurement procedures which reflect applicable state, local, and tribal laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in the Uniform Guidance.

The district must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

The district must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of these parties, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the district must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

However, districts may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the district.

2 C.F.R. 200.318

SUSPENSION AND DEBARMENT

Districts and contractors are subject to non-procurement debarment and suspension regulations at 2 C.F.R. Part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. *2 C.F.R. 200.205(d), .212*

FINANCIAL MANAGEMENT AND INTERNAL CONTROLS

The district's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions. The district must establish and maintain effective internal control over the federal award that provides reasonable assurance that the district is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. *2 C.F.R. 200.302, .303*

REMEDIES FOR NONCOMPLIANCE

If a district fails to comply with federal statutes, regulations, or the terms and conditions of a federal award, the DOE or TEA may impose additional conditions, as described in 2 C.F.R. 200.207 (Specific conditions). If the DOE or TEA determines that noncompliance cannot be remedied by imposing additional conditions, the DOE or TEA may take one or more of the following actions, as appropriate in the circumstances:

1. Temporarily withhold cash payments pending correction of the deficiency by the district or more severe enforcement action by the DOE or TEA.
2. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
3. Wholly or partly suspend or terminate the federal award.
4. Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180 and DOE regulations (or in the case of TEA, recommend such a proceeding be initiated by the DOE).
5. Withhold further federal awards for the project or program.

6. Take other remedies that may be legally available.

2 C.F.R. 200.338

DIRECT GRANT PROGRAMS

The regulations in 34 C.F.R. Part 75 apply to each direct grant program of the DOE. *34 C.F.R. 75.1*

STATE-ADMINISTERED PROGRAMS

The regulations in 34 CFR Part 76 apply to each state-administered program of the DOE. *34 C.F.R. 76.1*

GENERAL EDUCATION PROVISION ACT (GEPA)

The regulations in 34 C.F.R. Part 81 govern the enforcement of legal requirements under applicable programs administered by the DOE and implement Part E of the General Education Provisions Act (GEPA). *34 C.F.R. 81.1*

BONDS AND BOND TAXES

A board may obtain funds to construct, acquire, or equip school buildings, to purchase necessary sites for school buildings, to purchase new school buses, or to acquire or refinance property financed under a contract entered under the Public Property Finance Act by issuing bonds and assessing annual ad valorem taxes sufficient to pay the principal and interest on the bonds as or before they come due. Bonds may only be issued if approved in a bond election. [See BOND ELECTIONS, below] *Education Code 45.001(a)*

All bonds shall be issued in accordance with the Public Security Procedures Act. *Gov't Code Ch. 1201*

USE OF BOND PROCEEDS FOR UTILITIES

The proceeds of bonds issued by school districts for the construction and equipment of school buildings in a district and the purchase of the necessary sites for school buildings may be used, among other things, to pay the cost of acquiring, laying, and installing pipes or lines to connect with the water, sewer, or gas lines of a municipality or private utility company, whether or not the water, sewer, or gas lines adjoin the school, so that the school district may provide its public school buildings the water, sewer, or gas services. *Education Code 45.101*

INSTRUCTIONAL FACILITY ALLOTMENT

Except as provided by Education Code 46.005 and 46.006, a district that issues bonds to construct, acquire, renovate or improve an instructional facility may obtain state funding to pay principal and interest on eligible bonds under the Instructional Facilities Allotment program, Education Code Chapter 46, Subchapter A. *Education Code 46.003; 19 TAC 61.1032*

EXISTING DEBT ALLOTMENT

A district may obtain state funding to pay the principal and interest on eligible bonds under Education Code Chapter 46, Subchapter B. Bonds are eligible if a district made payments on the bonds during the final school year of the preceding state fiscal biennium or taxes levied to pay the principal and interest on the bonds were included in a district's audited debt service collections for that school year, and the district does not receive state assistance under the Instructional Facilities Allotment for payment of the principal and interest on the bonds. *Education Code 46.032–.033; 19 TAC 61.1035*

CAPITAL APPRECIATION BONDS

A "capital appreciation bond" is a bond that accrues and compounds interest from its date of delivery, the interest on which by its terms is payable only upon maturity or prior redemption.

LIMITATION ON ISSUANCE

A school district may not issue capital appreciation bonds unless:

1. The bonds have a scheduled maturity date that is not later than 20 years after the date of issuance and extended only in accordance with law;

2. The board has received a written estimate of the cost of the issuance, including:

   a. The amount of principal and interest to be paid until maturity;

   b. The amount of fees to be paid to outside vendors, including vendors who sell products to be financed by the bond issuance;

   c. The amount of fees to be paid to each financing team member; and

   d. The projected tax impact of the bonds and the assumptions on which the calculation of the projected tax impact is based;

3. The board has determined in writing whether any personal or financial relationship exists between the members of the board and any financial adviser, bond counsel, bond underwriter, or other professional associated with the bond issuance and reported any relationship to the Ethics Commission; and

4. The board posts prominently on the district's Internet website and enters in the minutes of a meeting information about the bonds required by law.

These restrictions do not apply to the issuance of refunding bonds under Chapter 1207 or capital appreciation bonds for the purpose of financing transportation projects.

LIMITATION ON USE OF PROCEEDS

Capital appreciation bond proceeds may not be used to purchase the following items, unless an item has an expected useful life that exceeds the bond's maturity date:

1. Items more regularly considered maintenance items, including replacement HVAC units, upgraded plumbing, or similar items; or

2. Transportation-related items, including buses.

TOTAL AMOUNT OF CAPITAL APPRECIATION BONDS

The total amount of capital appreciation bonds may not exceed 25 percent of the district’s total outstanding bonded indebtedness at the time of the issuance, including the amount of principal and interest to be paid on the outstanding bonds until maturity.

Gov’t Code 1201.0245

BOND ELECTIONS

No bonds shall be issued or taxes levied unless approved by a majority of the qualified voters of a district who vote at an election held for such purpose. The election shall be called by board resolution or order, which shall set the date, polling places, and propositions to be voted on.

The election shall be held on a uniform election date.

Education Code 45.003(a); Election Code 41.001(a) [See BBB]

CALL FOR ELECTION

For an election to be held on a uniform election date, the election shall be ordered not later than the 78th day before election day. *Election Code 3.003, .005, 41.002* [See BBB]

ELECTION ORDER

The election order must distinctly state:

1. The proposition language that will appear on the ballot;
2. The purpose for which the bonds are to be authorized;
3. The principal amount of the bonds to be authorized;
4. That taxes sufficient to pay the annual principal of and interest on the bonds may be imposed;
5. The estimated tax rate if the bonds are authorized or the maximum interest rate of the bonds or any series of the bonds, based on the market conditions at the time of the election order;
6. The maximum maturity date of the bonds to be authorized or that the bonds may be issued to mature over a specified number of years not to exceed 40;
7. The aggregate amount of the outstanding principal of the district's debt obligations as of the beginning of the fiscal year in which the election is ordered;
8. The aggregate amount of the outstanding interest on the district's debt obligations as of the beginning of the district's fiscal year in which the election is ordered; and
9. The district's ad valorem debt service tax rate at the time the election is ordered, expressed as an amount per $100 valuation of taxable property.

Election Code 3.009(b)

PROPOSITIONS

Each proposition submitted to authorize the issuance of bonds shall include the question of whether a board may levy ad valorem taxes either:

1. Sufficient, without limits as to rate or amount, to pay the principal of and interest on said bonds; or

2. Sufficient to pay the principal of and interest on said bonds, provided that the annual aggregate bond taxes in a district shall never exceed the rate stated in the proposition.

Education Code 45.003(b)

In addition to any other requirement imposed by law for a proposition, including a provision prescribing the proposition language, a proposition submitted to the voters for approval of the issuance of bonds shall specifically state:

1. The total principal amount of the bonds to be authorized, if approved; and

2. A general description of the purposes for which the bonds are to be authorized, if approved.

Election Code 52.072(e)

POSTING

The election order must be posted:

1. On election day and during early voting by personal appearance, in a prominent location at each polling place;

2. Not later than the 21st day before the election in three public places in the boundaries of the district; and

3. During the 21 days before the election, on the district's Internet website, prominently and together with the notice of the election and the contents of the proposition, if the district maintains an Internet website.

Election Code 4.003(f)

NOTICE OF ELECTION

POSTING

Notice of the election, which must include the location of each polling place, must be posted not later than the 21st day before election day on the bulletin board used for posting notices of board meetings (and must remain posted continuously through election day). The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the board after the last posting is made. *Election Code 4.003(b), .005(b)*

Notice of the election also must be posted during the 21 days before the election, on the district's Internet website, prominently and together with the election order and the contents of the proposition, if the district maintains an Internet website. *Election Code 4.003(f)*

PUBLICATION

Notice of each election shall be published not earlier than the 30th day or later than the tenth day before election day in a newspaper of general circulation in a district or a newspaper of general circulation in the territory if none is published in the district. Notice of election must state the nature and date of election and the location and hours of each polling place. The person responsible for giving the notice must retain a copy of the published notice that contains the name of the newspaper and the date of publication. *Election Code 4.003(a)(1), (c), .004, .005*

A board shall also deliver notice of the election to the county clerk of each county in which the district is located not later than the 60th day before election day. *Election Code 4.008* [See BBB]

ELECTIONEERING

A board may not use state or local funds or other resources of a district to electioneer for or against any candidate, measure (including a bond measure), or political party. *Education Code 11.169*

POLITICAL ADVERTISING

No officer or employee of a district shall knowingly expend or authorize the expenditure of district funds or resources for the purpose of political advertising (including advocacy for or against a bond measure). Funds and resources may be expended, however, to provide information that describes the factual reasons for a measure and does not advocate for the passage or defeat of such measure.

In addition, no officer or employee of a district shall spend or authorize the expenditure of district funds or resources for a communication describing a measure if the communication contains information that:

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

It is an affirmative defense that the officer or employee reasonably relied on a court order, or an interpretation in a written opinion issued by a court of record, the attorney general, or the Ethics Commission.

On written request of a district that has ordered an election on a measure, the Ethics Commission shall prepare an advance written advisory opinion as to whether a particular communication relating to a measure complies with Election Code 255.003.

Election Code 255.003 [See CPAB]

NEWSLETTERS

A newsletter of a public officer of the district is not considered “political advertising” prohibited by Election Code Section 255.003 if

such newsletter complies with the requirements of 1 Administrative Code 26.2. [See BBBB(LEGAL)]

50 CENT TEST FOR NEW DEBT

Before issuing bonds, a district must demonstrate to the attorney general that, with respect to the proposed issuance, the district has a projected ability to pay the principal of and interest on the proposed bonds and all previously issued bonds, other than bonds authorized to be issued at an election held on or before April 1, 1991, and issued before September 1, 1992, from a tax at a rate not to exceed $0.50 per $100 of valuation (the "50 Cent Test").

A district may demonstrate the ability to comply with the 50 Cent Test by using the most recent taxable value of property in the district, combined with state assistance to which the district is entitled under Education Code Chapter 42 or 46 that may be lawfully used for the payment of bonds.

FUTURE TAXABLE VALUE

A district may demonstrate the ability to comply with the 50 Cent Test by using a projected future taxable value of property in the district anticipated for the earlier of the tax year five years after the current tax year or the tax year in which the final payment is due for the bonds submitted to the attorney general, combined with state assistance to which the district is entitled under Education Code Chapter 42 or 46 that may be lawfully used for the payment of bonds.

A district must submit to the attorney general a certification of the projected taxable value prepared by a registered, certified professional appraiser who has demonstrated professional experience in projecting taxable values or who can obtain any necessary assistance from an experienced person.

The certification of a district's projected taxable value must be signed by the superintendent. The attorney general must base a determination of whether a district has complied with the 50 Cent Test on a taxable value that is equal to 90 percent of the value certified.

Education Code 45.0031

REFUNDING BONDS AUTHORITY

A board is authorized to refund or refinance all or any part of any of its outstanding bonds and interest thereon, payable from ad valorem taxes, by issuing refunding bonds payable from ad valorem taxes in accordance with legal requirements for the issuance. *Education Code 45.004; Gov't Code Ch. 1207*

INSTRUCTIONAL FACILITIES ALLOTMENT FOR REFUNDING BONDS

A district may use state funds received under Education Code Chapter 46 to pay principal of and interest on refunding bonds that:

1. Are issued to refund bonds eligible under Section 46.003;

2. Do not have a final maturity date later than the final maturity date of the bonds being refunded;

3. May not be called for redemption earlier than the earliest call date of all bonds being refunded; and

4. Result in a present value savings as defined in Education Code 46.007.

Education Code 46.007

AUTHORIZED UNISSUED BONDS

If a district has authorized school bonds for a specific purpose and that purpose has been accomplished by other means or has been abandoned and all or a portion of the authorized bonds remains unissued, a board may call an election [see BBB] to determine whether the authorized bonds may be issued or sold for a different purpose or purposes specified in the election order. If a majority of those voting at the election favor the sale of the unissued bonds, a board is authorized to issue the bonds and use the proceeds for the purpose or purposes stated in the election order. *Education Code 45.110*

GUARANTEE OF BONDS BY THE PERMANENT SCHOOL FUND

A district may apply to the Commissioner for approval to guarantee bonds issued in accordance with the provisions above (Subchapter A of Education Code Chapter 45) or bonds issued under Government Code Chapter 1207, by the corpus and income of the permanent school fund. The application shall include:

1. The name of a district and the principal amount of the bonds to be issued;

2. The name and address of the financial institution designated by a district as its agent for payment of principal and interest for guaranteed bonds; and

3. The maturity schedule, estimated interest rate, and date of the bonds.

Education Code 45.051–.052, .054–.055

An application must be accompanied by a fee set by rule of the State Board of Education. *Education Code 45.055(c)*

If approved, the guarantee of the bonds remains in effect until the date those bonds mature or are defeased in accordance with state law. *Education Code 45.052*

If a district does not receive approval for the guarantee or for any reason does not receive approval of the bonds from the attorney general within the specified time period, the district may reapply in a subsequent month. Applications that were denied approval for

the guarantee will not be retained for consideration in subsequent months. *19 TAC 33.65(f)(5)*

A district may not represent bonds as guaranteed for the purpose of pricing or marketing the bonds before the date of the letter granting approval for the guarantee. *19 TAC 33.65(g)(4)(D)*

CREDIT ENHANCEMENT PROGRAM

If a district's application for guarantee of district bonds by the permanent school fund is rejected, the district may, in accordance with Education Code Chapter 45, Subchapter I and 19 Administrative Code 61.1038, apply for credit enhancement of bonds described by Education Code 45.054 by money appropriated for the Foundation School Program, other than money that is appropriated to school districts specifically:

1. As required under the Texas Constitution; or
2. For assistance in paying debt service.

The credit enhancement remains in effect until the date the bonds mature or are defeased in accordance with state law.

Education Code 45.252

ELIGIBILITY

To be eligible for approval by the Commissioner for credit enhancement:

1. Bonds must be issued in the manner provided by Education Code 45.054;
2. Payments of all of the principal of the bonds must be scheduled during the first six months of the state fiscal year;
3. The district's lowest credit rating from any credit rating agency may not be the same as or higher than that of the School District Bond Enhancement Program;
4. The bonded debt for which the credit enhancement is sought must be structured so that no single annual debt service payment exceeds two times the quotient produced by dividing the total proposed annual debt service, as defined in 19 Administrative Code 61.1038(b)(10), for the term of the bonds by the number of years in the amortization schedule; and
5. The district must agree in its application that the total annual debt service on bonds approved for the credit enhancement will be paid on or before August 15 of each state fiscal year.

Education Code 45.254; 19 TAC 61.1038(f)

APPLICATION

A district seeking credit enhancement of eligible bonds shall apply to the Commissioner using a form adopted by the Commissioner for the purpose. The application must:

1. Include the information required by Education Code 45.055(b) and 19 Administrative Code 61.1038; and

2. Be accompanied by a fee set by the State Board of Education.

The district may not submit an application for a guarantee or credit enhancement before the successful passage of an authorizing proposition.

If a district does not receive a credit enhancement or for any reason does not receive approval of the bonds from the attorney general within the specified time period, the district may reapply in a subsequent month.

A district may not represent the bonds as approved for credit enhancement for the purposes of pricing or marketing the bonds before the date of the letter granting approval for the credit enhancement.

Education Code 45.255; 19 TAC 61.1038(d), (e)(1), (8), (10)

FEDERAL SECURITIES LAW

DISCLOSURE OBLIGATIONS FOR BOND AND OTHER DEBT OFFERINGS

Prior to publically offering bonds, a school district must prepare and deliver to an underwriter an official statement containing the terms of the bond offering, a description of the district itself, financial and operating data of the district, and any other information that may be material to an investor interested in purchasing the district's bonds or otherwise required by Rule 15c2-12 (the "Rule") of the Securities Exchange Commission (SEC). *SEC Rule 15c2-12(b)* [See Note, below]

LIABILITY UNDER FEDERAL SECURITIES LAW

School districts, board members, and employees of the district are subject to liability under the "antifraud provisions" of the federal securities laws contained in Section 17(a) of the Securities Act of 1933 (the "Securities Act"), Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") and Rule 10b-5 of the SEC. The antifraud provisions generally prohibit false or misleading statements made in connection with the offer or sale of a district's bonds (or the omission of material facts from such statements), including the official statement itself and any other statement reasonably expected to reach bond investors ("disclosures"). *SEC Exchange Act Release No. 33741 (Mar. 9, 1994)*

The antifraud provisions also apply to a district's continuing disclosure obligations under the Rule after a district's bonds are issued. [See CONTINUING DISCLOSURE AFTER ISSUING BONDS, below] *SEC Report on the Municipal Securities Market (July 31, 2012) (the "SEC 2012 Report") at pg. 29 and SEC Exchange Act Release No. 33741 (Mar. 9, 1994)*

CONTINUING DISCLOSURE AFTER ISSUING BONDS

Except for exempt offerings, the Rule requires underwriters to obtain a continuing disclosure agreement (CDA) from the district when the district issues bonds. The CDA obligates the district to prepare and file "continuing disclosures" of financial information and operating data after the bonds are issued. *SEC Rule 15c2-12(b)(5)* [See Note, below]

Note: In preparing an official statement, a district may reasonably rely on the advice of outside professionals who are also subject to the antifraud provisions, but a district is primarily liable for the content of its official statement and other disclosures. *SEC Exchange Act Release No. 36761 (Jan. 24, 1996)*

A district may engage qualified consultants, including qualified disclosure or securities counsel and a financial adviser, to assist with preparing an official statement and other disclosures relating to a bond offering. Creation of internal procedures may help to insulate a district against criticism or liability under federal securities laws.

Internal procedures may provide for (1) appointment of, and disclosure training for, district officials and employees who will be part of the financing team, (2) a procedure of accountability for review of the disclosures, and (3) ensuring that any procedures established are in fact followed.

[See SEC Report on the Municipal Securities Market (July 31, 2012) at pg. 109]

This introductory page outlines the contents of the ad valorem taxes policy. See the following sections for statutory provisions on:

SECTION I Maintenance Taxes pages 2–5
1. Tax Rate Cap
2. Appraisal Roll
3. Disaster Area
4. Meeting on Budget and Proposed Tax Rate
5. Tax Rate
6. Effective Tax Rate
7. Maintenance and Operations Tax Rate

SECTION II Election to Ratify Taxes pages 5–6
1. Proposition
2. Approval of Proposition
3. Tax Information to County

SECTION III Payment Options pages 7–9
1. Discounts
2. Split Payments
3. Performing Services in Lieu of Paying Taxes
4. Installment Payments
5. Partial Payments

SECTION IV Delinquent Taxes page 9
1. Delinquency Date
2. Delinquent Tax Collection
3. Additional Penalties

SECTION V Exemptions pages 9–13
1. Homestead Exemptions
2. Veteran Exemptions
3. Optional Exemptions
4. Goods-in-Transit

SECTION VI Economic Development pages 13–16
1. Tax Increment Financing Act
2. Property Redevelopment and Tax Abatement Act
3. Texas Economic Development Act

SECTION I: MAINTENANCE TAXES

The board may levy, assess, and collect annual ad valorem taxes for the maintenance of the district's schools. *Education Code 45.002*

TAX RATE CAP

If authorized by a majority of qualified voters of the district voting at an election held for that purpose, the district may impose a maintenance tax rate at a rate not to exceed the rate stated in the proposition. For any year, the maintenance tax rate per $100 of taxable value adopted by the district may not exceed the rate equal to the sum of $0.17 and the product of the state compression percentage, as determined under Education Code 42.2516, multiplied by $1.50.

A rate that exceeds this maximum rate for the year in which the tax is to be imposed is void. A district with a tax rate that is void under this subsection may, subject to requirements imposed by other law, adopt a rate for that year that does not exceed the specified maximum rate for that year.

Notwithstanding any other law, a district that levied a maintenance tax for the 2005 tax year at a rate greater than $1.50 per $100 of taxable value in the district as permitted by special law may not levy a maintenance tax at a rate that exceeds the rate per $100 of taxable value that is equal to the sum of $0.17 and the product of the state compression percentage, as determined under Education Code 42.2516, multiplied by the rate of the maintenance tax levied by the district for the 2005 tax year.

Education Code 45.003(a), (d)–(f)

APPRAISAL ROLL

By August 1 or as soon thereafter as practicable, the district's tax assessor shall submit to the board the district's appraisal roll, showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property.

Note: The Texas comptroller of public accounts annually publishes *Truth in Taxation: A Guide for Setting School District Tax Rates.* School districts should consult the *Truth in Taxation* guide, available in print form or through the comptroller's website at http://comptroller.texas.gov/taxinfo/proptax/tnt/school-districts.html, for detailed guidance on setting local property tax rates.

By August 1 or as soon thereafter as practicable, the district's tax collector shall certify to the board the estimates and amounts required by law.

Tax Code 26.04(b)

CERTIFIED ESTIMATE

By April 30, the chief appraiser shall prepare and certify an estimate of the taxable value of district property. *Tax Code 26.01(e)*

DISASTER AREA

If the district is located partly or entirely inside an area declared by the governor to be a disaster area, the board may authorize the reappraisal of all property damaged in the disaster at its market value immediately after the disaster. *Tax Code 23.02(a)*

MEETING ON BUDGET AND PROPOSED TAX RATE

The board shall call a public meeting to discuss and adopt its budget and proposed tax rate. The board must provide notice of the budget and proposed tax rate meeting, as described below. The budget must be adopted before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins. [See CE]

PUBLISHED NOTICE

The board president shall provide for publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or biweekly newspaper published in the district. If no daily, weekly, or biweekly newspaper is published in the district, the president shall provide for publication of notice in at least one newspaper of general circulation in the county in which the district's central administrative office is located. The notice shall be published not earlier than the 30th day or later than the tenth day before the date of the hearing.

FORM OF NOTICE

The published notice of the public meeting to discuss and adopt the budget and the proposed tax rate must meet the size, format, and content requirements dictated by law.

The notice is not valid if it does not substantially conform to the language and format prescribed by the comptroller.

TAXPAYER INJUNCTION

If the district has not complied with the published notice requirements in the FORM OF NOTICE described above, and the requirements for DISTRICTS WITH JULY 1 FISCAL YEAR below, if applicable, and the failure to comply was not in good faith, a person who owns taxable property in the district is entitled to an injunction restraining the collection of taxes by the district. An action to enjoin the collection of taxes must be filed before the date the district delivers substantially all of its tax bills.

DISTRICTS WITH JULY 1 FISCAL YEAR

A district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of district property in preparing the published notice if the district does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but the district may not adopt a tax rate before the district receives the certified appraisal roll for the district.

After receipt of the certified appraisal roll, the district must publish a revised notice and hold another public meeting before the district may adopt a tax rate that exceeds:

1. The rate proposed in the notice prepared using the estimate; or

2. The district's rollback rate determined under Tax Code 26.08 using the certified appraisal roll.

DECREASE IN DEBT SERVICE RATE

If the debt service rate calculated under Education Code 44.004(c)(5)(A)(ii)(b) decreases after the publication of the notice required by this section, the board president is not required to publish another notice or call another meeting to discuss and adopt the budget and the proposed lower tax rate.

Education Code 44.004

TAX RATE

Before the later of September 30 or the 60th day after the date the certified appraisal roll is received, the board shall adopt a tax rate for the current tax year that reflects the two components, maintenance and operations expenditures and the debt service rate calculated under Education Code 44.004(c)(5)(A)(ii)(b), and shall notify the assessor of the tax rate adopted. The two components shall be approved separately. *Tax Code 26.05(a)*

The board may not impose property taxes in any year until it has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. The budget shall be adopted before the adoption of the tax rate. *Tax Code 26.05(b); Education Code 44.004(g)*

EXCEPTION

The district may adopt a budget after the district adopts a tax rate for the tax year in which the fiscal year covered by the budget begins if the district elects to adopt a tax rate before receiving the certified appraisal roll for the district. The board may adopt a tax rate for the current tax year before receipt of the certified appraisal roll if the chief appraiser of the appraisal district in which the district participates has, by April 30, certified to the assessor for the district an estimate of the taxable value of property in the district as provided by Education Code 26.01(e). If the district adopts a tax rate before the adoption of the budget, the effective tax rate and the rollback tax rate of the district shall be calculated based on the certified estimate of taxable value. *Education Code 44.004(j); Tax Code 26.01(e), .05(g)*

EFFECTIVE TAX RATE

The vote on the ordinance setting a tax rate that exceeds the effective tax rate must be a record vote. A motion to adopt an ordinance

setting a tax rate that exceeds the effective tax rate must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the effective tax rate) percent increase in the tax rate."

MAINTENANCE AND OPERATIONS TAX RATE

If the ordinance sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the taxing unit that exceeds the amount of taxes imposed for that purpose in the preceding year, the board must include in the ordinance in type larger than the type used in any other portion of the document the following statement: "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and if the tax rate exceeds the effective maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE EFFECTIVE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000 HOME BY APPROXIMATELY $(Insert amount)."

INTERNET POSTING

The district shall also include on the home page of any Internet website operated by the district the following statement: "(Insert name of unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and if the tax rate exceeds the effective maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE EFFECTIVE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000 HOME BY APPROXIMATELY $(Insert amount)."

Tax Code 26.05(b)

SECTION II: ELECTION TO RATIFY TAXES

If the board adopts a tax rate that exceeds the district's rollback tax rate as defined in Tax Code 26.08, the registered voters of the district at an election held for that purpose must determine whether to approve the adopted tax rate. When increased expenditure of money is necessary due to a natural disaster and the governor has requested federal disaster assistance, an election is not required. *Tax Code 26.08(a)*

The board shall order that the election be held in the district on a date not less than 30 or more than 90 days after the date on which it adopted the tax rate. The election need not be held on a uniform

election date unless a uniform election date falls within the 30–90 day time period. *Tax Code 26.08(b)*

PROPOSITION

In addition to any other requirement imposed by law for a proposition, including a provision prescribing the proposition language, a proposition submitted to the voters for approval of the imposition or increase of a tax shall specifically state the amount of or maximum tax rate of the tax or tax increase for which approval is sought. *Education Code 52.072(e)*

APPROVAL OF PROPOSITION

If a majority of votes cast in the district favor the proposition, the tax rate for the current year is the rate that was adopted by the board. If the proposition is not approved, the board may not adopt a tax rate for the current year that exceeds the district's rollback tax rate. *Tax Code 26.08(c)–(d)*

CALL FOR ELECTION

A call for an election shall be made not later than the 62nd day before election day.

EXCEPTIONS

For an election to be held on a uniform election date, the election shall be ordered not later than the 78th day before election day.

An election under Tax Code 26.08 to ratify a tax rate adopted by the board under Tax Code 26.05(g) shall be ordered not later than the 30th day before election day.

Election Code 3.003, .005, 41.002 [See BBB]

NOTICE TO COUNTY CLERK

The board shall deliver notice of the election to the county clerk of each county in which the district is located not later than the 60th day before election day.

EXCEPTION

If the board orders an election under Tax Code 26.08 to ratify a tax rate adopted by the board under Tax Code 26.05(g), the board shall deliver notice of the election to the county clerk of each county in which the district is located not later than the 30th day before election day.

Election Code 4.008

TAX INFORMATION TO COUNTY

The district shall provide to the county assessor-collector for each county in which all or part of district territory is located the district's adopted tax rate, maintenance and operations rate, debt rate, effective tax rate, effective maintenance and operations rate, and rollback tax rate for posting on the county's Internet website. The district shall provide the information annually following the adoption of a tax rate by the district for the current tax year. *Tax Code 26.16(a)–(b)*

SECTION III: PAYMENT OPTIONS

DISCOUNTS

The board may adopt one or both of the following discount options for early payment of district taxes. *Tax Code 31.05(a)*

OPTION 1

If the board adopts Option 1, the following apply regardless of the date on which the district mails its tax bills.

1. Three percent if the tax is paid in October or earlier.
2. Two percent if the tax is paid in November.
3. One percent if the tax is paid in December.

Tax Code 31.05(b)

This discount does not apply to taxes that are calculated too late for it to be available. *Tax Code 31.04(c)*

OPTION 2

If the board adopts Option 2, the following discounts apply only when the district mails its tax bills after September 30:

1. Three percent if the tax is paid before or during the next full calendar month following the date on which the tax bills were mailed.
2. Two percent if the tax is paid during the second full calendar month following the date on which the tax bills were mailed.
3. One percent if the tax is paid during the third full calendar month following the date on which the tax bills were mailed.

Tax Code 31.05(c)

BOTH OPTIONS

If the board adopts both discount options, the discounts described at Option 1 apply unless the district mails its tax bills after September 30, in which case only the discounts described at Option 2 apply. *Tax Code 31.05(a)*

RESCISSION

The board may rescind a discount lawfully adopted by the board. The rescission of a discount takes effect in the tax year following the year in which the discount is rescinded. *Tax Code 31.05(d)*

SPLIT PAYMENTS

The board may provide for split payment of taxes. If a person pays one-half of the taxes before December 1, he or she may pay the remaining one-half of the taxes without penalty or interest at any time before July 1 of the following year. This payment option does not apply to taxes that are calculated too late for it to be available. *Tax Code 31.03, .04(c)*

PERFORMING SERVICES IN LIEU OF PAYING TAXES

In accordance with the provisions below, the board may permit certain individuals or business entities to provide certain services to the district in lieu of paying the district property taxes. While per-

forming services for the district, the individual is not an employee of the district and is not entitled to any benefit, including workers' compensation coverage, that the district provides to its employees.

PERSONS 65 AND OVER

Subject to the requirements contained in Tax Code 31.035, the board by order or resolution may permit an individual who is at least 65 years of age to perform services for the taxing unit in lieu of paying taxes imposed by the district on property owned by the individual and occupied as the individual's residence homestead.

Tax Code 31.035

TEACHING SERVICES BY INDIVIDUAL

Subject to the requirements contained in Tax Code 31.036, the board by resolution may permit qualified individuals, who are not employed by the district, to perform teaching services for the district at a junior high school or high school of the district in lieu of paying taxes imposed by the district on property owned and occupied by the individual as a residence homestead. *Tax Code 31.036*

TEACHING SERVICES BY EMPLOYEE OF BUSINESS ENTITY

Subject to the requirements contained in Tax Code 31.037, the board by resolution may authorize a corporation or other business entity to permit a qualified individual employed by the business entity to perform teaching services in a high school or a junior high school for the district in lieu of paying taxes imposed by the district on property owned by the business entity. *Tax Code 31.037*

INSTALLMENT PAYMENTS

An individual who qualifies for a homestead exemption under Tax Code 11.13(c), .132, or .22 may pay taxes on the residence homestead property in installments without penalty or interest if paid by the applicable dates provided for in Tax Code 31.031. *Tax Code 31.031*

CERTAIN HOMESTEADS

DISASTER AREA

Owners of certain property in a disaster area are permitted to pay taxes in installment payments. This option applies to:

1. Real property that:

   a. Is the residence homestead of the owner or consists of property that is used for residential purposes and that has fewer than five living units, or is owned or leased by a business entity that had not more than the amount calculated as provided by Tax Code 31.032(h) in gross receipts in the entity's most recent federal tax year or state franchise tax annual period, according to the applicable federal income tax return or state franchise tax report of the entity; and

   b. Is located in a disaster area and has been damaged as a direct result of the disaster.

2. Tangible personal property that is owned or leased by a business entity described above at number 1(a); and

3. Taxes that are imposed on the property by a taxing unit before the first anniversary of the disaster;

Such installment payments shall not incur penalty or interest if paid by the applicable dates provided for in Tax Code 31.032.

Tax Code 31.032(a)–(b)

PARTIAL PAYMENTS

The tax collector may decide to accept partial payments of district property taxes. Acceptance of a partial payment does not affect the delinquency date, but penalties and interest are incurred only by the portion of tax that remains unpaid on the date the tax becomes delinquent. The discounts described above do not apply to any portion of a partial payment of district taxes. *Tax Code 31.07(c)*

SECTION IV: DELINQUENT TAXES

DELINQUENCY DATE

Taxes are delinquent if not paid before February 1 of the year following the year in which imposed, except as provided below:

1. The district has provided for split payments. *Tax Code 31.03*

2. The district's tax bills are mailed after January 10. *Tax Code 31.04(a)*

3. The district's tax bills are mailed after September 30 and the board has adopted discounts provided by Tax Code 31.05(c). *Tax Code 31.04(d)*

Tax Code 31.02

DELINQUENT TAX COLLECTION

The board may contract with any competent attorney to represent the district to enforce the collection of delinquent taxes. The attorney's compensation is set in the contract, but the total amount of compensation provided may not exceed 20 percent of the amount of delinquent tax, penalty, and interest collected. *Tax Code 6.30(c)*

ADDITIONAL PENALTIES

If the district or the tax collector for the district has contracted with a private attorney for the collection of delinquent taxes, the board may impose, by official action, an additional penalty on taxes that become delinquent in the manner prescribed by law. *Tax Code 33.07, .08*

SECTION V: EXEMPTIONS

HOMESTEAD EXEMPTIONS

An adult is entitled to exemption from taxation of $15,000 of the appraised value of his or her residence homestead. To receive the

residence homestead exemption, the person claiming the exemption must apply for the exemption. *Tax Code 11.13(b), .43*

PERSONS 65 OR OLDER OR DISABLED PERSONS

An adult who is disabled or 65 or older is entitled to an additional $10,000 exemption of the appraised value of his or her residence homestead. *Tax Code 11.13(c)*

TAX CEILING

The district shall not increase the total annual amount of ad valorem tax it imposes on the residence homestead of an individual 65 years of age or older, or on the residence homestead of an individual who is disabled as defined by Tax Code 11.13, above the amount of the tax it imposed in the first tax year in which the individual qualified that residence homestead for an applicable exemption. *Tax Code 11.26(a)*

IMPROVEMENTS

The district may increase the taxes if improvements are made to the property, but that tax amount is then frozen. *Tax Code 11.26(b)*

PORTABILITY OF TAX CEILING

If an individual subject to a limitation on tax increases subsequently qualifies a different residence for the residence homestead exemption, the tax limitation on the new residence is calculated to give the individual the same percentage of tax paid as the limitation on the former home in accordance with Tax Code 11.26(g). *Tax Code 11.26(g)*

SURVIVING SPOUSE OF PERSONS 65 OR OLDER

If an individual who qualifies for the exemption for an individual 65 years of age or older dies, the surviving spouse of the individual is entitled to the limitation applicable to the residence homestead of the individual if the surviving spouse is 55 years of age or older when the individual dies, and the residence homestead of the individual is the residence homestead of the surviving spouse on the date that the individual dies and remains the residence homestead of the surviving spouse. *Tax Code 11.26(i)*

HOMESTEADS RENDERED UNINHABITABLE OR UNUSABLE

If a qualified residential structure for which the owner receives a homestead exemption under Tax Code 11.13 is rendered uninhabitable or unusable by a casualty or by wind or water damage, the owner may continue to receive the exemption for the structure and the land and improvements used in the residential occupancy of the structure while the owner constructs a replacement qualified residential structure on the land in accordance with Tax Code 11.135 and 11.26(n)–(o) and 34 Administrative Code 9.416. *Tax Code 11.135, .26(n)–(o); 34 TAC 9.416*

VETERAN EXEMPTIONS

100 PERCENT DISABLED

A disabled veteran who receives from the U.S. Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence

homestead. A person who qualifies for an exemption after January 1 of a tax year may receive the exemption for the applicable portion of that tax year immediately on qualification for the exemption. *Tax Code 11.131, .42(e)*

PARTIALLY DISABLED WITH DONATED RESIDENCE

A disabled veteran who has a disability rating of less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating if the residence homestead was donated to the disabled veteran by a charitable organization at no cost to the disabled veteran. An exemption is effective as of January 1 of the tax year in which the person qualifies for the exemption and applies to the entire tax year. *Tax Code 11.132, .42(c)*

EXEMPTION FOR SURVIVING SPOUSE

The surviving spouse of a disabled veteran who qualified for an exemption when the veteran died is entitled to the same exemption from taxation of the same property to which the disabled veteran's exemption applied if:

1. The surviving spouse has not remarried since the death of the disabled veteran; and
2. The property:
    a. Was the residence homestead of the surviving spouse when the disabled veteran died; and
    b. Remains the residence homestead of the surviving spouse.

If a surviving spouse who qualifies for an exemption subsequently qualifies a different property as the surviving spouse's residence homestead, the surviving spouse is entitled to an exemption from taxation of the subsequently qualified homestead in an amount equal to the dollar amount of the exemption of the former homestead in the last year in which the surviving spouse received an exemption for that homestead if the surviving spouse has not remarried since the death of the disabled veteran.

Tax Code 11.131(c)–(d), .132(c)–(d)

SURVIVING SPOUSE OF INDIVIDUAL KILLED IN ACTION

The surviving spouse of a member of the armed services of the United States who is killed in action is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the member of the armed services. An exemption is effective as of January 1 of the tax year in which the person qualifies for the exemption and applies to the entire tax year. *Tax Code 11.132, .42(c*)

A surviving spouse who receives an exemption for a residence homestead is entitled to receive an exemption from taxation of a property that the surviving spouse subsequently qualifies as the surviving spouse's residence homestead in an amount equal to the dollar amount of the exemption from taxation of the first property for which the surviving spouse received the exemption in the last year in which the surviving spouse received that exemption if the surviving spouse has not remarried since the death of the member of the armed services. *Tax Code 11.132*

DISABLED VETERAN

A disabled veteran is entitled to an exemption from taxation of a portion of the assessed value of a property the veteran owns and designates under Tax Code 11.22. This exemption can be, but is not required to be, applied to a residence homestead. *Tax Code 11.22*

OPTIONAL EXEMPTIONS

The board may grant additional tax exemptions for transitional housing, homesteads, historic sites, community land trusts, certain water conservation initiatives, certain tax-exempt corporations, and charitable organizations, as provided by law. If the district adopts, amends, or repeals an exemption that the district by law has the option to adopt or not, the district shall notify the appraisal office of its action and of the terms of the exemption within 30 days after the date of its action. *Tax Code 6.08, 11.111, .13, .1827, .184, .24, .32; Tex. Const. Art. VIII, Sec. 1-b*

GOODS-IN-TRANSIT

A person is entitled to an exemption from taxation of the appraised value of that portion of the person's property that consists of goods-in-transit.

In accordance with Tax Code 11.253, the board may provide for the taxation of goods-in-transit that are otherwise exempt from taxation. The official action to tax the goods-in-transit must be taken before January 1 of the first tax year in which the governing body proposes to tax goods-in-transit. Before acting to tax the exempt property, the board must conduct a public hearing as required by Texas Constitution Article VIII, Section 1-n(d). The goods-in-transit remain subject to taxation by the district until the board rescinds or repeals its previous action to tax goods-in-transit, or otherwise determines that the exemption will apply to the district.

Notwithstanding official action that was taken before October 1, 2011, to tax goods-in-transit, the district may not tax such goods-in-transit in a tax year that begins on or after January 1, 2012, unless the board takes official action on or after October 1, 2011, to provide for the taxation of the goods-in-transit.

EXCEPTION

If the board, before October 1, 2011, took action to provide for the taxation of goods-in-transit and pledged the taxes imposed on the

goods-in-transit for the payment of a debt of the district, the district tax officials may continue to impose the taxes against the goods-in-transit until the debt is discharged, if cessation of the imposition would impair the obligation of the contract by which the debt was created.

Tax Code 11.253(b), (j)–(j-2)

SECTION VI: ECONOMIC DEVELOPMENT

TAX INCREMENT FINANCING ACT

The governing body of a municipality or county may designate a geographic area as a reinvestment zone to promote development or redevelopment of the area if the governing body determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future, in accordance with the Tax Increment Financing Act, Tax Code Chapter 311. *Tax Code 311.003(a)*

BOARD OF DIRECTORS

The board may appoint one member of the reinvestment zone's board of directors if the district has approved the payment of all or part of the tax increment produced by the district into the tax increment fund for the zone or may waive that right. *Tax Code 311.009(a)*

In certain reinvestment zones, the board may be entitled to appoint more than one member of the reinvestment zone's board of directors. *Tax Code 311.0091(a)–(b)*

When the reinvestment zone has been designated upon petition of property owners under Tax Code 311.005(a)(4), the board may appoint a member or members, as appropriate, of the reinvestment zone's board of directors only if it has approved the payment of all or part of the tax increment produced by the district into the tax increment fund for the zone. *Tax Code 311.009(b)*, *.0091(c)*

COLLECTION AND DEPOSIT OF TAX INCREMENTS

The district shall provide for the collection of its taxes in the zone as for any other property tax and shall pay into the zone's tax increment fund the amount specified by law. Notwithstanding any termination of the reinvestment zone and unless otherwise specified by an agreement between the district and the municipality or county that created the zone, this payment shall be made no later than 90 days after the later of the delinquency date for district property taxes or the date the municipality or county that created the zone submits to the district an invoice specifying the tax increment produced by the district and the amount the district is required to pay into the tax increment fund for the zone. The district is not required to pay the portion attributable to delinquent taxes until those taxes are collected. The district shall not be required to pay a tax increment into the zone's tax increment fund beyond

three years from the date the zone was created, except as provided by law. *Tax Code 311.013*

The district is not required to pay into the tax increment fund any of its tax increment produced from a reinvestment zone created upon petition of property owners under Tax Code 311.005(a) unless it enters into an agreement to do so with the governing body of the municipality or county that designated the zone. *Tax Code 311.013(f)*

The district is not required to pay into the tax increment fund any of its tax increment produced from property located in an area added to a reinvestment zone under Tax Code 311.007 unless the board enters into an agreement to do so with the governing body of the municipality or county that created the zone. *Tax Code 311.013(k)*

A district that participates in a zone is not required to increase the percentage or amount of the tax increment to be contributed by the district because of an amendment to the project plan or reinvestment zone financing plan for the zone unless the board by official action approves the amendment. *Tax Code 311.011(g)*

A district whose taxable value is reduced under Government Code 403.302(d)(4) shall pay into the tax increment fund, in addition to the amount otherwise required to be paid, the amount by which the amount of taxes the district would have been required to pay into the fund in the current year if the district levied taxes at the rate the district levied in 2005 exceeds the amount the district is otherwise required to pay into the fund in the year of the reduction. This additional amount may not exceed the amount the district receives in state aid for the current tax year under Education Code 42.2514. The district shall pay the additional amount after the district receives the state aid to which the district is entitled for the current tax year under Education Code 42.2514. *Tax Code 311.013(n)*

Notwithstanding the designation of a later termination date under Tax Code 311.017(a), a district that taxes real property located in the reinvestment zone is not required to pay any of its tax increment into the tax increment fund for the zone after the termination date designated in the ordinance or order creating the zone unless the board enters into an agreement to do so with the governing body of the municipality or county that created the zone. *Tax Code 311.017(a-1)*

If the governing body of the municipality or county that designated a reinvestment zone extends the term of all or a portion of the zone, the district is not required to participate in the zone or portion of the zone for the extended term unless the district enters into a written agreement to do so. *Tax Code 311.007(c)*

PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT

On or after September 1, 2001, the district may not enter into a tax abatement agreement under Tax Code Chapter 312. *Tax Code 312.002(f)*

DISTRICT DESIGNATED

Notwithstanding any other provision of Tax Code Chapter 312 to the contrary, the board, in the manner required for official action and for purposes of Tax Code Chapter 313, Subchapter B or C [see TEXAS ECONOMIC DEVELOPMENT ACT, below], may designate an area entirely within the territory of the district as a reinvestment zone if the board finds that, as a result of the designation and the granting of a limitation on appraised value, for property located in the reinvestment zone, the designation is reasonably likely to:

1. Contribute to the expansion of primary employment in the reinvestment zone; or
2. Attract major investment in the reinvestment zone that would:
    a. Be a benefit to property in the reinvestment zone and to the district; and
    b. Contribute to the economic development of the region of this state in which the district is located.

The board may seek the recommendation of the commissioners court of each county and the governing body of each municipality that has territory in the district before designating an area as a reinvestment zone.

Tax Code 312.0025

TEXAS ECONOMIC DEVELOPMENT ACT

In order to attract large-scale capital investments, create new jobs, strengthen the economy, and expand the property tax base, districts may offer certain ad valorem tax benefits and financial benefits in accordance with the Texas Economic Development Act. *Tax Code 313*

Districts should strictly interpret the criteria and selection guidelines and approve only those applications for an ad valorem tax benefit that:

1. Enhance the local community;
2. Improve the local public education system;
3. Create high-paying jobs; and
4. Advance the economic development goals of Texas.

Tax Code 313.004(3)

Note: For complete information regarding the Texas Economic Development Act, refer to Tax Code Chapter 313 and 34 Administrative Code Chapter 9, Subchapter F.

All investments made by a district shall comply with the Public Funds Investment Act (Texas Government Code Chapter 2256, Subchapter A) and all federal, state, and local statutes, rules or regulations. *Gov't Code 2256.026*

WRITTEN POLICIES

Investments shall be made in accordance with written policies approved by the board. The investment policies must primarily emphasize safety of principal and liquidity and must address investment diversification, yield, and maturity and the quality and capability of investment management. The policies must include:

1. A list of the types of authorized investments in which a district's funds may be invested;
2. The maximum allowable stated maturity of any individual investment owned by the district;
3. For pooled fund groups, the maximum dollar-weighted average maturity allowed based on the stated maturity date of the portfolio;
4. Methods to monitor the market price of investments acquired with public funds;
5. A requirement for settlement of all transactions, except investment pool funds and mutual funds, on a delivery versus payment basis; and
6. Procedures to monitor rating changes in investments acquired with public funds and the liquidation of such investments consistent with the provisions of Government Code 2256.021 [see LOSS OF REQUIRED RATING, below].

Gov't Code 2256.005(b)

ANNUAL REVIEW

The board shall review its investment policy and investment strategies not less than annually. The board shall adopt a written instrument stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies. *Gov't Code 2256.005(e)*

ANNUAL AUDIT

A district shall perform a compliance audit of management controls on investments and adherence to the district's established investment policies. The compliance audit shall be performed in conjunction with the annual financial audit. *Gov't Code 2256.005(m)*

INVESTMENT STRATEGIES

As part of the investment policy, a board shall adopt a separate written investment strategy for each of the funds or group of funds under the board's control. Each investment strategy must describe

the investment objectives for the particular fund under the following priorities in order of importance:

1. Understanding of the suitability of the investment to the financial requirements of the district;
2. Preservation and safety of principal;
3. Liquidity;
4. Marketability of the investment if the investment needs to be liquidated before maturity;
5. Diversification of the investment portfolio; and
6. Yield.

Gov't Code 2256.005(d)

INVESTMENT OFFICER

A district shall designate one or more officers or employees as investment officer(s) to be responsible for the investment of its funds. If the board has contracted with another investing entity to invest its funds, the investment officer of the other investing entity is considered to be the investment officer of the contracting board's district. In the administration of the duties of an investment officer, the person designated as investment officer shall exercise the judgment and care, under prevailing circumstances that a prudent person would exercise in the management of the person's own affairs, but the board retains the ultimate responsibility as fiduciaries of the assets of the district. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the district. Authority granted to a person to invest the district's funds is effective until rescinded by the district or until termination of the person's employment by a district, or for an investment management firm, until the expiration of the contract with the district. *Gov't Code 2256.005(f)*

A district or investment officer may use the district's employees or the services of a contractor of the district to aid the investment officer in the execution of the officer's duties under Government Code, Chapter 2256. *Gov't Code 2256.003(c)*

INVESTMENT TRAINING

INITIAL

Within 12 months after taking office or assuming duties, the chief financial officer and the investment officer of a district shall attend at least one training session from an independent source approved either by the board or by a designated investment committee advising the investment officer. This initial training must contain at least ten hours of instruction relating to their respective responsibilities under the Public Funds Investment Act. *Gov't Code 2256.008(a)*

ONGOING

The chief financial officer and the investment officer must also attend an investment training session not less than once in a two-year period that begins on the first day of the district's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than eight hours of instruction relating to investment responsibilities under the Public Funds Investment Act from an independent source approved by the board or a designated investment committee advising the investment officer. If a district has contracted with another investing entity to invest the district's funds, this training requirement may be satisfied by having a board officer attend four hours of appropriate instruction in a two-year period that begins on the first day of the district's fiscal year and consists of the two consecutive fiscal years after that date. *Gov't Code 2256.008(a-1)–(b)*

Investment training shall include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with the Government Code, Chapter 2256. *Gov't Code 2256.008(c)*

STANDARD OF CARE

Investments shall be made with judgment and care, under prevailing circumstances that a person of prudence, discretion, and intelligence would exercise in the management of his or her own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investments shall be governed by the following objectives in order of priority:

1. Preservation and safety of principal;
2. Liquidity; and
3. Yield.

In determining whether an investment officer has exercised prudence with respect to an investment decision, the following shall be taken into consideration:

1. The investment of all funds, rather than the prudence of a single investment, over which the officer had responsibility.
2. Whether the investment decision was consistent with a board's written investment policy.

Gov't Code 2256.006

PERSONAL INTEREST

A district investment officer who has a personal business relationship with a business organization offering to engage in an investment transaction with the district shall file a statement disclosing that personal business interest. An investment officer who is relat-

ed within the second degree by affinity or consanguinity, as determined by Government Code Chapter 573, to an individual seeking to sell an investment to the investment officer's district shall file a statement disclosing that relationship. A required statement must be filed with the board and with the Texas Ethics Commission. For purposes of this policy, an investment officer has a personal business relationship with a business organization if:

1. The investment officer owns ten percent or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization;
2. Funds received by the investment officer from the business organization exceed ten percent of the investment officer's gross income for the previous year; or
3. The investment officer has acquired from the business organization during the previous year investments with a book value of $2,500 or more for the personal account of the investment officer.

Gov't Code 2256.005(i)

QUARTERLY REPORTS

Not less than quarterly, an investment officer shall prepare and submit to a board a written report of investment transactions for all funds covered by the Public Funds Investment Act for the preceding reporting period. This report shall be presented to a board and a superintendent, not less than quarterly, within a reasonable time after the end of the reporting period. The report must:

1. Contain a detailed description of the investment position of a district on the date of the report.
2. Be prepared jointly and signed by all district investment officers.
3. Contain a summary statement for each pooled fund group (i.e., each internally created fund in which one or more accounts are combined for investing purposes) that states the:
    a. Beginning market value for the reporting period;
    b. Ending market value for the period; and
    c. Fully accrued interest for the reporting period.
4. State the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested.
5. State the maturity date of each separately invested asset that has a maturity date.

6. State the account or fund or pooled group fund in a district for which each individual investment was acquired.

7. State the compliance of the investment portfolio of a district as it relates to the district's investment strategy expressed in the district's investment policy and relevant provisions of Government Code, Chapter 2256.

If a district invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the board by that auditor.

Gov't Code 2256.023

SELECTION OF BROKER

A board or a designated investment committee, shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with a district. *Gov't Code 2256.025*

AUTHORIZED INVESTMENTS

A board may purchase, sell, and invest its funds and funds under its control in investments described below, in compliance with its adopted investment policies and according to the standard of care set out in this policy. Investments may be made directly by a board or by a nonprofit corporation acting on behalf of the board or an investment pool acting on behalf of two or more local governments, state agencies, or a combination of the two. *Gov't Code 2256.003(a)*

In the exercise of these powers, a board may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control. A contract made for such purpose may not be for a term longer than two years. A renewal or extension of the contract must be made by a board by order, ordinance, or resolution. *Gov't Code 2256.003(b)*

The following investments are authorized for districts, although the board may specify in its investment policy that any such investment is not suitable, per Government Code 2256.005(j):

1. Obligations, including letters of credit, of the United States or its agencies and instrumentalities; direct obligations of the state of Texas or its agencies and instrumentalities; collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the

United States; other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the state of Texas, the United States, or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or by the explicit full faith and credit of the United States; obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent; and bonds issued, assumed, or guaranteed by the state of Israel. *Gov't Code 2256.009(a)*

The following investments are not authorized:

a. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.

b. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.

c. Collateralized mortgage obligations that have a stated final maturity date of greater than ten years.

d. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

Gov't Code 2256.009(b)

2. Certificates of deposit or share certificates issued by a depository institution that has its main office or a branch office in Texas that is guaranteed or insured by the FDIC or its successor or the National Credit Union Share Insurance Fund or its successor and is secured by obligations described in item 1 above, including mortgage-backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates [but excluding those mortgage-backed securities described in Section 2256.009(b)] or secured in any other manner and amount provided by law for the deposits of the investing entity. *Gov't Code 2256.010(a)*

In addition to the authority to invest funds in certificates of deposit under the previous section, an investment in certificates of deposit made in accordance with the following conditions is an authorized investment under Government Code 2256.010:

a. The funds are invested by the district through a broker that has its main office or a branch office in this state and is selected from a list adopted by the district as required by Government Code 2256.025, or a depository institution that has its main office or a branch office in this state and that is selected by the district;

b. The broker or depository institution selected by the district arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the district;

c. The full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and

d. The district appoints the depository institution selected by the district, an entity described by Government Code 2257.041(d), or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the district with respect to the certificates of deposit issued for the account of the district entity.

Gov't Code 2256.010(b)

The investment policies may provide that bids for certificates of deposit be solicited orally, in writing, electronically, or in any combination of those methods. *Gov't Code 2256.005(c)*

3. Fully collateralized "repurchase agreements" [as defined by Government Code 2256.011(b)] that have a defined termination date; are secured by a combination of cash and obligations of the United States or its agencies and instrumentalities; require the securities being purchased by the district or cash held by the district to be pledged to the district, held in the district's name, and deposited with the district or a third party selected and approved by the district, and are placed through a primary government securities dealer, as defined by the Federal Reserve or a financial institution doing business in Texas. The term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered. Money received by a district under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in

the reverse security repurchase agreement. *Gov't Code 2256.011*

4. A securities lending program if:

   a. The value of securities loaned is not less than 100 percent collateralized, including accrued income, and the loan allows for termination at any time;

   b. The loan is secured by:

      (1) Pledged securities described by Government Code 2256.009;

      (2) Pledged irrevocable letters of credit issued by a bank that is organized and existing under the laws of the United States or any other state and continuously rated by at least one nationally recognized investment rating firm at not less than A or its equivalent; or

      (3) Cash invested in accordance with Government Code 2256.009, 2256.013, 2256.014, or 2256.016;

   c. The terms of the loan require that the securities being held as collateral be pledged to the investing entity, held in the investing entity's name, and deposited at the time the investment is made with the entity or with a third party selected by or approved by the investing entity; and

   d. The loan is placed through a primary government securities dealer or a financial institution doing business in this state.

   An agreement to lend securities under a securities lending program must have a term of one year or less.

   Gov't Code 2256.0115

5. Banker's acceptance, with a stated maturity of 270 days or fewer from the date of issuance that will be liquidated in full at maturity, which is eligible for collateral for borrowing from a Federal Reserve Bank, and is accepted by a bank meeting the requirements of Government Code 2256.012(4). *Gov't Code 2256.012*

6. Commercial paper that has a stated maturity of 270 days or fewer from the date of issuance and is rated not less than A-1 or P-1 or an equivalent rating by at least two nationally recognized credit rating agencies or by one nationally recognized credit rating agency provided the commercial paper is fully

secured by an irrevocable letter of credit issued by a bank organized and existing under United States law or the law of any state. *Gov't Code 2256.013*

7. No-load money market mutual funds that:

   a. Are registered with and regulated by the Securities and Exchange Commission;

   b. Provide a district with a prospectus and other information required by the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.);

   c. Have a dollar-weighted average stated maturity of 90 days or fewer; and

   d. Include in their investment objectives the maintenance of a stable net asset value of $1 for each share.

   However, investments in no-load money market mutual funds shall be limited to the percentages authorized by Government Code 2256.014(c).

8. No-load mutual funds that:

   a. Are registered with the Securities and Exchange Commission;

   b. Have an average weighted maturity of less than two years;

   c. Are invested exclusively in obligations approved by Government Code Chapter 2256, Subchapter A, regarding authorized investments (Public Funds Investment Act);

   d. Are continuously rated by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and

   e. Conform to the requirements in Government Code 2256.016(b) and (c) relating to the eligibility of investment pools to receive and invest funds of investing entities.

   Investments in no-load mutual funds shall be limited to the percentages authorized by Government Code 2256.014(c). In addition, a district may not invest any portion of bond proceeds, reserves, and funds held for debt service, in no-load mutual funds described in this item.

   Gov't Code 2256.014

9. A guaranteed investment contract, as an investment vehicle for bond proceeds, if the guaranteed investment contract:

   a. Has a defined termination date.

   b. Is secured by obligations described by Government Code 2256.009(a)(1), excluding those obligations described by Section 2256.009(b), in an amount at least equal to the amount of bond proceeds invested under the contract.

   c. Is pledged to a district and deposited with the district or with a third party selected and approved by the district.

   Bond proceeds, other than bond proceeds representing reserves and funds maintained for debt service purposes, may not be invested in a guaranteed investment contract with a term longer than five years from the date of issuance of the bonds.

   To be eligible as an authorized investment:

   a. A board must specifically authorize guaranteed investment contracts as eligible investments in the order, ordinance, or resolution authorizing the issuance of bonds.

   b. A district must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received.

   c. A district must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received.

   d. The price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested.

   e. The provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed investment contract.

   Gov't Code 2256.015

10. A public funds investment pool meeting the requirements of Government Code 2256.016 and 2256.019, if a board authorizes the investment in the particular pool by resolution. *Gov't Code 2256.016, .019*

11. Corporate bonds: A district that qualifies as an issuer as defined by Government Code 1371.001 [see CCF] may purchase, sell, and invest its funds and funds under its control in

"corporate bonds" (as defined in Government Code 2256.0204(a)) that, at the time of purchase, are rated by a nationally recognized investment rating firm "AA" or the equivalent and have a stated final maturity that is not later than the third anniversary of the date the corporate bonds were purchased. *Gov't Code 2256.0204(b)–(c)*

The district is not authorized to:

a. Invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds, reserves, and other funds held for the payment of debt service, in corporate bonds; or

b. Invest more than 25 percent of the funds invested in corporate bonds in any one domestic business entity, including subsidiaries and affiliates of the entity.

Gov't Code 2256.0204(d)

The district may purchase, sell, and invest its funds and funds under its control in corporate bonds if the board:

a. Amends its investment policy to authorize corporate bonds as an eligible investment;

b. Adopts procedures to provide for monitoring rating changes in corporate bonds acquired with public funds, and liquidating the investment in corporate bonds; and

c. Identifies the funds eligible to be invested in corporate bonds.

Gov't Code 2256.0204(e)

The district investment officer, acting on behalf of the district, shall sell corporate bonds in which the district has invested its funds not later than the seventh day after the date a nationally recognized investment rating firm:

a. Issues a release that places the corporate bonds or the domestic business entity that issued the corporate bonds on negative credit watch or the equivalent, if the corporate bonds are rated "AA" or the equivalent at the time the release is issued; or

b. Changes the rating on the corporate bonds to a rating lower than "AA" or the equivalent.

Gov't Code 2256.0204(f)

Corporate bonds are not an eligible investment for a public funds investment pool. *Gov't Code 2256.0204(g)*

CHANGE IN LAW

A district is not required to liquidate investments that were authorized investments at the time of purchase. *Gov't Code 2256.017*

LOSS OF REQUIRED RATING

An investment that requires a minimum rating does not qualify as an authorized investment during the period the investment does not have the minimum rating. A district shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating. *Gov't Code 2256.021*

SELLERS OF INVESTMENTS

A written copy of the investment policy shall be presented to any person offering to engage in an investment transaction with a district or to an investment management firm under contract with a district to invest or manage the district's investment portfolio. For purposes of this section, a business organization includes investment pools and an investment management firm under contract with a district to invest or manage the district's investment portfolio. The qualified representative of the business organization offering to engage in an investment transaction with a district shall execute a written instrument in a form acceptable to the district and the business organization substantially to the effect that the business organization has:

1. Received and thoroughly reviewed the district investment policy; and

2. Acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the district and the organization that are not authorized by the district's policy, except to the extent that this authorization is dependent on an analysis of the makeup of the district's entire portfolio or requires an interpretation of subjective investment standards.

The investment officer may not acquire or otherwise obtain any authorized investment described in a district's investment policy from a person who has not delivered to the district the instrument described above.

Gov't Code 2256.005(k)–(l)

DONATIONS

A gift, devise, or bequest made to provide college scholarships for district graduates may be invested by a board as provided in Property Code 117.004, unless otherwise specifically provided by the terms of the gift, devise, or bequest. *Education Code 45.107*

Investments donated to a district for a particular purpose or under terms of use specified by the donor are not subject to the require-

ments of Government Code Chapter 2256, Subchapter A. *Gov't Code 2256.004(b)*

ELECTRONIC FUNDS TRANSFER

A district may use electronic means to transfer or invest all funds collected or controlled by the district. *Gov't Code 2256.051*

AUTHORIZED EXPENDITURES

A district shall not lend its credit or gratuitously grant public money or things of value in aid of any individual, association, or corporation. *Tex. Const. Art. III, Sec. 52; Brazoria County v. Perry, 537 S.W.2d 89 (Tex. Civ. App.—Houston [1st Dist.] 1976, no writ)*

A district shall not grant any extra compensation, fee, or allowance to a public officer, agent, servant, or contractor after service has been rendered or a contract entered into and performed in whole or in part. Nor shall a district pay or authorize the payment of any claim against the district under any agreement or contract made without authority of law. *Tex. Const. Art. III, Sec. 53; Harlingen Indep. Sch. Dist. v. C.H. Page and Bro., 48 S.W.2d 983 (Comm. App. 1932)*

The state and county available funds disbursed to a district shall be used exclusively for salaries of professional certified staff and for interest on money borrowed on short time to pay such salaries, when salaries become due before school funds for the current year become available. Loans for paying professional certified staff salaries may not be paid out of funds other than those for the current year. *Education Code 45.105(b)*

Local funds from district taxes, tuition fees, other local sources, and state funds not designated for a specific purpose may be used for salaries of any personnel and for purchasing appliances and supplies; for the payment of insurance premiums; for buying school sites; for buying, building, repairing, and renting school buildings, including acquisition of school buildings and sites by leasing through annual payments with an ultimate option to purchase [see CHG]; and for other purposes necessary in the conduct of the public schools to be determined by a board. *Education Code 45.105(c)*

No public funds of a district may be spent in any manner other than as provided for in the budget adopted by the board. *Education Code 44.006(a)*

USE OF DISTRICT RESOURCES

Except as provided below or by Education Code 45.109(a-1), (a-2), or (a-3) [see CX], a board shall not enter into an agreement authorizing the use of school district employees, property, or resources for the provision of materials or labor for the design, construction, or renovation of improvements to real property not owned or leased by the district.

IMPROVEMENTS TO REAL PROPERTY

This section does not prohibit the board from entering into an agreement for the design, construction, or renovation of improvements to real property not owned or leased by the district if the improvements benefit real property owned or leased by the district. Benefits to real property owned or leased by the district include the

design, construction, or renovation of highways, roads, streets, sidewalks, crosswalks, utilities, and drainage improvements that serve or benefit the real property owned or leased by the district.

Education Code 11.168

HOTELS

The board may not impose taxes, issue bonds, use or authorize the use of district employees, use or authorize the use of district property, money, or other resources, or acquire property for the design, construction, renovation, or operation of a hotel. The board may not enter into a lease, contract, or other agreement that obligates the board to engage in an activity prohibited by this section or obligates the use of district employees or resources in a manner prohibited by this section.

"Hotel" means a building in which members of the public obtain sleeping accommodations for consideration. The term includes a motel.

Education Code 11.178

ELECTIONEERING

A board may not use state or local funds or other resources of the district to electioneer for or against any candidate, measure, or political party. *Education Code 11.169*

COMMITMENT OF CURRENT REVENUE

A contract for the acquisition, including lease, of real or personal property is a commitment of a district's current revenue only, provided the contract contains either or both of the following provisions:

1. Retains to a board the continuing right to terminate the contract at the expiration of each budget period during the term of the contract.
2. Is conditioned on a best efforts attempt by the board to obtain and appropriate funds for payment of the contract.

Local Gov't Code 271.903

FISCAL YEAR

A board may determine if a district's fiscal year begins on July 1 or September 1 of each year. *Education Code 44.0011*

BUDGET PREPARATION

A superintendent shall prepare, or cause to be prepared, a proposed budget covering all estimated revenue and proposed expenditures of a district for the following fiscal year. *Education Code 44.002*

FUNDS FOR ACCELERATED INSTRUCTION

A district that is required to provide accelerated instruction under Education Code 29.081(b-1) [see EHBC] shall separately budget sufficient funds, including funds under Education Code 42.152, for that purpose. A district may not budget funds received under Edu-

cation Code 42.152 for any other purpose until the district adopts a budget to support additional accelerated instruction. *Education Code 29.081(b-2)*

DEADLINES

The proposed budget shall be prepared on or before a date set by the State Board of Education, currently August 20 (June 19 if a district uses a July 1 fiscal year start date). *Education Code 44.002(a); 19 TAC 109.1(a), .41*

The adopted budget must be filed with the Texas Education Agency on or before the date established in the *Financial Accountability System Resource Guide. Education Code 44.005; 19 TAC 109.1(a)*

PUBLIC MEETING ON BUDGET AND PROPOSED TAX RATE

After the proposed budget has been prepared, a board president shall call a board meeting for the purpose of adopting a budget for the succeeding fiscal year. Any taxpayer of a district may be present and participate in the meeting. *Education Code 44.004(a), (f)* [See CCG for provisions governing tax rate adoption.]

The meeting must comply with the notice requirements of the Open Meetings Act. *Gov't Code 551.041, .043*

PUBLISHED NOTICE

A board president shall also provide for publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or biweekly newspaper published in a district. If no daily, weekly, or biweekly newspaper is published in a district, the president shall provide for publication of notice in at least one newspaper of general circulation in the county in which the district's central administrative office is located. The notice shall be published not earlier than the 30th day or later than the tenth day before the date of the hearing.

FORM OF NOTICE

The published notice of the public meeting to discuss and adopt the budget and the proposed tax rate must meet the size, format, and content requirements dictated by law.

The notice is not valid if it does not substantially conform to the language and format prescribed by the comptroller.

TAXPAYER INJUNCTION

If a district has not complied with the published notice requirements in the FORM OF NOTICE described above, and the requirements for DISTRICTS WITH JULY 1 FISCAL YEAR below, if applicable, and the failure to comply was not in good faith, a person who owns taxable property in the district is entitled to an injunction restraining the collection of taxes by the district. An action to enjoin the collection of taxes must be filed before the date a district delivers substantially all of its tax bills.

Education Code 44.004(b)–(e)

PUBLICATION OF PROPOSED BUDGET SUMMARY

Concurrently with the publication of notice of the budget under Education Code 44.004, a district shall post a summary of the proposed budget on the school district's Internet website or, if the district has no Internet website, in the district's central administrative office.

The budget summary must include a comparison to the previous year's actual spending and information relating to per student and aggregate spending on:

1. Instruction;
2. Instructional support;
3. Central administration;
4. District operations;
5. Debt service; and
6. Any other category designated by the Commissioner.

Education Code 44.0041

DECREASE IN DEBT SERVICE RATE

If the debt service rate calculated under Education Code 44.004(c)(5)(A)(ii)(b) decreases after the publication of the notice required by this section, the board president is not required to publish another notice or call another meeting to discuss and adopt the budget and the proposed lower tax rate. *Education Code 44.004(g-1)*

BUDGET ADOPTION

A board shall adopt a budget to cover all expenditures for the succeeding fiscal year at the meeting called for that purpose and before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins. *Education Code 44.004(f)–(g)*

CERTIFIED ESTIMATE

By April 30, the chief appraiser shall prepare and certify an estimate of the taxable value of school district property. *Tax Code 26.01(e)*

DISTRICTS WITH JULY 1 FISCAL YEAR

A district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of district property in preparing the published notice if the district does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but a district may not adopt a tax rate before the district receives the certified appraisal roll for the district. *Education Code 44.004(h)–(i)*

BUDGET ADOPTION AFTER TAX RATE ADOPTION

Notwithstanding Education Code 44.004(g), (h), and (i), above, a district may adopt a budget after the district adopts a tax rate for the tax year in which the fiscal year covered by the budget begins if the district elects to adopt a tax rate before receiving the certified appraisal roll for the district as provided by Tax Code 26.05(g). Following adoption of the tax rate [see CCG], the district must publish notice and hold a public meeting before the district may adopt a budget. The comptroller shall prescribe the language and format to be used in the notice. The district may use the certified estimate of taxable value in preparing the notice. *Education Code 44.004(j)*

PUBLICATION OF ADOPTED BUDGET

On final approval of the budget by the board, a district shall post on the district's Internet website a copy of the budget adopted by the board. The district's website must prominently display the electronic link to the adopted budget.

A district shall maintain the adopted budget on the district's website until the third anniversary of the date the budget was adopted.

Education Code 44.0051

AMENDMENT OF APPROVED BUDGET

A board shall have the authority to amend the approved budget or to adopt a supplementary emergency budget to cover necessary unforeseen expenses.

Copies of any amendment or supplementary budget must be prepared and filed in accordance with State Board rules.

Education Code 44.006

FAILURE TO COMPLY WITH BUDGET REQUIREMENTS

A board member who votes to approve any expenditure of school funds in excess of the item or items appropriated in the adopted budget or a supplementary or amended budget commits a misdemeanor offense. *Education Code 44.052(c)*

CERTAIN DONATIONS

A district may donate funds or other property or service to the adjutant general's department, the Texas National Guard, or the Texas State Guard. *Gov't Code 437.111(b), .252, .304(a)*

ANNUAL AUDIT

The board shall have a district's fiscal accounts audited annually at district expense by a Texas certified or public accountant holding a permit from the State Board of Public Accountancy.

The audit shall be completed following the close of each fiscal year, and shall meet at least the minimum requirements and be in the format prescribed by the State Board of Education, subject to review and comment by the state auditor. The audit shall include an audit of the accuracy of the fiscal information provided by a district through the Public Education Information Management System (PEIMS).

Education Code 44.008(a), (b)

AUDIT REQUIREMENTS AND PROCEDURES

A district must file with TEA an annual financial and compliance report and, if applicable, a state compensatory agreed-upon procedures report. These reports must be audited by an independent auditor, and the audit must be reviewed by TEA, including review of auditors' working papers, in accordance with the *Financial Accountability System Resource Guide* (FASRG).

The annual financial audit report and state compensatory agreed-upon procedures report are due 150 days after the end of the fiscal year.

INDEPENDENT AUDITOR

A district must hire at its own expense an independent auditor to conduct an independent audit of its financial statements and provide an opinion on its annual financial and compliance report.

The independent auditor must:

1. Be associated with a certified public accountancy (CPA) firm that has a current valid license issued by the Texas State Board of Public Accountancy;
2. Be a certified public accountant with a current valid license issued by the Texas State Board of Public Accountancy, as required under Education Code 44.008; and
3. Adhere to the generally accepted auditing standards (GAAS), adopted by the American Institute of CPAs (AICPA), as amended, and the generally accepted government auditing standards (GAGAS), adopted by the U.S. Government Accountability Office, as amended.

The CPA firm must:

1. Be a member of the AICPA Governmental Audit Quality Center (GAQC);
2. Adhere to GAQC's membership requirements; and

3. Collectively have the knowledge, skills, and experience to be competent for the audit being conducted, including thorough knowledge of the government auditing requirements and:

    a. Texas public school district environment; or

    b. Public sector; or

    c. Nonprofit sector.

If at any time the TEA division responsible for financial compliance reviews an audit firm's working papers and finds that the firm or the quality of the work does not meet the required standards, the division may require the district to change its audit firm.

19 TAC 109.23

FINANCIAL ACCOUNTABILITY SYSTEM RESOURCE GUIDE

The rules for financial accounting, including the selection of an auditor and the requirements for the audit, are described in the official TEA publication, *Financial Accountability System Resource Guide*, as amended, which is adopted as the State Board of Education's official rule. *19 TAC 109.41*

FILING OF REPORT

A copy of the annual audit report, approved by the board, shall be filed with TEA not later than the 150th day after the end of the fiscal year for which the audit was made. If a board does not approve the audit report, it shall nevertheless file a copy of it with TEA, accompanied by a statement detailing its reasons for failing to approve the report. *Education Code 44.008(d)*

FINANCIAL RECORDS

Each treasurer receiving or having control of any school fund shall keep a full and separate itemized account of each of the different classes of school funds received, and these records shall be available to audit. *Education Code 44.008(c)*

FINANCIAL SOLVENCY

TEA shall conduct a financial solvency review of a district to anticipate the district's future financial solvency. The review is designed to alert districts to circumstances that could lead to financial insolvency. *Education Code 39.0822; 19 TAC 109.1101(a)*

DEFINITION

Financial solvency is the condition in which a district either is generally paying its debts as they become due, unless such debts are the subject of a bona fide dispute, or is able to pay its debts as they become due. *19 TAC 109.1101(b)(1)*

DATA REVIEWED

In its financial solvency review, TEA shall use the following data, which are available through existing data sources:

1. Annual financial audits for the past two school years;

2. PEIMS financial actual data for the past two school years;

3. PEIMS financial budget data for the current year and the past two school years;

4. PEIMS staff data for the current year and the past two school years;

5. PEIMS student data for the current year and the past two school years; and

6. School district tax rate data.

TEA shall request the following additional information from districts:

1. First-quarter district financial data for the current school year; and

2. District comments.

19 TAC 109.1101(c)

METHODOLOGY

In its financial solvency review, TEA shall analyze the following:

1. District revenues and expenditures for the past school year; and

2. Projected district revenues and expenditures for the current school year and the next two school years.

TEA may consider, for the past school year, the current school year, and the next two school years, as appropriate, the following:

1. Student-to-staff ratios relative to expenditures;

2. Average staff salaries;

3. The rate of change in the unreserved (assigned and unassigned, effective beginning with fiscal year 2010–11 data) general fund balance;

4. The number of students enrolled in the district;

5. The adopted tax rate of the district;

6. Any independent audit report prepared for the district; and

7. Actual district financial information for the first quarter.

19 TAC 109.1101(d)(1)–(3)

NOTIFICATION

TEA shall notify any district for which the financial solvency review shows one or more of the following:

1. A student-to-staff ratio that is significantly outside the norm;

2. A rapid depletion of the general fund balance; or

3. A significant discrepancy between submitted budget figures and projected revenues and expenditures.

19 TAC 109.1101(d)(4)

FURTHER REVIEW

TEA may extend the financial solvency review and require additional documentation of a district that receives notification. TEA shall use additional documentation and comments submitted by a district to determine whether the district is projected to have a deficit for its general fund within the next three school years. If the review indicates a projected deficit, the district must submit to TEA interim financial reports, supplemented by staff and student count data, as needed, for TEA to evaluate the current budget status of the district.

If analysis and evaluation of the interim financial reports substantiates a projected deficit within the next three school years, the district must develop and submit a financial plan for avoiding the projected insolvency to TEA for approval. TEA may monitor the implementation of a financial plan or modified financial plan for a period of up to three years.

19 TAC 109.1101(d)(5), (e)

IMPACT ON ACCREDITATION

The Commissioner shall assign an Accredited-Warned status to a district that is required to develop and submit a financial plan if:

1. The district fails to submit a financial plan to avoid a projected deficit;

2. The district fails to get approval from TEA for a financial plan or modified financial plan;

3. The district fails to comply with a TEA-approved financial plan; or

4. TEA determines in a subsequent school year, based on financial data submitted by the district, that the approved plan is no longer sufficient or is not appropriately implemented.

Education Code 39.0823; 19 TAC 109.1101(f)

APPEALS

All financial plan approval decisions made by the Commissioner in regard to the financial solvency review are final and cannot be appealed. *19 TAC 109.1101(g)*

PUBLIC INFORMATION

All documentation generated and gathered in the process of determining a district's financial solvency shall be considered working papers and not subject to open records requests. Financial solvency documentation related to districts required to submit financial

plans shall be subject to open records requests as permitted by statute or rule. *19 TAC 109.1101(d)(6)*

ANNUAL AUDIT OF DROPOUT RECORDS

The Commissioner shall develop a process for auditing district dropout records electronically. The Commissioner shall also develop a system and standards for review of the audit or use systems already available at TEA. The system must be designed to identify districts that are at high risk of having inaccurate dropout records and that, as a result, require on-site monitoring of dropout records.

If the electronic audit of a district's dropout records indicates that the district is not at high risk of having inaccurate dropout records, the district may not be subject to on-site monitoring. If the risk-based system indicates that a district is at high risk of having inaccurate dropout records, the district is entitled to an opportunity to respond to the Commissioner's determination before on-site monitoring may be conducted. A district must respond not later than the 30th day after the date the Commissioner notifies the district of the Commissioner's determination. If a district's response does not change the Commissioner's determination that the district is at high risk of having inaccurate dropout records or if the district does not respond in a timely manner, the Commissioner shall order TEA staff to conduct on-site monitoring.

Education Code 39.308(a)–(c)

BOARD AUTHORITY

A board may adopt rules and procedures for the acquisition of goods and services. *Education Code 44.031(d)*

DELEGATION OF AUTHORITY

A board may delegate its authority regarding an action authorized or required to be taken by a district by Education Code Chapter 44, Subchapter B, to a designated person, representative, or committee.

A board may not delegate the authority to act regarding an action authorized or required to be taken by the board by Education Code Chapter 44, Subchapter B.

DISASTER EXCEPTION

Notwithstanding any other provision of the Education Code, in the event of a catastrophe, emergency, or natural disaster affecting a district, the board may delegate to the superintendent or designated person the authority to contract for the replacement or repair of school equipment under Education Code Chapter 44, Subchapter B if emergency replacement or repair is necessary for the health and safety of district students and staff.

Education Code 44.0312

PURCHASES VALUED AT OR ABOVE $50,000

All district contracts for the purchase of goods and services, except contracts for the purchase of produce or vehicle fuel, valued at $50,000 or more in the aggregate for each 12-month period, shall be made by the method that provides the best value for a district:

1. Competitive bidding for services other than construction services.
2. Competitive sealed proposals for services other than construction services.
3. A request for proposals for services other than construction services.
4. An interlocal contract.
5. The reverse auction procedure as defined by Government Code 2155.062(d).
6. The formation of a political subdivision corporation under Local Government Code 304.001.

Education Code 44.031(a)

Note: Regarding construction of school facilities, see CV generally; CVA for competitive bidding; CVB for competitive sealed proposals; CVC and CVD for contracts using a construction manager; CVE for design/build contracts; and CVF for job order contracts for minor repairs/alterations.

FACTORS

In awarding a contract, a district shall consider:

1. Purchase price.
2. The reputation of the vendor and of the vendor's goods and services.
3. The quality of the vendor's goods or services.
4. The extent to which the goods or services meet the district's needs.
5. The vendor's past relationship with the district.
6. The impact on the ability of the district to comply with laws relating to historically underutilized businesses.
7. The total long-term cost to the district to acquire the goods or services.
8. For a contract that is not for goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner has its principal place of business in this state or employs at least 500 persons in this state.
9. Any other relevant factor specifically listed in the request for bids or proposals.

Education Code 44.031(b)

In awarding a contract by competitive sealed bid under Education Code 44.031, a district that has its central administrative office located in a municipality with a population of less than 250,000 may consider a bidder's principal place of business in the manner provided by Local Government Code 271.9051. This section does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. Section 153. *Education Code 44.031(b-1)*

The factors listed above are the only criteria that may be considered by a district in its decision to award a contract. *R.G.V. Vend-*

ing v. Weslaco Indep. Sch. Dist., 995 S.W.2d 897 (Tex. App.—Corpus Christi 1999, no pet.).

OUT-OF-STATE BIDDERS

A board shall not award a contract for services or for purchase of supplies, materials, or equipment to a bidder whose principal place of business is not in this state, unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the greater of the amount by which a resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located, or a state in which a majority of the manufacturing relating to the contract will be performed. *Gov't Code 2252.001–.002*

This requirement shall not apply to a contract involving federal funds. A district shall rely on information published by the comptroller in evaluating the bids of a nonresident bidder. *Gov't Code 2252.003–.004*

DISCLOSURE OF INTERESTED PARTIES

A district may not enter into a contract that requires an action or vote of the board before the contract may be signed, or has a value of at least $1 million, with a business entity unless the business entity submits a disclosure of interested parties to the district at the time the business entity submits the signed contract to the district. [See BBFA]

"Business entity" means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation.

"Interested party" means a person who has a controlling interest in a business entity with whom a district contracts or who actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity.

The disclosure of interested parties must be submitted on a form prescribed by the Texas Ethics Commission that includes a list of each interested party for the contract of which the contracting business entity is aware; and the signature of the authorized agent of the contracting business entity, acknowledging that the disclosure is made under oath and under penalty of perjury.

Not later than the 30th day after the date the district receives a required disclosure of interested parties the district shall submit a copy of the disclosure to the Texas Ethics Commission.

Gov't Code 2252.908

CONTRACT WITH PERSON INDEBTED TO DISTRICT

A board may, by resolution, establish regulations permitting a school district to refuse to enter into a contract or other transaction with a person indebted to the school district. A district may refuse to award a contract to or enter into a transaction with an apparent low bidder or successful proposer that is indebted to the district.

The term "person" includes an individual, sole proprietorship, corporation, nonprofit corporation, partnership, joint venture, limited liability company, and any other entity that seeks to enter into a contract or other transaction with a district requiring board approval.

Education Code 44.044

NOTICE PUBLICATION

Notice of when and where bids or proposals or the responses to a request for qualifications will be received and opened shall be published in the county where a district's central administrative office is located, once a week for at least two weeks prior to the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is no newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which a district's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g)*

ELECTRONIC BIDS OR PROPOSALS

A district may receive bids or proposals through electronic transmission if the board adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

An electronic bid or proposal is not required to be sealed. A provision of Education Code Chapter 44 that applies to a sealed bid or proposal applies to a bid or proposal received through electronic transmission in accordance with the rules adopted by the board.

Education Code 44.0313

PROFESSIONAL SERVICES

The purchasing requirements of Education Code 44.031 do not apply to a contract for professional services rendered, including the services of an architect, attorney, certified public accountant, engineer, or fiscal agent.

A district may contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Government Code 2254.003, in lieu of the methods provided by Education Code 44.031.

Education Code 44.031(f)

Competitive bids shall not be solicited for professional services of any licensed or registered certified public accountant, architect, landscape architect, land surveyor, physician, optometrist, professional engineer, state-certified or state-licensed real estate appraiser, or registered nurse. Contracts for these professional services shall be made on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. *Gov't Code 2254.002, .003(a)*

An interlocal contract between a district and a purchasing cooperative may not be used to purchase engineering or architectural services. *Gov't Code 791.011(h)*

[See also CV]

EMERGENCY DAMAGE OR DESTRUCTION

If school equipment, a school facility, or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and a board determines that the delay posed by the methods provided for in Education Code 44.031 would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or the part of the school facility may be made by methods other than those required by Education Code 44.031. *Education Code 44.031(h)*

COMPUTERS

A district may acquire computers and computer-related equipment, including computer software, through the Department of Information Resources (DIR) under contracts with the DIR in accordance with Government Code Chapter 2054 or 2157. *Education Code 44.031(i)*

AUTOMATED INFORMATION SYSTEM

A district may purchase an automated information system using the purchasing method described by Government Code 2157.068 for commodity items or a purchasing method designated by the comptroller to obtain the best value for the state, including a request for offers method. A district that purchases an item using a method listed above satisfies any state law requiring the district to seek competitive bids for the purchase of the item. *Gov't Code 2157.006; 34 TAC 20.391*

AUTOMATED EXTERNAL DEFIBRILLATORS

A school that purchases or leases an automated external defibrillator, as defined by Health and Safety Code 779.001, shall ensure that the defibrillator meets standards established by the federal Food and Drug Administration. *Education Code 44.047*

SOLE SOURCE

Compliance with Education Code 44.031 is not required for purchases that are available from only one source, including:

1. An item for which competition is precluded because of a patent, copyright, secret process, or monopoly.
2. A film, manuscript, or book.
3. A utility service, including electricity, gas, or water.
4. A captive replacement part or component for equipment.

The sole source exception shall not apply to mainframe data processing equipment and peripheral attachments with a single-item purchase price in excess of $15,000.

Education Code 44.031(j)–(k)

INSURANCE

A contract for the purchase of insurance is a contract for the purchase of personal property and shall be made in accordance with Education Code 44.031. *Education Code 44.031; Atty. Gen. Op. DM-347 (1995)*

MULTIYEAR CONTRACTS

A district may execute an insurance contract for a period longer than 12 months, if the contract contains either or both of the provisions described at COMMITMENT OF CURRENT REVENUE, below. If a district executes a multiyear insurance contract, it need not advertise for insurance vendors until the 12-month period during which the district will be executing a new insurance contract. *Atty. Gen. Op. DM-418 (1996)*

COMPETITIVE BIDDING

Except to the extent prohibited by other law and to the extent consistent with Education Code Chapter 44, Subchapter B, a school district may use competitive bidding to select a vendor as authorized by Education Code 44.031(a)(1).

A district shall award a competitively bid contract at the bid amount to the bidder offering the best value for the district. In determining the best value for the district, the district is not restricted to considering price alone but may consider any other factors stated in the selection criteria. The selection criteria may include the factors listed in Education Code 44.031(b) [see FACTORS, above].

Except as provided below, Local Government Code Chapter 271, Subchapter B does not apply to a competitive bidding process under this policy.

Education Code 44.0351

OPENING BIDS

Bids may be opened only by a board at a public meeting or by an officer or employee of a district at or in an office of the district. A bid that has been opened may not be changed for the purpose of correcting an error in the bid price. *Local Gov't Code 271.026*

A board shall have the right to reject any and all bids. *Local Gov't Code 271.027(a)*

SAFETY RECORD

In determining who is a responsible bidder, a board may take into account the safety record of the bidder; of the firm, corporation, partnership, or institution represented by the bidder; or of anyone acting for such firm, corporation, partnership, or institution, provided that:

1. The board has adopted a written definition and criteria for accurately determining the safety record of the bidder.
2. The board has given notice in the bid specifications that the safety record of a bidder may be considered in determining the bidder's responsibility.
3. The determinations are not arbitrary and capricious.

Local Gov't Code 271.0275

IDENTICAL BIDS

If a district receives two or more bids from responsible bidders that are identical, in nature and amount, as the lowest and best bids, it shall select only one bidder from the identical bids.

If only one of the bidders submitting identical bids is a resident of a district, that bidder shall be selected. If two or more such bidders are residents of a district, one shall be selected by the casting of lots. In all other cases, one of the identical bids shall be selected by the casting of lots.

A board shall prescribe the manner of casting lots and shall be present when the lots are cast. All qualified bidders or their representatives may be present at the casting of lots.

Local Gov't Code 271.901

COMPETITIVE SEALED PROPOSALS

In selecting a vendor through competitive sealed proposals as authorized by Education Code 44.031(a)(2), a school district shall follow the procedures prescribed below.

REQUEST FOR PROPOSALS

The district shall prepare a request for competitive sealed proposals that includes information that vendors may require to respond to the request. The district shall state in the request for proposals the selection criteria that will be used in selecting the successful offeror.

OPENING PROPOSALS

The district shall receive, publicly open, and read aloud the names of the offerors and, if any are required to be stated, all prices stated in each proposal. Not later than the 45th day after the date on which the proposals are opened, the district shall evaluate and rank each proposal submitted in relation to the published selection criteria.

SELECTION

The district shall select the offeror that offers the best value for the district based on the published selection criteria and on its ranking evaluation. The district shall first attempt to negotiate a contract with the selected offeror. The district may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the district is unable to negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.

BEST VALUE DETERMINATION

In determining the best value for the district, the district is not restricted to considering price alone but may consider any other factors stated in the selection criteria.

Education Code 44.0352

INTERLOCAL AGREEMENTS

To increase efficiency and effectiveness, a district may contract or agree with other local governments and with state agencies, including the comptroller, to perform some of its purchasing functions. *Gov't Code 791.001, .011, .025*

An interlocal contract must be authorized by a board and the governing body of each contracting party; must state the purpose, terms, rights, and duties of the contracting parties; and must specify that each party paying for the performance of governmental functions or services shall make those payments from current revenues available to the paying party.

An interlocal contractual payment must be in an amount that fairly compensates the performing party for the services or functions performed under the contract. The contract may be renewed and may have a specified term of years.

Gov't Code 791.011(d)–(f), (i)

A district may agree with another local government, including a nonprofit corporation that is created and operated to provide one or more governmental functions and services, or with the state or a state agency, including the comptroller, to purchase goods and services reasonably required for the installation, operation, or maintenance of the goods. Such an agreement may not, however, apply to services provided by firefighters, police officers, or emergency medical personnel.

A district that purchases goods and services by agreement with another local government or with the state or state agency satisfies the requirement to seek competitive bids for the purchase of goods and services.

Gov't Code 791.025(b)–(c); Atty. Gen. Op. JC-37 (1999)

A district may not enter into a contract to purchase construction-related goods or services through a purchasing cooperative in an amount greater than $50,000 unless a person designated by the district certifies in writing that:

1. The project for which the construction-related goods or services are being procured does not require the preparation of plans and specifications under Chapter 1001 or 1051, Occupations Code; or
2. The plans and specifications required under Chapters 1001 and 1051, Occupations Code, have been prepared.

"Purchasing cooperative" means a group purchasing organization that governmental entities join as members and the managing entity of which receives fees from members or vendors.

Gov't Code 791.011(j)

STATE PURCHASING PROGRAM

Purchasing services performed for a district by the comptroller shall include:

1. The extension of state contract prices to a district when the comptroller considers it feasible.
2. Solicitation of bids on items desired by a district if the solicitation is considered feasible by the comptroller and is desired by the district.
3. Provision of information and technical assistance to a district about the purchasing program.

The comptroller may charge a district its actual costs in providing purchasing services.

Local Gov't Code 271.082

DISTRICT REQUIREMENTS

A district may participate in the purchasing program, including participation in purchases that use the reverse auction procedure, by filing with the comptroller a resolution adopted by the board requesting that the district be allowed to participate on a voluntary basis, to the extent the comptroller deems feasible, and stating that the board shall:

1. Designate an official to act for the district in all matters relating to the program, including the purchase of items from the vendor under any contract.
2. Direct the decisions of its representative.
3. Be responsible for:
    a. Submitting requisitions to the commission under contract(s) and for payment directly to the vendor; and

b. Electronically sending purchase orders directly to vendors, or complying with procedures governing a reverse auction purchase, and electronically sending the comptroller reports on actual purchases.

4. Be responsible for the vendor's compliance with all conditions of delivery and quality of the purchased item.

A purchase made through participation in this program meets any state requirement to seek competitive bids for the purchase of the item.

Local Gov't Code 271.083

MULTIPLE AWARD CONTRACT SCHEDULE

The comptroller shall develop a schedule of multiple award contracts that have been previously awarded using a competitive process by the federal government or any other governmental entity in any state.

A district may purchase goods or services directly from a vendor under a contract listed on a schedule. An authorized purchase satisfies any requirement of state law relating to competitive bids or proposals and satisfies any applicable requirements of Government Code 2157.

The price listed for a good or service under a multiple award contract is a maximum price. A district may negotiate a lower price for goods or services under a contract listed on a schedule.

Gov't Code 2155, Subch. I

COOPERATIVE PURCHASING PROGRAM

A district may participate in a cooperative purchasing program with another local government of this state or another state or with a local cooperative organization of this state or another state. If a district does so, it may sign an agreement with another participating local government or a local cooperative stating that the district will:

1. Designate a person to act on behalf of the district in all matters relating to the program.

2. Make payments to another participating local government or local cooperative organization or directly under a contract, as provided in the agreement.

3. Be responsible for the vendor's compliance.

If a district participates in a cooperative purchasing program, it satisfies any law requiring it to seek competitive bids.

Local Gov't Code 271.102; Atty. Gen. Op. JC-37 (1999)

CONTRACT-RELATED FEE

A school district that enters into a purchasing contract valued at $25,000 or more under Education Code 44.031(a)(5) (interlocal contract), under Local Government Code Chapter 271, Subchapter F (cooperative purchasing program), or under any other cooperative purchasing program authorized for school districts by law shall document any contract-related fee, including any management fee, and the purpose of each fee under the contract.

The amount, purpose, and disposition of any fee described above must be presented in a written report and submitted annually in an open meeting of the board. The written report must appear as an agenda item. The Commissioner may audit the written report.

Education Code 44.0331

STATE COUNCIL ON COMPETITIVE GOVERNMENT

As approved by the State Council on Competitive Government, a district may voluntarily participate in a contract awarded by the council or a state agency under Government Code 2162. A district that purchases goods or services under this type of contract is considered to have satisfied any state law requiring competitive purchasing. *Gov't Code 2162.102(d)*

REVERSE AUCTION

A district that uses the reverse auction procedure must include in the procedure a notice provision and other provisions necessary to produce a method of purchasing that is advantageous to the district and fair to vendors. *Local Gov't Code 271.906(b)*

Reverse auction procedure means:

1. A real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time and Internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services; or
2. A bidding process usually lasting less than two weeks and taking place during a previously scheduled period and at a previously scheduled Internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services.

Gov't Code 2155.062(d)

COMMITMENT OF CURRENT REVENUE

A contract for the acquisition, including lease, of real or personal property is a commitment of a district's current revenue only, provided the contract contains either or both of the following provisions:

1. Retains to the board the continuing right to terminate the contract at the expiration of each budget period during the term of the contract.

2. Is conditioned on a best efforts attempt by the board to obtain and appropriate funds for payment of the contract.

Local Gov't Code 271.903

CHANGE ORDERS

If a change in plans or specifications is necessary after the performance of a contract is begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, the district may approve change orders making the changes. The district may grant general authority to an administrative official to approve the change orders.

The total contract price may not be increased because of the changes unless additional money for increased costs is approved for that purpose from available money or is provided for by the authorization of the issuance of time warrants.

A contract with an original contract price of $1 million or more may not be increased by more than 25 percent. If a change order for a contract with an original contract price of less than $1 million increases the contract amount to $1 million or more, the total of the subsequent change orders may not increase the revised contract amount by more than 25 percent of the original contract price.

Education Code 44.0411

ENERGY OR WATER CONSERVATION MEASURES

A district may contract for energy or water conservation measures. Such a contract shall be let according to the procedures established for professional services by Government Code 2254.004.

A board shall establish a long-range energy plan to reduce a district's annual electric consumption by five percent beginning with the 2008 state fiscal year and consume electricity in subsequent fiscal years in accordance with the district's energy plan.

Education Code 44.901–.902 [See policy CL for legal requirements pertaining to such contracts and plans.]

RECYCLED PRODUCTS

A district shall give preference in purchasing to products made of recycled materials if the products meet applicable specifications as to quantity and quality. A district shall regularly review and revise its purchasing procedures and specifications for purchase of goods, supplies, equipment, and materials in order to:

1. Eliminate procedures and specifications that explicitly discriminate against products made of recycled materials.

2. Encourage the use of products made of recycled materials.

3. Ensure to the maximum extent economically feasible that the district purchase products that may be recycled when they have served their intended use.

A district may seek an exemption from compliance if it has a population of less than 5,000 within its geographic boundaries and demonstrates to the Water Commission that compliance would work a hardship on the district.

Health and Safety Code 361.426

AGRICULTURAL PRODUCTS

If the cost and quality are equal, a district shall give preference in purchasing to agricultural products, including textiles and other similar products, that are produced, processed, or grown in Texas. "Processed" means canning, freezing, drying, juicing, preserving, or any other act that changes the form of a good from its natural state to another form. If Texas agricultural products are not equal in cost and quality to other agricultural products, a district shall give preference in purchasing to agricultural products produced, processed, or grown in the United States, if the cost and quality of the U.S. and foreign products are equal.

A district may not adopt product purchasing specifications that unnecessarily exclude agricultural products produced, processed, or grown in Texas.

VEGETATION FOR LANDSCAPING

If cost is equal and the quality is not inferior, a district shall give preference to Texas vegetation when it purchases vegetation for landscaping purposes.

Education Code 44.042

BUS PURCHASE OR LEASE

Each contract proposed for the purchase or lease of one or more school buses, including a lease with an option to purchase, shall be submitted to competitive bidding when the contract is valued at $20,000 or more. *Education Code 44.031(l)* [See CNB]

RIGHT TO WORK

While engaged in procuring goods and services or awarding a contract, a district:

1. May not consider whether a vendor is a member of or has another relationship with any organization; and

2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to any organization.

Education Code 44.043

LOBBYING RESTRICTION: TOBACCO EDUCATION GRANT FUNDS

A district may not spend grant funds it receives from the Permanent Fund for Tobacco Education and Enforcement to pay:

1. Lobbying expenses incurred by the district;
2. A person or entity that is required under Government Code Chapter 305 to register as a lobbyist with the Texas Ethics Commission;
3. Any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity of a registered lobbyist (as described in item 2); or
4. A person or entity who has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.

Gov't Code 403.1067

CRIMINAL HISTORY

For provisions pertaining to criminal history record information on contractors, see CJA(LEGAL).

IMPERMISSIBLE PRACTICES

A board member, employee, or agent shall not, with criminal negligence, make or authorize separate, sequential, or component purchases to avoid the purchasing requirements set out in Education Code 44.031. An officer or employee shall not knowingly violate Education Code 44.031 in any other manner.

"Component purchases" means purchases of the component parts of an item that in normal purchasing practices would be made in one purchase. "Separate purchases" means purchases, made separately, of items that in normal purchasing practices would be made in one purchase. "Sequential purchases" means purchases, over a period, of items that in normal purchasing practices would be made in one purchase.

Violation of this provision is a Class B misdemeanor and an offense involving moral turpitude, conviction of which shall result in removal from office or dismissal from employment. A board member who is convicted of a violation of this provision is considered to have committed official misconduct and for four years after the date of final conviction, the removed person is ineligible to be appointed or elected to public office in Texas, is ineligible to be employed by or act as an agent for the state or a political subdivision, and is ineligible to receive any compensation through a contract with the state or a political subdivision. [See BBC]

Education Code 44.032

INJUNCTION

A court may enjoin performance of a contract made in violation of Education Code Chapter 44, Subchapter B. A county attorney, district attorney, criminal district attorney, citizen of the county in which a district is located, or any interested party may bring an action for an injunction. A party who prevails in an action brought under this subsection is entitled to reasonable attorney's fees as approved by the court. *Education Code 44.032(f)*

DEFINITIONS

"Agent" means a third party who undertakes to transact some business or manage some affair for another person by the authority or on account of the other person. The term includes an employee.

"Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

1. A transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
2. A transaction conducted at a price and subject to terms available to the public; or
3. A purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

"Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code. [See DBE(EXHIBIT)]

"Gift" means a benefit offered by a person, including food, lodging, transportation, and entertainment accepted as a guest. The term does not include a benefit offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient.

"Local government officer" means a member of the board; the superintendent; or an agent (including an employee) of the district who exercises discretion in the planning, recommending, selecting, or contracting of a vendor.

"Vendor" means a person who enters or seeks to enter into a contract with the district. The term includes an agent of a vendor. The term includes an officer or employee of a state agency when that individual is acting in a private capacity to enter into a contract. The term does not include a state agency except for Texas Correctional Industries.

Local Gov't Code 176.001

REQUIRED VENDOR DISCLOSURE

The Texas Ethics Commission shall adopt a conflict of interest questionnaire that requires disclosure of a vendor's business and family relationships with a district. *Local Gov't Code 176.006(b)*

A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with the district and:

1. Has an employment or other business relationship with a local government officer of the district, or a family member of the officer, described by Local Government Code 176.003(a)(2)(A);

2. Has given a local government officer of the district, or a family member of the officer, one or more gifts with the aggregate value specified by Local Government Code 176.003(a)(2)(B), excluding any gift described by Local Government Code 176.003(a-1); or

3. Has a family relationship with a local government officer of the district.

Local Gov't Code 176.006(a)

The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the date that the vendor:

1. Begins discussions or negotiations to enter into a contract with a district;

2. Submits to the district an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the district; or

3. The date the person becomes aware:

   a. Of an employment or other business relationship with a local government officer, or a family member of the officer;

   b. That the person has given one or more gifts; or

   c. Of a family relationship with a local government officer.

Local Gov't Code 176.006(a-1)

UPDATING INCOMPLETE OR INACCURATE QUESTIONNAIRES

A vendor shall file an updated completed questionnaire with the appropriate records administrator not later than the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in the questionnaire incomplete or inaccurate. *Local Gov't Code 176.006(d)*

VENDORS WHO ARE LOCAL GOVERNMENT OFFICERS

A person who is both a local government officer and a vendor of the district is required to file the questionnaire only if the person enters or seeks to enter into a contract with the district, or is an agent of a person who enters or seeks to enter into a contract with the district. *Local Gov't Code 176.006(e)*

VALIDITY OF CONTRACT	The validity of a contract between a vendor and the district is not affected solely because the vendor fails to comply with these requirements. *Local Gov't Code 176.006(i)* [See BBFA]
ELECTRONIC FILING	The required questionnaire, including signature requirements, may be filed electronically in a form approved by the Commission. *Local Gov't Code 176.008*
INTERNET POSTING	A district shall provide access on the district's Internet website to the required conflict of interest statements and questionnaires filed with the records administrator. *Local Gov't Code 176.009*

CASH PURCHASES WITH AVAILABLE FUNDS

The requirements of the Public Property Finance Act (Local Government Code 271.001 and following) do not apply to cash purchases of real property made with moneys from available funds. *Bandera v. Hamilton, 2 S.W.3d 367 (Tex. App.—San Antonio 1999, pet. denied)*

DEFINITIONS

For purposes of this policy, "contract" means an agreement entered under the authority of the Public Property Finance Act, but does not mean a contract solely for the construction of improvements to real property. "Improvements" means a permanent building, structure, fixture, or fence that is erected on or affixed to land, but does not include a transportable building or structure whether or not it is affixed to land. "Real property" means land, improvement, or an estate or interest in real property, other than a mortgage or deed of trust creating a lien on property or an interest securing payment or performance of an obligation in real property. *Local Gov't Code 271.003(2), (10)–(11)*

PROPOSED CONTRACT

A board may execute, perform, and make payments under a contract for the use or purchase or other acquisition of real property or an improvement to real property. If a board proposes to enter into such a contract, it shall publish notice of that intent not less than 60 days before the date set to approve execution of the contract. Publication shall be in a newspaper of general circulation in a district. The notice must summarize the major provisions of the proposed contract. The notice shall estimate the construction and other costs, but a board shall not publish the first advertisement for bids for construction of improvements until 60 days after publication of the notice of intent. *Local Gov't Code 271.004(a)*

PETITION AND REFERENDUM

Within 60 days of the date of publication of notice of intent, a written petition signed by a least five percent of the registered voters of a district may be filed with the board, requesting the board to order a referendum on the question of whether the contract should be approved. If a petition is filed, a board may not approve the contract or publish the first advertisement for bids for construction of improvements unless the question is approved by a majority of the votes received in a referendum ordered and held on the question. The referendum shall be held in accordance with the applicable provisions of the Election Code, except that it is not required to be held on a uniform election date. *Local Gov't Code 271.004(b)–(c)*

SUBMISSION TO ATTORNEY GENERAL

A lease-purchase contract entered into for the use, purchase, or other acquisition of real property or an improvement to real property and the records relating to its execution shall be submitted to the attorney general for examination as to their validity. If the attorney general finds that the contract has been authorized in accordance with the law, the attorney general shall approve them, and the

comptroller of public accounts shall register them. Following approval and registration, the contract is incontestable and is a binding obligation according to its terms. *Local Gov't Code 271.004(g)–(i)*

DISTRICT OBLIGATION

A contract under this provision is a special obligation of a district if ad valorem taxes are not pledged to the payment of the contract. If the contract provides that payments by a district are to be made from maintenance taxes previously approved by voters of a district and are subject to annual appropriation or are paid from a source other than ad valorem taxes, the payments under the contract shall not be considered indebtedness under Tax Code 26.04(c). All or part of a district's obligation may be evidenced by one or more promissory notes. *Local Gov't Code 271.004 (d)–(f)*

STATE ASSISTANCE—INSTRUCTIONAL FACILITIES

A district may receive financial assistance from the state when the district lease-purchases an instructional facility under the terms set out in Chapter 46, Education Code, and Commissioner's rules implementing that chapter. *Education Code 46.004; 19 TAC 61.1032(i)*

EMINENT DOMAIN

A district may, by the exercise of the right of eminent domain, acquire title to real property on which to construct school buildings or for any other public use necessary for the district. *Education Code 11.155(a)*

A district may not take private property through the use of eminent domain if the taking confers a private benefit on a particular private party through the use of the property, is for a public use that is merely a pretext to confer a private benefit on a particular private party, or is not for a public use. *Gov't Code 2206.001(b)*

PROCEDURES

When exercising the right of eminent domain, a district must follow the procedures found at Government Code Chapter 2206, Subchapter B and Property Code Chapter 21, Subchapter B.

REPURCHASE OF REAL PROPERTY

If the public use for which real property was acquired by eminent domain is canceled before the property is used for the public use, no actual progress is made toward the public use, or the property becomes unnecessary for the public use, or a substantially similar public use, before the tenth anniversary of the date of acquisition, the district must provide notice to the previous property owner and offer to sell the property to that person in accordance with Property Code Chapter 21, Subchapter E.

Property Code 21.101–.103

REPORTING TO COMPTROLLER

Not later than February 1 of each year, a district shall submit to the comptroller a report containing records and other information specified by Government Code Chapter 2206, Subchapter D for the

purpose of providing the comptroller with information to maintain the eminent domain database under Government Code 2206.153. The district shall submit the report in a form and in the manner prescribed by the comptroller.

In addition to the required annual report, the district shall report to the comptroller any changes to the district's reported eminent domain authority information not later than the 90th day after the date on which the change occurred.

If the district fails to comply with reporting requirements after receiving notice from the comptroller, the district is subject to penalties as allowed by law.

The reporting, failure to report, or late submission of a report by a district does not affect the entity's authority to exercise the power of eminent domain.

Gov't Code 2206.154(a), (c), .155, .156

All rights and title to district property, whether real or personal, shall be vested in the board and its successors in office.

A board may dispose of property that is no longer necessary for district operations in an appropriate manner.

Education Code 11.151(c) [See also CDB(LEGAL)]

INSTRUCTIONAL MATERIALS AND TECHNOLOGICAL EQUIPMENT

The board must dispose of instructional materials and technological equipment in accordance with Education Code 31.105. *Education Code 31.105* [See CMD]

SURPLUS OR SALVAGE PROPERTY ACQUIRED FROM A STATE AGENCY

A district may not lease, lend, bail, deconstruct, encumber, sell, trade, or otherwise dispose of property acquired under Government Code 2175.184 or 2175.241 before the second anniversary of the date the property was acquired. A district that improperly disposes of acquired property must remit to the Texas Facilities Commission the amount the district received from the lease, loan, bailment, deconstruction, encumbrance, sale, trade, or other disposition of the property unless the commission authorizes the district's action. *Gov't Code 2175.184(b)*

SALE OR TRANSFER OF LAW ENFORCEMENT VEHICLES

A district may not sell or transfer a marked patrol car or other law enforcement motor vehicle to:

1. The public unless the district first removes any equipment or insignia that could mislead a reasonable person to believe that the vehicle is a law enforcement motor vehicle, including any police light, siren, amber warning light, spotlight, grill light, antenna, emblem, outline of an emblem, or emergency vehicle equipment; or

2. A security services contractor who is regulated and licensed by the Department of Public Safety unless each emblem or insignia that identifies the vehicle as a law enforcement motor vehicle is removed before the sale or transfer.

Local Gov't Code 272.006

This introductory page outlines the contents of this legally referenced policy on security personnel. See the following sections for statutory provisions on:

SECTION I School District Peace Officers and Security Personnel pages 2–9

1. Jurisdiction
2. Commissioned Peace Officers
3. Chief of Police
4. Memorandum of Understanding
5. Training
6. Body-Worn Cameras
7. Motor Vehicle Stops
8. Racial Profiling
9. Officer-Involved Injury or Death
10. Bonding
11. Continuing Education
12. Complaints Against Peace Officers
13. Legal Representation
14. Notice of Exposure to Communicable Disease

SECTION II School Marshals pages 9–11

1. Eligibility
2. Limitation on Number
3. Powers and Duties
4. Possession of Handgun
5. Accessing Handgun
6. Board Regulations
7. Inactive Status
8. Identity Confidential
9. Reimbursement for Training
10. No State Benefits

SECTION III Handgun Licensees pages 11–12

SECTION IV School Resource Officers page 12

1. Definition
2. License Required
3. Firearms Accident Prevention Program
4. Training

SECTION I: SCHOOL DISTRICT PEACE OFFICERS AND SECURITY PERSONNEL

A board may employ security personnel and commission peace officers to carry out the provisions of Education Code Chapter 37, Subchapter C, relating to law and order.

JURISDICTION

A board shall determine the jurisdiction of a peace officer or security personnel, which may include all territory in the boundaries of the district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the district.

COMMISSIONED PEACE OFFICERS

If a board authorizes security personnel to carry weapons, they must be commissioned peace officers. Any peace officer commissioned by the board must meet all minimum standards for peace officers established by the Texas Commission on Law Enforcement (TCOLE).

Education Code 37.081(a), (h)

POWERS AND DUTIES

Officers commissioned by the board are subject to the general duties of officers set out in Chapter 2 of the Code of Criminal Procedure. *Code of Criminal Procedure 2.12(8)*

CODE OF CRIMINAL PROCEDURE

A peace officer has the duty to preserve the peace within the officer's jurisdiction by using all lawful means.

A peace officer shall:

1. In every case authorized by the Code of Criminal Procedure, interfere without warrant to prevent or suppress crime;
2. Execute all lawful process issued to the officer by any magistrate or court;
3. Give notice to some magistrate of all offenses committed within the officer's jurisdiction, where the officer has good reason to believe there has been a violation of the penal law; and
4. Arrest offenders without warrant in every case where the officer is authorized by law, in order that they may be taken before the proper magistrate or court and be tried.

It is the duty of every officer to take possession of a missing child under Code of Criminal Procedure 63.009(g).

Code of Criminal Procedure 2.13

AS DETERMINED BY THE BOARD

A district peace officer shall also perform law enforcement duties as determined by the board, which shall include protecting the

safety and welfare of any person in the officer's jurisdiction and protecting property of the district. *Education Code 37.081(d)*

Within the officer's jurisdiction, a peace officer commissioned by the board:

1. Has the powers, privileges, and immunities of peace officers;
2. May enforce all laws, including municipal ordinances, county ordinances, and state laws;
3. May take a child into custody in accordance with Chapter 52 of the Family Code [see GRA] or Article 45.058 of the Code of Criminal Procedure; and
4. May dispose of cases in accordance with Family Code 52.03 or 52.031.

Education Code 37.081(b); Family Code 52.01(a)

A board shall determine the scope of the on-duty and off-duty law enforcement activities of its peace officers, and a district must authorize in writing any off-duty law enforcement activities performed by a district peace officer. *Education Code 37.081(e)*

A district peace officer may provide assistance to another law enforcement agency, and a district may contract with a political subdivision for the jurisdiction of district peace officers to include all territory in the jurisdiction of the political subdivision. *Education Code 37.081(c)*

CHIEF OF POLICE

A district police department's chief of police is accountable to the superintendent and shall report to the superintendent. District police officers shall be licensed by TCOLE and be supervised by the district chief of police or the chief's designee. *Education Code 37.081(f)*

MEMORANDUM OF UNDERSTANDING

A district police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts among the department and the agencies. *Education Code 37.081(g)*

TRAINING

A district with an enrollment of 30,000 or more students that commissions a school district peace officer shall adopt a policy requiring the officer to complete the education and training program developed by TCOLE as required by Occupations Code 1701.263 before or within 120 days of the officer's commission by or placement in the district or a campus of the district. *Education Code 37.0812; Occupations Code 1701.262, .263*

BODY-WORN CAMERAS

A law enforcement agency that operates a body-worn camera program shall adopt a policy for the use of body-worn cameras that must ensure that a body-worn camera is activated only for a law enforcement purpose and must include guidelines and provisions required by Occupations Code 1701.655(b).

A policy may not require a peace officer to keep a body-worn camera activated for the entire period of the officer's shift.

A policy must be consistent with the Federal Rules of Evidence and Texas Rules of Evidence.

Before a law enforcement agency may operate a body-worn camera program, the agency must provide training to peace officers who will wear the body-worn cameras and any other personnel who will come into contact with video and audio data obtained from the use of body-worn cameras.

Peace officers equipped with a body-worn camera must act consistent with policy and Occupations Code Chapter 1701, Subchapter N.

Occupations Code 1701.655, .656, .657

MOTOR VEHICLE STOPS

REPORTS REQUIRED

A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

1. A physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
    a. The person's gender; and
    b. The person's race or ethnicity, as stated by the person or, if the person does not state his or her race or ethnicity, as determined by the officer to the best of the officer's ability;
2. The initial reason for the stop;
3. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
4. Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
5. The reason for the search, including whether:
    a. Any contraband or other evidence was in plain view;

b. Any probable cause or reasonable suspicion existed to perform the search; or

c. The search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

6. Whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

7. The street address or approximate location of the stop; and

8. Whether the officer issued a written warning or a citation as a result of the stop.

Code of Criminal Procedure 2.133

A district police department shall compile and analyze the incident-based data contained in each report received by the department. Not later than March 1 of each year, each district police department shall submit a report containing the information compiled during the previous calendar year, in accordance with Code of Criminal Procedure 2.134, to TCOLE and to the governing body of each county or municipality served by the department. *Code of Criminal Procedure 2.134*

CIVIL PENALTY

If a district's chief of police intentionally fails to submit the incident-based data as required by Code of Criminal Procedure 2.134, the agency is liable to the state for a civil penalty in the amount of $1,000 for each violation. *Code of Criminal Procedure 2.1385(a)*

EXEMPTION

A peace officer and district's chief of police are exempt from the reporting requirements described above if:

1. During the calendar year preceding the date that the department's report is required to be submitted:

   a. Each law enforcement motor vehicle regularly used by an officer employed by the department to make motor vehicle stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and

   b. Each motor vehicle stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

2. The governing body of the county or municipality served by the department, in conjunction with the department, certifies to the Texas Department of Public Safety (TDPS), not later than the date specified by rule by TDPS, that the department needs funds or video and audio equipment for the purpose of installing video and audio equipment and the department does not receive from the state funds or video and audio equipment sufficient, as determined by TDPS, for the department to accomplish that purpose.

Except as otherwise provided by this subsection, a district police department that is exempt from the reporting requirements shall retain the video and audio or audio documentation of each motor vehicle stop for at least 90 days after the date of the stop. If a complaint is filed with the department alleging that a district peace officer has engaged in racial profiling with respect to a motor vehicle stop, the department shall retain the video and audio or audio record of the stop until final disposition of the complaint.

Code of Criminal Procedure 2.135

RACIAL PROFILING

PROHIBITION

A peace officer may not engage in racial profiling. *Code of Criminal Procedure 2.131*

DEPARTMENTAL POLICY REQUIRED

Each district police department that employs peace officers who make traffic stops in the routine performance of the officer's official duties shall adopt a detailed written policy on racial profiling. The policy must:

1. Clearly define acts constituting racial profiling;

2. Strictly prohibit peace officers employed by the department from engaging in racial profiling;

3. Implement a process by which an individual may file a complaint with the department if the individual believes that a peace officer employed by the department has engaged in racial profiling with respect to the individual;

4. Provide public education relating to the department's complaint process;

5. Require appropriate corrective action to be taken against a peace officer employed by the department who, after an investigation, is shown to have engaged in racial profiling in violation of the department's policy adopted under this article;

6. Require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

a. The race or ethnicity of the individual detained;

b. Whether a search was conducted and, if so, whether the individual detained consented to the search; and

c. Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

7. Require the district's chief of police to submit an annual report of the information collected under item 6 to:

a. TCOLE; and

b. The governing body of each county or municipality served by the agency.

On adoption of a racial profiling policy, the department shall examine the feasibility of installing video camera and transmitter-activated equipment in each department law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each department law enforcement motorcycle regularly used to make motor vehicle stops. If the department installs video or audio equipment as provided by this subsection, the policy adopted by the department must include standards for reviewing video and audio documentation.

A report required under item 7 above may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer.

Code of Criminal Procedure 2.132

OFFICER-INVOLVED INJURY OR DEATH

"Officer-involved injury or death" means an incident during which a peace officer discharges a firearm causing injury or death to another.

Not later than the 30th day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident must complete and submit a written or electronic report to the office of the attorney general and, if the agency maintains an Internet website, post a copy of the report on the agency's website. The report must include all information required by Code of Criminal Procedure 2.139(b).

Code of Criminal Procedure 2.139

Not later than the 30th day after the date of the occurrence of an incident in which, while a peace officer is performing an official duty, a person who is not a peace officer discharges a firearm and

causes injury or death to the officer, the law enforcement agency employing the injured or deceased officer at the time of the incident must complete and submit a written or electronic report to the office of the attorney general and, if the agency maintains an Internet website, post a copy of the report on the agency's website. The report must include all information required by Code of Criminal Procedure 2.1395(a). *Code of Criminal Procedure 2.1395(b)*

BONDING

A commissioned and assigned peace officer shall take and file the oath required of peace officers and execute and file the required $1,000 bond, payable to the board, conditioned on the officer's performance of his or her duties. *Education Code 37.081(h)*

CONTINUING EDUCATION

If a district employs peace officers, it shall provide each officer with a continuing education program as required by Occupations Code Title 10, Chapter 1701, Subchapter H. *Occupations Code 1701, Subch. H*

COMPLAINTS AGAINST PEACE OFFICERS

In order for a complaint against a district peace officer to be considered by the head of the district's police department, the complaint must be in writing and signed by the person making the complaint. A copy of the complaint shall be given to the officer within a reasonable time after it is filed and no disciplinary action shall be taken against the officer as a result of the complaint unless a copy is given to the officer. The officer may not be indefinitely suspended or terminated based on the subject matter of the complaint unless the complaint is investigated and there is evidence to prove the allegation of misconduct. *Gov't Code Ch. 614, Subch. B; Atty. Gen. Op. GA-251 (2004)*

On the commencement of an investigation by a district police department of a complaint that alleges that a peace officer employed by the department has engaged in racial profiling with respect to an individual and in which a video or audio recording of the occurrence on which the complaint is based was made, the department shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer. *Code of Criminal Procedure 2.132(f)*

[See DGBA, FNG, and GF for appeals]

LEGAL REPRESENTATION

A district shall provide a district employee who is a peace officer with legal counsel without cost to the employee to defend the employee against a suit for damages by a party other than a governmental entity if legal counsel is requested by the employee, and the suit involves an official act of the employee within the scope of the employee's authority.

To defend the employee against the suit, the district may provide counsel already employed by it or may employ private counsel.

An employee may recover from a district that fails to provide counsel as required the reasonable attorney's fees incurred in defending the suit if the trier of fact finds that the fees were incurred in defending a suit and the employee is without fault or that the employee acted with a reasonable good faith belief that the employee's actions were proper.

Local Gov't Code 180.002(b)–(d)

NOTICE OF EXPOSURE TO COMMUNICABLE DISEASE

A district that employs emergency medical service employees, paramedics, firefighters, law enforcement officers or correctional officers must post the required notice in the form specified by administrative rule, in its workplace to inform employees about Health and Safety Code requirements which may affect qualifying for workers' compensation benefits following a work-related exposure to a reportable communicable disease. *28 TAC 110.108*

SECTION II: SCHOOL MARSHALS

A school marshal is a person employed and appointed by the board under Article 2.127, Code of Criminal Procedure, and in accordance with and having the rights provided by Education Code 37.0811. *Occupations Code 1701.001(8)*

ELIGIBILITY

A board may appoint a person as a school marshal if the person is an employee of the district and certified by TCOLE as eligible for appointment. TCOLE shall license an eligible person who:

1. Completes required training; and
2. Is psychologically fit to carry out the duties of a school marshal as indicated by the results of a required psychological examination.

The TCOLE training program is open to any employee of a school district who holds a license to carry a handgun issued under Government Code Chapter 411, Subchapter H.

A person may not serve as a school marshal unless the person is licensed by TCOLE and appointed by the board.

Education Code 37.0811(b); Occupations Code 1701.260, .301; Code of Criminal Procedure 2.127(d)

LIMITATION ON NUMBER

A board may appoint not more than one school marshal per 400 students in average daily attendance per campus. *Education Code 37.0811(a)*

POWERS AND DUTIES

A school marshal may make arrests and exercise all authority given to peace officers under the Code of Criminal Procedure, subject to written regulations adopted by the board.

A school marshal may only act as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises.

A school marshal may not issue a traffic citation for a violation of the Transportation Code.

Code of Criminal Procedure 2.127

POSSESSION OF HANDGUN

A school marshal may carry or possess a handgun on the physical premises of a school, but only:

1. In the manner provided by written regulations adopted by the board; and
2. At a specific school as specified by the board.

Education Code 37.0811(c)

ACCESSING HANDGUN

A school marshal may access a handgun only under circumstances that would justify the use of deadly force under Penal Code 9.32 or 9.33. *Education Code 37.0811(e)*

BOARD REGULATIONS

LOCKED GUN SAFE

A board's written regulations must provide that if the primary duty of the school marshal involves regular, direct contact with students, the marshal may not carry a concealed handgun but may possess a handgun on the physical premises of a school in a locked and secured safe within the marshal's immediate reach when conducting the marshal's primary duty.

FRANGIBLE AMMUNITION

The written regulations must also require that a handgun carried by or within access of a school marshal may be loaded only with frangible ammunition designed to disintegrate on impact for maximum safety and minimal danger to others.

Education Code 37.0811(d)

INACTIVE STATUS

A school district employee's status as a school marshal becomes inactive on:

1. Expiration of the employee's school marshal license under Occupations Code 1701.260;
2. Suspension or revocation of the employee's handgun license;
3. Termination of the employee's employment with the district; or
4. Notice from the board that the employee's services as school marshal are no longer required.

Education Code 37.0811(f)

IDENTITY CONFIDENTIAL

The identity of a school marshal is confidential and is not subject to a request under the Public Information Act, except that the person's name, date of birth, and handgun license number, and the address of the person's place of employment must be provided by TCOLE to:

1. The director of the Department of Public Safety;
2. The district;
3. The chief law enforcement officer of the local municipal law enforcement agency if the person is employed at a campus of a district located within a municipality;
4. The sheriff of the county if the person is employed at a campus of a district that is not located within a municipality; and
5. The chief administrator of any school district-commissioned peace officer, if the person is employed at a district that has commissioned peace officers.

If a parent or guardian of a student enrolled at a school inquires in writing, the district shall provide the parent or guardian written notice indicating whether any employee of the school is currently appointed as a school marshal. The notice may not disclose information that is confidential.

Education Code 37.0811(g), (h); Occupations Code 1701.260(j)

REIMBURSEMENT FOR TRAINING

The board may, but shall not be required to, reimburse the amount paid by the applicant to participate in the required TCOLE training program. *Education Code 37.0811(b)*

NO STATE BENEFITS

A school marshal is not entitled to state benefits normally provided by the state to a peace officer. *Code of Criminal Procedure 2.127(c)*

SECTION III: HANDGUN LICENSEES

WRITTEN PERMISSION

By written regulations or written authorization, a district may permit a person to possess a firearm on the physical premises of a school, any grounds or building on which a school-sponsored activity is being conducted, or a passenger transportation vehicle of a school. *Penal Code 46.03(a)(1); Education Code 11.151(b)*

The holder of a handgun license does not commit a criminal offense under Penal Code 46.035 by carrying a handgun in a building where a high school sporting event or interscholastic event is taking place or at any meeting of the board when the person is lawfully carrying a handgun pursuant to a board's written regulations and authorization.

A board may appoint a school marshal and authorize another person to serve under the district's regulations and authorization under Penal Code 46.03(a)(1).

Att'y Gen. Op. GA-1051 (2014)

SECTION IV: SCHOOL RESOURCE OFFICERS

DEFINITION

A school resource officer is a peace officer who is assigned by the officer's employing political subdivision to provide:

1. A police presence at a public school;
2. Safety or drug education to students of a public school; or
3. Other similar services.

Occupations Code 1701.601

LICENSE REQUIRED

A peace officer who is a visiting school resource officer in a public school must be licensed as provided by Occupations Code Chapter 1701. *Occupations Code 1701.602*

FIREARMS ACCIDENT PREVENTION PROGRAM

A peace officer who is a visiting school resource officer in a public elementary school shall at least once each school year offer to provide instruction to students in a firearms accident prevention program, as determined by the district.

A firearms accident prevention program must include the safety message, "Stop! Don't Touch. Leave the Area. Tell an Adult.", and may include instructional materials from the National Rifle Association Eddie Eagle GunSafe Program, including animated videos and activity books.

Occupations Code 1701.603

TRAINING

A district with an enrollment of 30,000 or more students at which a school resource officer provides law enforcement shall require the officer to complete the education and training program developed by TCOLE. [See SECTION I, TRAINING above] *Education Code 37.0812; Occupations Code 1701.262, .263*

SCHOOL RESOURCE OFFICERS

To implement the District's comprehensive safety programs, the District has entered into an agreement with a local law enforcement agency for school resource officers. School resource officers shall provide services consistent with the terms of the agreement, the comprehensive safety programs, and Board policy.

TRAINING

All school resource officers shall receive at least the minimum amount of education and training required by law.

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

INSTRUCTIONAL MATERIALS

Instructional materials selected for use in the public schools shall be furnished without cost to the students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's instructional materials allotment (IMA). All instructional materials, including electronic or online instructional material to the extent of any applicable licensing agreement, purchased in accordance with Education Code Chapter 31 for a district are the property of the district. *Education Code 31.001, .102(a)–(b); 19 TAC 66.1315(a), (c)*

DELEGATION OF POWER

A board may delegate to an employee the power to requisition, distribute, and manage the inventory of instructional materials, consistent with Education Code Chapter 31. *Education Code 31.104(a)*

FUNDING

A school district is entitled to an allotment each biennium from the state instructional materials fund for each student enrolled in the district on a date during the last year of the preceding biennium specified by the Commissioner. The Commissioner shall determine the amount of the allotment per student each biennium on the basis of the amount of money available in the state instructional materials fund to fund the allotment. The allotment shall be transferred from the state instructional materials fund to the credit of the district's instructional materials account as provided by Education Code 31.0212. The allotment allocated to a district is considered revenue and must be coded by the district in a manner required by TEA. *Education Code 31.0211(a); 19 TAC 66.1315(d)*

The Commissioner shall, as early as practicable during each biennium, notify each district of the estimated amount of funding to which the district will be entitled during the next fiscal biennium.

DELAYED PUBLISHER PAYMENT OPTION

A district may requisition and receive state-adopted instructional materials before IMA funds for those materials are available. The total cost of materials in the requisition may not exceed 80 percent of the district's expected IMA for the subsequent fiscal year.

When a district submits a requisition for instructional materials before IMA funds are available, TEA shall expend a district's existing IMA balance before applying the delayed payment option. TEA shall make payment for any remaining balance for a district's order as the IMA funds become available and shall prioritize payment for requisitions over reimbursement of purchases made directly by a school district.

The Commissioner shall ensure that publishers of instructional materials are informed of any potential delay in payment and that payment is subject to the availability of appropriated funds. Publishers may decline orders for which payments could be delayed. A publisher's decision to decline an order shall affect all of that publisher's orders for which payments could be delayed. Publishers may not selectively decline orders from individual districts. Government Code Chapter 2251 does not apply to requisitions under this provision.

Education Code 31.0215; 19 TAC 66.1327

NO APPEAL

The amount of the IMA determined by the Commissioner is final and may not be appealed. *19 TAC 66.1307*

ALLOTMENT ADJUSTMENT

Not later than May 31 of each school year, a district may request that the Commissioner adjust the number of students for which the district is entitled to receive an allotment on the grounds that the number of students attending school in the district will increase or decrease during the school year for which the allotment is provided. The Commissioner may also adjust the number of students for which a district is entitled to receive an allotment, without a request by the district, if the Commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the district. The Commissioner's determination is final. *Education Code 31.0211(e)*

CHANGE IN ENROLLMENT

HIGH ENROLLMENT GROWTH

Each year the Commissioner shall adjust the IMA of districts experiencing high enrollment growth. *Education Code 31.0214*

The Commissioner's calculation for enrollment growth shall be adjusted automatically for each year of a biennium based on current Public Education Information Management System (PEIMS) enrollment data before the Educational Materials (EMAT) system opens each spring.

A district that experiences a minimum enrollment growth of ten percent over the previous five-year period for which the IMA amount is being determined is eligible to receive an adjustment to accommodate high-enrollment growth.

For each year in a biennium, a district that is experiencing a student population growth that is not reflected in the current state calculation may submit an application to be considered for additional funding if the district experienced:

1. A net increase of 3,500 students over the last five years; or
2. An unexpected enrollment growth due to unforeseen circumstances.

A district may request additional funding for its IMA for high enrollment once during each school year.

The amount of funding for high-enrollment growth shall be allocated based on available IMA funds.

19 TAC 66.1309

PERMITTED EXPENDITURES

Funds allotted under this section may be used to purchase:

1. Instructional materials on the list adopted by the Commissioner under Education Code 31.0231;
2. Instructional materials on the list adopted by the State Board of Education (SBOE) under Education Code 31.024;
3. Non-adopted instructional materials;
4. Consumable instructional materials, including workbooks;
5. Instructional materials for use in bilingual education classes, as provided by Education Code 31.029;
6. Instructional materials for use in college preparatory courses under Education Code 28.014, as provided by Education Code 31.031;
7. Supplemental instructional materials, as provided by Education Code 31.035;
8. State-developed open-source instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;
9. Instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011; and
10. Technological equipment necessary to support the use of materials included on the list adopted by the Commissioner or any instructional materials purchased with an allotment.

The funds can also be used to pay for training educational personnel directly involved in student learning in the appropriate use of instructional materials, providing access to technological equipment for instructional use, and the salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning.

Education Code 31.0211(c); 19 TAC 66.1307(c)

PROHIBITED EXPENDITURES

IMA funds may not be used to purchase:

1. Services for installation;

2. The physical conduit that transmits data such as cabling and wiring or electricity;

3. Office and school supplies; or

4. Items that are not directly related to student instruction such as furniture, athletic equipment, extension cords, temporary contractors, or video surveillance equipment.

IMA funds may not be used to pay for travel expenses or equipment used at a warehouse for the purpose of moving, storing, or taking inventory of instructional materials.

19 TAC 66.1307(d)

ORDER OF PURCHASE

Each biennium a district shall use the district's allotment to purchase, in the following order:

1. Instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level.

2. Any other instructional materials or technological equipment as determined by the district.

Education Code 31.0211(d)

CERTIFICATION OF ALLOTMENT USE

Each district shall annually certify to the Commissioner that the district's IMA has been used only for permitted expenses. *Education Code 31.0213*

INSTRUCTIONAL MATERIALS ACCOUNT

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

A district may also use funds in the district's account to purchase electronic instructional materials or technological equipment. The district shall submit to the Commissioner a request for funds for this purpose from the district's account in accordance with the Commissioner's rules.

Money deposited in a district's instructional materials account during each state fiscal biennium remains in the account and available for use by the district for the entire biennium. At the end of each biennium, a district with unused money in the district's account may carry forward any remaining balance to the next biennium.

Education Code 31.0212

ONLINE REQUISITION SYSTEM (EMAT)

The Commissioner shall maintain an online requisition system (EMAT) for districts to requisition instructional materials to be purchased with the district's IMA. *Education Code 31.101(f)*

LOCAL FUNDS

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

REQUISITIONS, USE, AND DISTRIBUTION

A district shall make a requisition for instructional materials using the online requisition program (EMAT) maintained by the Commissioner not later than June 1 of each year. A district may requisition instructional materials on the SBOE instructional materials list for grades above the grade level in which a student is enrolled. *Education Code 31.103(b)–(c)*

DURATION OF SELECTION

Once instructional materials have been selected, the district must use the material for the length of time described by Education Code 31.101. *Education Code 31.101* [See EFAA]

VALUE

Current instructional materials in a district's inventory are considered assets and a value must be determined by the district. *19 TAC 66.1315(e)*

DISTRIBUTION

The board shall distribute or provide access to instructional materials to students as it may deem most effective and economical. *Education Code 31.102(c); 19 TAC 66.1315(f)*

SUPPLEMENTAL INSTRUCTIONAL MATERIALS

A school district may requisition supplemental instructional material adopted by the SBOE but not on the instructional material list under Education Code 31.023 only if the district requisitions the supplemental instructional material along with other supplemental instructional materials or instructional materials on the SBOE instructional materials list that in combination cover each element of the essential knowledge and skills for the course for which the district is requisitioning the supplemental instructional materials. *Education Code 31.035(d)*

AVAILABILITY OF OPEN-SOURCE INSTRUCTIONAL MATERIALS

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

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

Education Code 31.103(d)

REIMBURSEMENTS OF IMA EXPENDITURES

A district may be reimbursed for allowable IMA expenditures. Reimbursements shall be funded through a district's IMA as funds become available.

A district may receive a reimbursement only if the district:

1. Submits a request through the EMAT system;
2. Has a zero IMA balance or the cost of an allowable product or service is more than the district's available IMA balance at the time the request is submitted; and
3. Has received approval from TEA through the EMAT system.

TEA shall establish a reimbursement process for school districts and open-enrollment charter schools.

19 TAC 66.1325

SPECIALIZED INSTRUCTIONAL MATERIAL FORMATS

"Specialized instructional material format" means any form of published material converted into an alternative medium that is exclusively for use by persons who are blind or with other disabilities, as authorized by the Vocational-Rehabilitation Act and the Americans with Disabilities Act. *19 TAC 66.1301(10)*

All laws and rules applying to instructional materials provided to students with no visual impairments that do not conflict with Education Code 31.028 apply to the distribution and control of specialized instructional material formats, including but not limited to the following:

1. A requisition for special instructional materials shall be based on actual student enrollment to meet individual student needs.
2. Each district shall conduct an annual physical inventory of all currently adopted accessible instructional materials that have been requisitioned by and delivered to the district. The results of the inventory shall be recorded in the district's files and made available to TEA upon request.

Reimbursement and/or replacement shall be made for all volumes of specialized instructional material formats determined to be lost.

FOR TEACHERS

Adopted instructional materials needed by a teacher who is blind or visually impaired shall be furnished in a specialized format by the state without cost. The materials are to be loaned to the district as long as needed and are to be returned to the state when they are no longer needed. Materials in the medium needed by the teacher may be requisitioned by an instructional materials coordinator after the superintendent has certified the following to the Commissioner:

1. The name of the teacher;

2. The grade or subject taught; and

3. The fact of the teacher's visual impairment.

FOR STUDENTS

Non-adopted instructional materials purchased by a district shall be made available and provided in the specified format needed to students who are blind and visually impaired at the district's expense.

FOR PARENTS

Adopted instructional materials in a specialized format that are requested by a parent who is blind or visually impaired shall be furnished without cost by the state. Materials in the medium needed by the parent may be requisitioned by an instructional materials coordinator. Requests for electronic files shall be filled by TEA after the parent signs and TEA receives a statement, through the district, promising that the parent will safeguard the security of the files and observe all current copyright laws. All specialized instructional material formats and electronic files with educational content that have been provided to parents who are blind or visually impaired must be returned to the local school district at the end of the school year for reuse.

19 TAC 66.1311, .1319(e)

BILINGUAL INSTRUCTIONAL MATERIALS

A district shall purchase with the district's IMA or otherwise acquire instructional materials for use in bilingual education classes. The calculation used for adjusting the IMA for bilingual education student enrollment is based on actual bilingual enrollment. The calculation shall take into account funds used for TEA administrative purposes and juvenile justice alternative education programs and include adjustments for bilingual education student enrollment and high-enrollment growth. *Education Code 31.029; 19 TAC 66.1313*

CERTIFICATION OF INSTRUCTIONAL MATERIALS

Prior to the beginning of each school year, each district shall certify to the Commissioner in a format approved by the Commissioner that, for each subject in the foundation and enrichment curriculum other than physical education, and each grade level, the district provides each student instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE for that subject and grade level.

To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills, a district may consider both state- and Commissioner-adopted instructional materials and non-adopted instructional materials, including:

1. Instructional materials adopted by the SBOE;

2. Materials adopted or purchased by the Commissioner under Education Code 31.0231 or Education Code Chapter 31, Subchapter B-1;

3. Open-source instructional materials submitted by eligible institutions and adopted by the SBOE;

4. Open-source instructional materials made available by other public schools; and

5. Instructional materials developed or purchased by the district.

Upon request by the Commissioner, the certification shall include supporting documentation describing the instructional materials on which the certification is based.

The certifications shall be ratified by the board in a public meeting.

A district may not submit a requisition or request for disbursement through the EMAT system for the next school year until the required annual certification has been received by the Commissioner for the current school year.

Education Code 31.004; 19 TAC 66.1305

OWNERSHIP

A student must return all instructional materials to the teacher at the end of the school year or when the student withdraws from school, unless the instructional material is open-source instructional material that a district does not intend to use for another student. The printed copy of the open-source instructional material becomes the property of the student to whom it is distributed.

This provision does not apply to an electronic copy of open-source instructional material.

Education Code 31.104(c), (g)–(h); 19 TAC 66.107(b)

RESPONSIBILITY FOR INSTRUCTIONAL MATERIALS AND EQUIPMENT

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

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

Under circumstances determined by the board, a district may waive or reduce the payment required if the student is from a low-income family. A district shall allow students to use instructional materials and technological equipment at school during each school day.

If instructional materials or technological equipment is not returned in an acceptable condition and payment is not made, a district may withhold the student's records, but shall not prevent the student from graduating, participating in a graduation ceremony, or receiving a diploma. However, in accordance with policies FL and GBA, students have a right to copies of any and all district records that pertain to them.

These provisions do not apply to an electronic copy of open-source instructional material.

Education Code 31.104(d), (e), (h); 20 U.S.C. 1232g; Gov't Code 552.114(b)(2); 19 TAC 66.107(c), .1319(d) [See also EF]

ACCEPTABLE CONDITION

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

1. The cover, binding, pages, spine, and all integral components of the instructional materials are wholly intact and the instructional materials are fully usable by other students; and
2. All components of the instructional materials are not soiled, torn, or damaged—whether intentionally or by lack of appropriate care—such that any portion of the content is too disfigured or obscured to be fully accessible to other students.

19 TAC 66.1201

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

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

19 TAC 66.1203

Technological equipment is considered to be in acceptable condition if:

1. The equipment is returned with the software and hardware in their original condition unless the district authorized changes; and

2. The physical condition of the equipment has been cared for appropriately such that the equipment is not broken or damaged beyond cost-effective replacement or repair.

19 TAC 66.1205

LOST, DAMAGED, OR WORN OUT INSTRUCTIONAL MATERIALS

Each district is fiscally responsible for lost, damaged, or worn out instructional materials.

A district may use the IMA or other available funds to replace lost, damaged, or worn out instructional materials.

Worn out or damaged instructional materials must be declared by the district as unsuitable for student use and the district must document the method of disposal.

A district declaring worn out instructional materials must follow the Commissioner-approved standards for worn out instructional materials.

Recycling funds received from the disposal of worn out instructional materials must be:

1. Reported to TEA through procedures established by the Commissioner; and

2. Used to purchase instructional materials and technological equipment allowed under Education Code 31.0211.

A district must adjust its inventory for lost, damaged, or worn out instructional materials and replacements through the EMAT system and document all transactions in the district annual inventory.

19 TAC 66.1321

SALE OR DISPOSAL

A board must notify TEA of its intent to sell or dispose of instructional materials or technological equipment by a process established by the Commissioner.

SALE AFTER DISCONTINUED FOR USE

A board may sell any printed or electronic instructional materials purchased with the district's IMA on the date the instructional material is discontinued for use in the public schools. The board may only sell or dispose of online or electronic instructional materials in compliance with the terms of any applicable licensing agreement.

TECHNOLOGICAL EQUIPMENT

A board may sell technological equipment owned by the district that was purchased with the district's IMA.

REPORT TO COMMISSIONER

A board must report to the Commissioner the amount of funds to be received from the sale of the instructional materials and technological equipment, identify the purchaser, and identify the instructional materials and/or technological equipment to be sold.

USE OF PROCEEDS OF SALE

Funds received by a district from a sale of instructional materials or technological equipment purchased with the IMA must be used to purchase instructional materials and technological equipment allowed under Education Code 31.0211. The board must certify to the Commissioner that the new instructional materials acquired from the sale of discontinued instructional materials will cover the Texas essential knowledge and skills and be made available to students and/or teachers.

DISPOSAL

A board may dispose of printed instructional material before the date the instructional material is discontinued for use in the public schools by the SBOE if the board determines that the instructional material is not needed by the district and the board does not reasonably expect that the instructional material will be needed.

A board shall determine how the district will dispose of discontinued printed instructional materials and technological equipment and must notify the Commissioner prior to the disposal of any instructional materials, identifying the instructional materials to be disposed and the method of disposal.

Education Code 31.105; 19 TAC 66.1317

ANNUAL INVENTORY

A district shall conduct an annual physical inventory of:

1. All currently adopted instructional materials that have been requisitioned by and delivered to the district;
2. All non-adopted instructional materials purchased with funds from the IMA; and
3. All technological equipment purchased with funds from the IMA.

The results of the inventory shall be recorded in a district's files and in the EMAT system. Reimbursement and/or replacement shall be made for all instructional materials determined to be lost.

19 TAC 66.107(a)

LOCAL HANDLING EXPENSES

School districts shall not be reimbursed from state funds for expenses incurred in local handling of instructional materials. *19 TAC 66.104(f)*

MINIMUM STANDARDS FOR SCHOOL NUTRITION PROGRAM DIRECTORS

Each district must ensure that all newly hired school nutrition program directors meet minimum hiring standards and ensure that all new and existing directors have completed the minimum annual training/education requirements for school nutrition program directors, as set forth in the Code of Federal Regulations. *7 C.F.R. 210.30*

TEXAS DEPARTMENT OF AGRICULTURE SCHOOL NUTRITION POLICIES

Districts must comply with rules adopted by the Texas Department of Agriculture (TDA), which administers federal and state nutrition programs including the National School Lunch Program (NSLP) under 42 U.S.C. Section 1751 et seq.; and the School Breakfast Program (SBP) under 42 U.S.C. Section 1773. *Agriculture Code 12.0025*

DEFINITIONS

"School day" means the midnight before, to 30 minutes after, the end of the official school day.

"School campus" means all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

4 TAC 26.1

EXEMPT FUNDRAISERS

Schools that participate in the NSLP or SBP may sell food and beverages that do not meet nutritional standards outlined in 7 C.F.R. Parts 210 and 220 as part of a fundraiser, during the school day, for up to six days per school year on each school campus, provided that no specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service. *4 TAC 26.2*

LIMITATION ON SANCTIONS

TDA may not impose on a district a sanction, including disallowing meal reimbursement, based on the sale to students at a high school of food of minimal nutritional value, if the sale is approved in advance by the school and is made:

1. Outside of a school area designated for food service or food consumption or during a period other than a school meal service period; and
2. For the purpose of raising money for a student organization or activity sponsored or sanctioned by the school or the school district in which the school is located.

Agriculture Code 12.0028

INSUFFICIENT MEAL CARD BALANCE

A district that allows students to use a prepaid meal card or account to purchase meals served at the school shall adopt a grace period policy regarding the use of the cards or accounts. The policy:

1. Must allow a student whose meal card or account balance is exhausted or insufficient to continue, for a period determined by the district, to purchase meals by:

    a. Accumulating a negative balance on the student's card or account; or

    b. Otherwise receiving an extension of credit from the district;

2. Must require the district to notify the parent of or person standing in parental relation to the student that the student's meal card or account balance is exhausted;

3. May not permit the district to charge a fee or interest in connection with meals purchased under item 1, above; and

4. May permit the district to set a schedule for repayment on the account balance as part of the notice to the parent or person standing in parental relation to the student.

Education Code 33.908

LAUREN'S LAW

A district may not adopt any rule, policy, or program under Education Code 28.002 that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:

1. Children in the classroom of the child on the occasion of the child's birthday; or

2. Children at a school-designated function.

Education Code 28.002(l-3)(2)

The Superintendent shall develop regulations regarding the use of a prepaid meal card or account to purchase meals served at school. The regulations shall address:

1. The length of the grace period during which a student may continue to purchase meals with a meal card or account that is exhausted or insufficient; and

2. Parent notification in the event of an exhausted card or account, including a schedule for repayment.

No fees or interest shall be charged in connection with meals purchased with an exhausted card or account.

BREAKFAST PROGRAM

If at least ten percent of the students enrolled in one or more schools in a district are eligible for free or reduced-price breakfasts under the national school breakfast program provided for by the Child Nutrition Act of 1966 (42 U.S.C. 1773), the board shall either:

1. Participate in the national program and extend its benefits to all eligible students in said school or schools; or

2. Develop and implement a locally funded program to provide free meals, including breakfast and lunch, to each student eligible for free meals under federal law and reduced-price meals, including breakfast and lunch, to each student eligible for reduced-price meals under federal law, provided that the reduced price may not exceed the maximum allowable rate under federal law.

The district is permitted to participate in the national program at one or more campuses in the district and provide a locally funded program at one or more other campuses in the district.

A campus participating in the national school breakfast program or providing a locally funded program in which 80 percent or more of the students qualify under the national program for a free or reduced-price breakfast shall offer a free breakfast to every student.

WAIVER

The Commissioner shall grant a waiver of this requirement, not to exceed one year, to a campus if the board votes to request the waiver at the board's annual meeting to discuss and adopt the budget and the proposed tax rate under Education Code 44.044. Before voting to request a waiver, the board must list the waiver as a separate item for consideration on the meeting's agenda and provide an opportunity for public comment regarding the waiver at the meeting.

Education Code 33.901

SUMMER LUNCH PROGRAM

Unless the Texas Department of Agriculture (TDA) grants a district a waiver, a district in which 50 percent or more of the students are eligible to participate in the national free or reduced-price lunch program under 42 U.S.C. Chapter 13 shall provide or arrange for the provision of a summer nutrition program for at least 30 days during the period in which district schools are recessed for the summer. *Agriculture Code 12.0029(b)*

"Summer nutrition program" means the Summer Food Service Program under 42 U.S.C. 1761. The term includes the seamless summer option under 42 U.S.C. 1761(a)(8). *Agriculture Code 12.0029(a)(2)*

NOTICE FROM TDA

Not later than October 31 of each year, TDA shall notify each qualifying district of the district's responsibility concerning provision of a summer nutrition program during the next period in which school is recessed for the summer. *Agriculture Code 12.0029(c)*

NOTICE OF PROVISION OF PROGRAM

Unless the district decides to pursue a waiver, each district that receives a notice from TDA shall, not later than January 31 of the year following the year in which the notice was received, inform TDA in writing that the district intends to provide or arrange for the provision of a summer nutrition program during the next period in which district schools are recessed for the summer. *Agriculture Code 12.0029(e)*

WAIVER

If the district intends to request a waiver, the board must, not later than November 30 of each year, send written notice of the district's intention to the district's local school health advisory council. The notice must include an explanation of the district's reason for requesting a waiver of the requirement. *Agriculture Code 12.0029(d)*

The district shall, not later than January 31 of the year following the year in which the notice was received, request in writing that TDA grant the district a one-year waiver of the requirement to provide or arrange for the provision of a summer nutrition program. *Agriculture Code 12.0029(e)*

TDA may grant a school district a waiver of the requirement to provide or arrange for the provision of a summer nutrition program only if:

1. The district has worked with the TDA field offices to identify another possible provider for the program in the district and the district provides documentation, verified by TDA, showing that:

    a. There are fewer than 100 children in the district currently eligible for the national free or reduced-price lunch program;

    b. Transportation to enable district students to participate in the program is an insurmountable obstacle to the district's ability to provide or arrange for the provision of the program despite consultation by the district with public transit providers;

    c. The district is unable to provide or arrange for the provision of a program due to renovation or construction of district facilities and the unavailability of an appropriate alternate provider or site; or

d. The district is unable to provide or arrange for the provision of a program due to another specified extenuating circumstance and the unavailability of an appropriate alternate provider or site; or

2. The cost to the district to provide or arrange for provision of a program would be cost-prohibitive, as determined by the department using the criteria and methodology established by TDA.

Agriculture Code 12.0029(f)

ALTERNATE PROVIDER

If a district has requested a waiver and has been unable to provide to TDA a list of possible providers for the summer nutrition program, the TDA field offices shall continue to attempt to identify an alternate provider for the district's summer nutrition program. *Agriculture Code 12.0029(i)*

Note: The following is an index of website posting requirements that are addressed in the legal reference material of the policy manual. The list is not all-inclusive. The list does not address postings that are required in response to a specific incident, postings required under special circumstances, or postings required under administrative procedures of an agency.

REQUIRED INTERNET POSTINGS

A district that maintains an Internet website shall post the following:

1. Not later than the tenth day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's accreditation status and performance rating, and a definition and explanation of each accreditation status, under Education Code 39.362. [See AIB]
2. A district shall post an election notice required under Election Code 85.007. [See BBB]
3. A district that is located wholly or partly in a municipality with a population of more than 500,000 and with a student enrollment of more than 15,000 shall post a report filed pursuant to Election Code Chapter 254 by a board member, a candidate for membership on the board, or a specific-purpose committee for supporting, opposing, or assisting a candidate or member of a board, under Election Code 254.04011. [See BBBA]
4. A district shall provide access to the conflicts disclosure statements and questionnaires, under Local Government Code 176.009. [See BBFA, CHE]
5. A district shall post the statements regarding activities to support student health, under Education Code 28.004. [See BDF]
6. A board must post notice of a board meeting and, if the district contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the board must also post the agenda for a board meeting, under Government Code 551.056. [See BE]
7. A district that has a student enrollment of 10,000 or more shall post the archived recording, or a link thereto, of its meetings, under Government Code 551.128(b-1). [See BE]

8. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]

9. A district shall include on the home page of its website the prescribed statement if the district proposes to increase the amount of taxes to fund maintenance and operation expenditures, under Tax Code 26.05(b). [See CCG]

10. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget, under Education Code 44.0041. [See CE]

11. A district shall maintain its adopted budget on the district's website until the third anniversary of the date the budget was adopted, under Education Code 39.084. [See CE]

12. A district shall report its energy usage information on a publicly accessible Internet website with an interface designed for ease of navigation, if available, under Government Code 2265.001. [See CL]

13. A district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall post its comparability report, together with the policy or contract for the group health coverage plan, under Education Code 22.004(d). [See CRD]

14. A district shall post the board's employment policies, under Education Code 21.204(d). [See DCB]

15. A district shall post the transition and employment guide for students enrolled in special education programs and their parents in order to provide information on statewide services and programs that assist in the transition to life outside the public school system, under Education Code 29.0112.

16. A district shall post the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered, under Education Code 29.916. [See EK]

17. A district shall post information regarding local programs and services, including charitable programs and services, available to assist homeless students, under Education Code 33.906. [See FDC]

18. A district shall prominently post information about required and recommended immunizations and procedures for claiming an exemption from immunization requirements, under Education Code 38.019. [See FFAB]

19. To the extent practicable, a district must post the procedure for reporting bullying established by the district's bullying policy, under Education Code 37.0832(c). [See FFI]

OPTIONAL INTERNET POSTINGS

A district that maintains an Internet website may post the following:

1. A board may broadcast an open meeting over the Internet, under Government Code 551.128. [See BE]

2. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the district's Internet website, rather than on a bulletin board, under Education Code 11.1513. [See DC]

3. A district may place on its Internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 CFR 300.504(b). [See EHBAE]

4. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of programs under which a student may earn college credit, under Education Code 28.010. [See EHDD]

"GEOSPATIAL DATA PRODUCTS"

"Geospatial data product" means a document, computer file, or Internet website that contains geospatial data; a map; or information about a service involving geospatial data or a map. *Gov't Code 2051.101(1)*

NOTICE

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;

2. Appears to represent property boundaries; and

3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries."

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that ap-

plies to a geospatial data product that is or is on an Internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

Gov't Code 2051.102

EXEMPTION

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or
4. Is filed with the county clerk.

Gov't Code 2051.103

COMMERCIAL INSURANCE PLANS

A district may procure contracts with any insurance company authorized to do business in Texas to insure its employees. Policies may include group health, accident, accidental death and dismemberment, disability income replacement, and hospital, surgical, and/or medical expense insurance, or a group contract providing for annuities. Dependents of employees may be insured under group policies which provide hospital, surgical, and/or medical expense insurance. *Insurance Code 3.51*

EXCEPTION

A district that participates in the uniform group coverage program established under Insurance Code Article 3.50-7 may not procure or renew commercial health insurance coverage after the uniform group coverage is implemented in the district. *Insurance Code 3.51(b)* [See CRD]

PREMIUM PAYMENTS

Any portion of the commercial insurance premiums paid by a district shall be from local, not state, funds. *Insurance Code 3.51(b)*

A district may deduct from an employee's salary the employee's contribution for the premiums if authorized to do so in writing by that employee. *Insurance Code 1131.303(c)*

SELF-INSURANCE FUND

A district may issue bonds, certificates, notes, and other obligations, the proceeds of which shall be used for all or any portion of a self-insurance fund to protect the district and its officers, employees, and agents from any insurable risk or hazard, or use any funds or money available to the district for the self-insurance fund. If a district desires to issue bonds payable from ad valorem taxes for this purpose, it shall comply with the requirements of Education Code 45.003.

A district may purchase reinsurance for a risk covered through the self-insurance fund. Any law or regulation requiring insurance may be satisfied by coverage provided through the self-insurance fund. Any law or regulation requiring a certificate of insurance or an insurance agent's signature, countersignature, or approval may be satisfied by a certificate of coverage issued on behalf of the district demonstrating that coverage is provided through the self-insurance fund.

Gov't Code 2259.031

DESIGNATED BROKER OF RECORD

A district may not use a designated broker of record to purchase insurance contracts with premiums of an aggregate value of $50,000 or more for each 12-month period. If a district expends less than $50,000, in the aggregate, on insurance premiums for each 12-month period, the district may use a designated broker of record to purchase insurance contracts, but the board shall ensure that the use of a designated broker of record is in the district's best

interest and select a designated broker of record in a manner it determines is consistent with good business management. *Atty. Gen. Op. JC-0205 (2000)*

RISK-RETENTION GROUPS

A district may become a member of a risk retention group or purchasing group created under the Federal Liability Risk Retention Act of 1986 for the purpose of obtaining insurance against any insurable risk. *Gov't Code 2259.061*

Note: For information on procuring goods and services under Education Code Chapter 44, see CH(LEGAL).

BOARD AUTHORITY

A district may adopt rules as necessary to implement Government Code Chapter 2269. *Gov't Code 2269.051*

DELEGATION OF AUTHORITY

The board may delegate its authority under Government Code Chapter 2269 regarding an action authorized or required by Chapter 2269 to a designated representative, committee, or other person.

The board shall provide notice of the delegation, the limits of the delegation, and the name or title of each designated person by rule or in the request for bids, proposals, or qualifications or in an addendum to the request.

Gov't Code 2269.053

CONTRACTS VALUED AT OR ABOVE $50,000

All district contracts valued at $50,000 or more in the aggregate for each 12-month period shall be made by the method that provides the best value for a district [see also CH]:

1. An interlocal contract. [See CH]
2. Competitive bidding. [See CVA]
3. Competitive sealed proposals. [See CVB]
4. Construction manager-agent method. [See CVC]
5. Construction manager-at-risk method. [See CVD]
6. Design-build method. [See CVE]
7. Job order contract. [See CVF]
8. The reverse auction procedure as defined by Government Code 2155.062(d). [See CH]

Education Code 44.031(a); Gov't Code Ch. 2269

[For information on contract-related fees, see CH.]

SELECTING A CONTRACTING METHOD

A board that considers a construction contract using a method authorized by Government Code Chapter 2269 other than competitive bidding must, before advertising, determine which method provides the best value for the district. *Gov't Code 2269.056(a)*

EXCEPTIONS

EMERGENCY DAMAGE OR DESTRUCTION

If school equipment, a school facility, or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and a board determines that the delay posed by the methods provided for in Education Code 44.031 would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or the part of the school facility may be made by methods other than those required by Education Code 44.031. *Education Code 44.031(h)*

CONTRACTS REQUIRING A BOND

A reverse auction procedure, whether the same or similar to that described by Government Code 2155.062, may not be used to obtain services related to a public work contract for which a bond is required under Government Code 2253.021 [see PAYMENT AND PERFORMANCE BONDS, below]. *Gov't Code 2253.021(h)*

PUBLIC NOTICE

Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which a district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which a district's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g); Gov't Code 2269.052(a)–(b)*

CONTRACT SELECTION CRITERIA

In determining the award of a contract, the district shall consider and apply:

1. Any existing laws, including any criteria, related to historically underutilized businesses; and
2. Any existing laws, rules, or applicable municipal charters, including laws applicable to local governments, related to the use of women, minority, small, or disadvantaged businesses.

In determining the award of a contract, the district may consider:

1. Price.
2. The offeror's experience and reputation.
3. The quality of the offeror's goods or services.

4. The impact on the ability of the district to comply with rules relating to historically underutilized businesses.
5. The offeror's safety record.
6. The offeror's proposed personnel.
7. Whether the offeror's financial capability is appropriate to the size and scope of the project.
8. Any other relevant factor specifically listed in the request for bids, proposals, or qualifications.

Gov't Code 2269.055

OUT-OF-STATE BIDDERS

A board shall not award a contract for general construction, improvements, services, or public works projects or for purchase of supplies, materials, or equipment to a bidder whose principal place of business is not in this state, unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the greater of the amount by which a resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located or a state in which a majority of the manufacturing relating to the contract will be performed. *Gov't Code 2252.001–.002*

This requirement shall not apply to a contract involving federal funds. A district shall rely on information published by the comptroller in evaluating the bids of a nonresident bidder. *Gov't Code 2252.003–.004*

PUBLISHING CRITERIA

A district shall publish in the request for proposals or qualifications the criteria that will be used to evaluate the offerors and the applicable weighted value for each criterion. *Gov't Code 2269.056(b)*

SUBMISSION

A person who submits a bid, proposal, or qualification to a governmental entity shall seal it before delivery. *Gov't Code 2269.059*

SELECTION

A district shall base its selection among offerors on applicable criteria listed for the particular method used. *Gov't Code 2269.056(b)*

MAKING EVALUATIONS PUBLIC

A district shall document the basis of its selection and shall make the evaluations public not later than the seventh day after the date the contract is awarded. *Gov't Code 2269.056(c), .105*

CHANGE ORDERS

If a change in plans or specifications is necessary after the performance of a contract is begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, the district may approve

change orders making the changes. The district may grant general authority to an administrative official to approve the change orders.

The total contract price may not be increased because of the changes unless additional money for increased costs is approved for that purpose from available money or is provided for by the authorization of the issuance of time warrants.

A contract with an original contract price of $1 million or more may not be increased by more than 25 percent. If a change order for a contract with an original contract price of less than $1 million increases the contract amount to $1 million or more, the total of the subsequent change orders may not increase the revised contract amount by more than 25 percent of the original contract price.

Education Code 44.0411

INSPECTION, VERIFICATION AND TESTING

Independently of the contractor, construction manager-at-risk, or design-build firm, a district shall provide or contract for the construction materials engineering, testing, and inspection services and the verification testing services necessary for acceptance of the facility by the district. The district shall select the services for which it contracts in accordance with Government Code 2254.004. *Gov't Code 2269.058*

IMPACT FEES

A district is not required to pay impact fees imposed under Local Government Code Chapter 395 unless the board consents to the payment of the fees by entering a contract with the political subdivision that imposes the fees. The contract may contain terms the board considers advisable to provide for the payment of the fees. *Local Gov't Code 395.022*

ENERGY SAVINGS PERFORMANCE CONTRACTS

The contracting and delivery procedures for construction projects described at Government Code Chapter 2269 do not apply to energy savings performance contracts described at Education Code 44.901. *Education Code 44.901(j)* [See CL]

PROFESSIONAL SERVICES

ARCHITECTS AND ENGINEERS

An architect or engineer required to be selected or designated under Government Code Chapter 2269 has full responsibility for complying with Occupations Code Chapter 1051 or 1001, as applicable.

If the selected or designated architect or engineer is not a full-time employee of the district, the district shall select the architect or engineer on the basis of demonstrated competence and qualifications as provided by Government Code 2254.004 [see PROCURING PROFESSIONAL SERVICES, below].

Gov't Code 2269.057

REGISTERED ARCHITECT

An architectural plan or specification for any of the following may be prepared only by an architect registered in accordance with Occupations Code, Title 6, Chapter 1051:

1. A new building constructed and owned by a district that will be used for education, assembly, or office occupancy when the total projected construction costs at the commencement of construction exceed $100,000.

2. Any alteration or addition to an existing building owned by a district that is, or will be, used for education, assembly, or office occupancy when the total projected construction costs of alteration or addition at the commencement of construction exceed $50,000 and the alteration or addition requires the removal, relocation, or addition of any walls or partitions or the alteration or addition of an exit.

This section does not prohibit a district from choosing a registered architect or a registered professional engineer as the prime design professional for a building construction, alteration, or addition project. Designation as the prime design professional does not expand, limit, or otherwise alter the scope of a design professional's practice nor does it allow a design professional to prepare an architectural plan or specification described above.

Occupations Code 1051.703; 22 TAC 1.212

REGISTERED ENGINEER

Electrical or mechanical engineering plans, specifications, and estimates for a district construction project whose contemplated cost at completion is more than $8,000 and that involves public health, welfare, or safety must be prepared by a registered professional engineer, and the engineering construction executed under the supervision of such an engineer. *Occupations Code 1001.053; Atty. Gen. Op. C-791 (1966)*

A district is not required to secure the services of a registered professional engineer to prepare plans for or supervise a construction project that does not involve electrical or mechanical engineering and for which the contemplated cost does not exceed $20,000. *Occupations Code 1001.053*

CERTIFICATION FOR PURCHASES THROUGH PURCHASING COOPERATIVES

A district may not enter into a contract to purchase construction-related goods or services through a purchasing cooperative in an amount greater than $50,000 unless a person designated by the district certifies in writing that:

1. The project for which the construction-related goods or services are being procured does not require the preparation of plans and specifications under Chapter 1001 or 1051, Occupations Code; or

2. The plans and specifications required under Chapters 1001 and 1051, Occupations Code, have been prepared.

"Purchasing cooperative" means a group purchasing organization that governmental entities join as members and the managing entity of which receives fees from members or vendors.

Gov't Code 791.011(j)

PROCURING PROFESSIONAL SERVICES

The purchasing requirements of Education Code 44.031 do not apply to a contract for professional services rendered, including the services of an architect. A district may contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Government Code 2254.003, in lieu of the methods provided by Education Code 44.031. *Education Code 44.031(f)*

Competitive bids shall not be solicited for professional services of any architect, landscape architect, land surveyor, professional engineer, or state-certified or state-licensed real estate appraiser. Contracts for these professional services shall be made on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. *Gov't Code 2254.002, .003(a)*

In procuring architectural, engineering, or land-surveying services, a district shall:

1. First select the most highly qualified provider on the basis of demonstrated competence and qualifications; and

2. Then attempt to negotiate a contract with that provider at a fair and reasonable price.

If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land-surveying services, a district shall formally end negotiations with that provider, select the next most highly qualified provider, and attempt to negotiate a contract with that provider at a fair and reasonable price. A district shall continue this process until the parties enter into a contract.

Gov't Code 2254.004

An interlocal contract between a district and a purchasing cooperative may not be used to purchase engineering or architectural services. *Gov't Code 791.011(h)*

CONTRACTS FOR ENGINEERING OR ARCHITECTURAL SERVICES

A covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which the district is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must indemnify or hold harmless the district against liability for damage, other than liability for damage to the extent that the damage is caused by or results from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the indemnitor or the indemnitor's agent, consultant under contract, or another entity over which the indemnitor exercises control.

INDEMNIFICATION

DUTY TO DEFEND

Except as provided below, a covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which the district is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must defend a party, including a third party, against a claim based wholly or partly on the negligence of, fault of, or breach of contract by the district, the district's agent, the district's employee, or other entity, excluding the engineer or architect or that person's agent, employee, or subconsultant, over which the district exercises control. A covenant or promise may provide for the reimbursement of the district's reasonable attorney's fees in proportion to the engineer's or architect's liability.

DISTRICT AS ADDITIONAL INSURED

The district may require in a contract for engineering or architectural services that the engineer or architect name the district as an additional insured under the engineer's or architect's general liability insurance policy and provide any defense provided by the policy.

STANDARD OF CARE

A contract for engineering or architectural services to which a governmental agency is a party must require a licensed engineer or registered architect to perform services:

1. With the professional skill and care ordinarily provided by competent engineers or architects practicing in the same or similar locality and under the same or similar circumstances and professional license; and
2. As expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect.

In a contract for engineering or architectural services to which the district is a party, a provision establishing a different standard of care than a standard described above is void and unenforceable. If a contract contains a void and unenforceable provision, the standard of care described above applies.

Local Gov't Code 271.904

RIGHT TO WORK

While engaged in procuring goods or services, awarding a contract, or overseeing procurement or construction for a public work or public improvement under Government Code Chapter 2269, a district:

1. May not consider whether a person is a member of or has another relationship with any organization; and
2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to an organization.

Gov't Code 2269.054

ACCESSIBILITY

Each facility or part of a facility constructed by, on behalf of, or for the use of a district shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities. Alterations of facilities that affect or could affect their usability shall, to the maximum extent feasible, be altered in such manner that the altered portion is readily accessible to and usable by individuals with disabilities. *28 C.F.R. 35.151, 34 C.F.R. 104.23*

PAYMENT AND PERFORMANCE BONDS

When a board makes a public work contract for constructing, altering, or repairing a public building or carrying out or completing any public work, it shall require the contractor, before beginning the work, to execute payment and/or performance bonds as specified below. The bonds shall be executed by a corporate surety in accordance with Insurance Code 7.19-1. The bond shall be payable to the board and in a form approved by the board. *Gov't Code 2253.021(a), (d)–(e)*

For a contract in excess of $100,000, a performance bond shall be executed in the amount of the contract conditioned on the faithful performance of the work according to the plans, specifications, and contract documents. The bond is solely for the protection of a district. *Gov't Code 2253.021(b)*

For a contract in excess of $25,000, a payment bond shall be executed in the amount of the contract solely for the protection and use of payment bond beneficiaries who have a direct contractual relationship with the prime contractor or a subcontractor to supply public work labor or material. *Gov't Code 2253.021(c)*

FAILURE TO OBTAIN PAYMENT BOND

If a board fails to obtain a payment bond covering a contract in excess of $25,000 from the prime contractor, it is subject to the same liability as a surety would be, and a payment bond beneficiary is entitled to a lien on money due to the prime contractor in the same

manner and to the same extent as if the contract were subject to Subchapter J, Chapter 53, Property Code. *Gov't Code 2253.027*

NO BOND FOR DESIGN SERVICES ONLY

A payment or performance bond is not required and may not provide coverage for the design portion of the design-build contract with the design-build firm. *Gov't Code 2269.311(a)* [See CVE for more information on design/build contracts, including bond amounts.]

BOND FOR INSURED LOSS

A board shall ensure that an insurance company that is fulfilling its obligation under a contract of insurance by arranging for the replacement of a loss, rather than by making a cash payment directly to the governmental entity, furnishes or has furnished by a contractor:

1. A performance bond for the benefit of a district, as described above; and

2. A payment bond, as described above. If the payment bond is not furnished, a district is subject to the same liability that a surety would have if the surety had issued the payment bond and the district had required the bond to be provided.

These bonds shall be furnished before the contractor begins work. It is an implied obligation under a contract of insurance for the insurance company to furnish these bonds.

EXCEPTION TO BOND REQUIREMENT

The requirement that a district secure a performance or payment bond from an insurance company, above, does not apply when a surety company is complying with an obligation under a bond that had been issued for the benefit of the district.

Gov't Code 2253.022

PREVAILING WAGE ON PUBLIC WORKS

A worker, laborer, or mechanic employed on a public work, exclusive of maintenance work, by or on behalf of a district shall be paid not less than the general prevailing rate of per diem wages. The general prevailing rate of per diem wages is the rate of per diem wages for work of a similar character in the locality in which the work is performed, and also includes the rate of per diem wages for legal holiday and overtime work. A worker is employed on a public work if the worker is employed by a contractor or subcontractor in the execution of a contract for public work with a district. *Gov't Code 2258.001, .021*

A board shall determine, as a sum certain, the general prevailing rate of per diem wages in a district for each craft or type of worker needed to execute the contract and also for legal holiday and overtime work. To ascertain the general prevailing rate of per diem wages, a board shall either conduct a survey of the wages re-

ceived by classes of workers, laborers, and mechanics employed on projects of a character similar to the contract work in a district or adopt the prevailing wage rate as determined by the U.S. Department of Labor. A board shall specify the prevailing rate of per diem wages in the call for bids and in the contract itself. A board's determination of the general prevailing rates of per diem wages shall be final. *Gov't Code 2258.001, .022*

ENFORCEMENT

A board, and an agent or officer of the board, shall receive complaints regarding violations of the prevailing wage requirements of Chapter 2258, and withhold money from the contractor as required by statute. Upon receipt of a complaint, a board shall determine, before the 31st day after the date the information is received, whether good cause exists to believe that a contractor or subcontractor has failed to pay the prevailing wage and shall provide written notice of its determination to the contractor or subcontractor and any affected laborer, worker, or mechanic of its initial determination. *Gov't Code 2258.051–.052*

RETAINAGE AND REIMBURSEMENT

A board shall retain any amounts due under the contract pending a final determination of the violation. Upon a final determination that violations have occurred, a board shall use those retained amounts to pay the laborer, worker, or mechanic the difference between the amount the worker received in wages and the amount the worker would have received at the prevailing rate of per diem wages provided in the arbitrator's award. A board may adopt rules, orders, or ordinances relating to the manner in which the reimbursement is made. *Gov't Code 2258.052(d), .056*

PENALTY FOR NONCOMPLIANCE

The contractor to whom the contract is awarded or any subcontractors of the contractor shall pay not less than the specified rates to all laborers, workers, and mechanics employed in the execution of the contract. A contractor or subcontractor who fails to pay the specified rates as required shall pay to a district $60 for each worker, laborer, or mechanic employed for each calendar day or part of a calendar day the worker is paid less than the wage rates specified in the contract. A board must specify this penalty in the contract. If a district does not determine the prevailing wage rates and specify them in the contract, the contractor or subcontractor may not be fined. A board shall use any penalty money collected to offset the costs incurred in administering Government Code Chapter 2258. *Gov't Code 2258.023*

REQUIRED WORKERS' COMPENSATION COVERAGE

When a district enters into a building or construction contract on a project, it shall fulfill the following requirements regarding required workers' compensation coverages. A project includes the provision of all services related to a building or construction contract for a district. A district shall:

1. Include in the bid specifications all the duties and responsibilities of contractors pertaining to required workers' compensation coverages. [See CV(EXHIBIT)]

2. As part of the contract, using the language required by 28 Administrative Code 110.110(c)(7), require the contractor to perform the duties and responsibilities pertaining to required workers' compensation coverages. [See CV(EXHIBIT)]

3. Obtain from the contractor a certificate of coverage for each person providing services on the project, prior to that person's beginning work on the project. This provision includes all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that person contracts directly with the contractor and regardless of whether that person has employees. This includes, but is not limited to, independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity furnishing persons to perform services on the contract. Services include, but are not limited to, providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other services related to a project. Services do not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets.

4. Obtain from the contractor a new certificate of coverage showing extension of coverage:

   a. Before the end of the coverage period, if the contractor's current certificate shows that the coverage period ends during the duration of the project; and

   b. No later than seven days after the expiration of the coverage for each other person providing services on the project whose current certificate shows that the coverage period ends during the duration of the project.

5. Retain certificates of coverage on file for the duration of the project and for three years thereafter.

6. Provide a copy of the certificate of coverage to the Texas Department of Insurance upon request and to any person entitled to a copy by law.

7. Use the prescribed language for bid specifications and contracts without any additional words or changes, except those required to accommodate the specific document in which they

are contained or to impose stricter standards of documentation. [See CV(EXHIBIT) for prescribed language]

Labor Code 406.096; 28 TAC 110.110(a)(7)(8), (c)

EXCEPTION — This coverage requirement does not apply to sole proprietors or partners of a covered business entity or corporate officers, if the sole proprietor, partner or officer is explicitly excluded from the coverage of their business entity through an endorsement to the insurance policy or certificate of authority to self insure. *Labor Code 406.097; 28 TAC 110.110(i)*

CRIMINAL HISTORY — For provisions pertaining to criminal history record information on contractors, see CJA(LEGAL).

IMPERMISSIBLE PRACTICES — A board member, employee, or agent of a district who knowingly or with criminal negligence violates the purchasing laws found in Education Code Chapter 44 as described at Education Code 44.032 is subject to criminal penalties. *Education Code 44.032* [See CH]

ENFORCEMENT ACTIONS — Government Code Chapter 2269 may be enforced through an action for declaratory or injunctive relief filed not later than the tenth day after the date on which the contract is awarded. *Gov't Code 2269.452*

DEFECTS IN INSTRUCTIONAL FACILITIES — A district that brings an action for recovery of damages for the defective design, construction, renovation, or improvement of an instructional facility financed by bonds for which the district receives state assistance under Education Code Chapter 46, Subchapter A (Instructional Facilities Allotment) shall provide the Commissioner with written notice of the action. The Commissioner may join in the action on behalf of the state to protect the state's share.

The district shall use the net proceeds from the action to repair the defect or to replace the facility. Education Code 46.008 applies to the repair.

The state's share is state property. The school district shall send to the comptroller any portion of the state's share not used by the school district to repair the defect or to replace the facility. Education Code 42.258 applies to the state's share.

"NET PROCEEDS" — "Net proceeds" means the difference between the amount recovered by or on behalf of a school district in an action, by settlement or otherwise, and the legal fees and litigation costs incurred by the district in prosecuting the action.

"STATE'S SHARE" — "State's share" means an amount equal to the district's net proceeds from the recovery multiplied by a percentage determined by dividing the amount of state assistance under Education Code

Chapter 46, Subchapter A used to pay the principal of and interest on bonds issued in connection with the instructional facility that is the subject of the action by the total amount of principal and interest paid on the bonds as of the date of the judgment or settlement.

Education Code 46.0111

ATTORNEY FEES

A governmental contract for general construction, an improvement, a service, or a public works project may not provide for the award of attorney's fees to a district in a dispute in which the district prevails unless the contract provides for the award of attorney's fees to each other party to the contract if that party prevails in the dispute. *Gov't Code 2252.904*

"Construction manager-at-risk method" is a delivery method by which a district contracts with an architect or engineer for design and construction phase services and contracts separately with a construction manager-at-risk to serve as the general contractor and to provide consultation during the design and construction, rehabilitation, alteration, or repair of a facility. *Gov't Code 2269.251(a)*

A construction manager-at-risk is a sole proprietorship, partnership, corporation, or other legal entity that assumes the risk for construction, rehabilitation, alteration, or repairs of a facility at a contracted price as a general contractor and provides consultation to a district regarding construction during and after the design of the facility. The contracted price may be a guaranteed maximum price. *Gov't Code 2269.251(b)*

A district may use the construction manager-at-risk method for the construction, rehabilitation, alteration, or repair of a facility. In using this method, a district must comply with applicable legal requirements in this policy as well as other applicable legal requirements [see CV(LEGAL)], which include the following steps:

1. SELECTING A CONTRACTING METHOD;
2. Giving PUBLIC NOTICE of the project;
3. Publishing CONTRACT SELECTION CRITERIA;
4. MAKING EVALUATIONS PUBLIC after the contract is awarded; and
5. Providing for INSPECTION, VERIFICATION, AND TESTING necessary for acceptance of the facility by the district.

Education Code 44.031(g); Gov't Code 2269.052, .055, .056(a), (c), .058, .251(c)

Note: Terms in all capital letters, above, point to margin notes in the referenced policy.

ARCHITECT / ENGINEER

On or before the selection of a construction manager-at-risk, the district shall select or designate an architect or engineer or architect to prepare the construction documents for the project. *Gov't Code 2269.252(a)* [See CV]

The district's architect or engineer for a project, or an entity related to the district's architect or engineer, may not serve, alone or in combination with another, as the construction manager-at-risk. The engineer or architect is not prohibited from providing customary construction phase services under the architect's or engineer's

original professional service agreement in accordance with applicable licensing laws.

An entity is related to the district's architect or engineer if the entity is a sole proprietorship, corporation, partnership, limited liability company, or other entity that is a subsidiary, parent corporation, or partner or has any other relationship in which the district's architect or engineer has an ownership interest, or is subject to common ownership or control, or is party to an agreement by which it will receive any proceeds of the construction manager-at-risk's payments from the district.

Gov't Code 2269.252(b), (c)

SELECTION PROCESS

A district shall select the construction manager-at-risk in either a one-step or two-step process. A district shall prepare a single request for proposals, in the case of a one-step process, and an initial request for qualifications, in the case of a two-step process that includes:

1. A statement as to whether the selection process is a one-step or two-step process;
2. General information on the project site, project scope, schedule, selection criteria and the weighted value for each criterion, and estimated budget and the time and place for receipt of the proposals or qualifications; and
3. Other information that may assist a district in its selection of a construction manager-at-risk.

A district shall state the selection criteria in the request for proposals or qualifications.

If a one-step process is used, a district may request, as part of the offeror's proposal, proposed fees and prices for fulfilling the general conditions. If a two-step process is used, a district may not request fees or prices in step one. In step two, a district may request that five or fewer offerors, selected solely on the basis of qualifications, provide additional information, including the construction manager-at-risk's proposed fee and its price for fulfilling the general conditions.

Gov't Code 2269.253(a)–(e)

OPENING AND EVALUATING PROPOSALS

At each step, a district shall receive, publicly open, and read aloud the names of the offerors. At the appropriate step, a district shall also read aloud the fees and prices, if any, stated in each proposal as the proposal is opened. Not later than the 45th day after the date on which the final proposals are opened, a district shall evalu-

ate and rank each proposal submitted in relation to the criteria set forth in the request for proposals. *Gov't Code 2269.253(f)–(g)*

SELECTION

A district shall select the offeror that submits the proposal that offers the best value for the district based on the published selection criteria and on its ranking evaluation. The district shall first attempt to negotiate a contract with the selected offeror. If the district is unable to negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to negotiate with the next offeror in the order of the selection ranking until a contract is reached or negotiations with all ranked offerors end. *Gov't Code 2269.254(a)–(c)*

NOTICE OF RANKINGS

Not later than the seventh day after the date the contract is awarded, the district shall make the proposal rankings public. *Gov't Code 2269.254(d)*

TRADE CONTRACTORS / SUBCONTRACTORS

A construction manager-at-risk shall publicly advertise for bids or proposals and receive bids or proposals from trade contractors or subcontractors for the performance of all major elements of the work other than the minor work that may be included in the general conditions. A construction manager-at-risk may seek to perform portions of the work itself if:

1. The construction manager-at-risk submits its bid or proposal for those portions of the work in the same manner as all other trade contractors or subcontractors; and
2. The district determines that the construction manager-at-risk's bid or proposal provides the best value for the district.

Gov't Code 2269.255

BIDS OR PROPOSALS

The construction manager-at-risk shall review all trade contractor or subcontractor bids or proposals in a manner that does not disclose the contents of the bid or proposal during the selection process to a person not employed by the construction manager-at-risk, architect, engineer, or district. All bids or proposals shall be made available to the district on request and to the public after the later of the award of the contract or the seventh day after the date of final selection of bids or proposals. *Gov't Code 2269.256(a)*

If the construction manager-at-risk reviews, evaluates, and recommends to the district a bid or proposal from a trade contractor or subcontractor but the district requires another bid or proposal to be accepted, the district shall compensate the construction manager-at-risk by a change in price, time, or guaranteed maximum cost for any additional cost and risk that the construction manager-at-risk incurs because of the district's requirement that another bid or proposal be accepted. *Gov't Code 2269.256(b)*

DEFAULT	If a selected trade contractor or subcontractor defaults in the performance of its work or fails to execute a subcontract after being selected in accordance with this policy, the construction manager-at-risk may itself fulfill, without advertising, the contract requirements or select a replacement trade contractor or subcontractor to fulfill the contract requirements. *Gov't Code 2269.257*
PAYMENT AND PERFORMANCE BOND AMOUNTS	If a fixed contract amount or guaranteed maximum price has not been determined at the time the contract is awarded, the penal sums of the performance and payment bonds delivered to the district must each be in an amount equal to the project budget, as specified in the request for proposals or qualifications. The construction manager shall deliver the bonds not later than the tenth day after the date the construction manager-at-risk executes the contract, unless the construction manager-at-risk furnishes a bid bond or other financial security acceptable to a district to ensure that the construction manager will furnish the required performance and payment bonds when a guaranteed maximum price is established. *Gov't Code 2269.258* [See CV for more information on payment and performance bonds.]

DESIGN OR CONSTRUCTION OF AN INSTRUCTIONAL OR ATHLETIC FACILITY

A district and an institution of higher education, as defined by Education Code 61.003, located wholly or partially in the boundaries of the county in which the district is located, may contract for the district to contribute district resources to pay a portion of the costs of the design or construction of an instructional facility or a stadium or other athletic facilities owned by or under the control of the institution of higher education. A district may contribute district resources only if the district and the institution of higher education enter into a written agreement authorizing the district to use that facility.

One or more independent school districts and an institution of higher education, as defined by Education Code 61.003, may contract for the district to contribute district resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility owned by or under the control of the institution of higher education. A district may contribute district resources under this subsection only if the district and the institution of higher education enter into a written agreement authorizing the district to use that facility, including authorizing the enrollment of district students in courses offered at that facility.

An independent school district and a municipality, located wholly or partially in the boundaries of a county in which the district is located, may contract for the district to contribute district resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility, stadium, or other athletic facility owned by, on the property of, or under the control of the municipality. A district may contribute district resources only if the district and municipality enter into a written agreement authorizing the district to use that facility.

USE OF ATHLETIC FACILITIES

A board may enter into a contract on behalf of a district with any corporation, or any city, or any state university or college located wholly or partially within its boundaries, for the use of any stadium and other athletic facilities owned by or under the control of the other entity. The contract may be for any period not exceeding 75 years and may contain terms agreed on by the parties.

A district may enter into a contract for the use of athletic facilities for any purpose related to sports activities and other physical education programs for the students at the public schools of the district.

MAINTENANCE TAX LEVY AUTHORIZATION

The consideration for any contract under Education Code 45.109 may be paid from any source available to a district; but, if voted, the board may pledge to the payment of the contract an annual maintenance tax in an amount sufficient, without limitation, to provide all of the consideration. If so voted and pledged, the maintenance tax shall be assessed, levied, and collected annually in the

same manner as provided by general law applicable to the district for other maintenance taxes.

ELECTION PROCEDURES

No maintenance tax shall be pledged to the payment of any contract under Education Code 45.109 or assessed, levied, or collected unless an election is held and the tax is approved by a majority of the resident, qualified electors of a district, voting at said election. The election order shall state the date of the election, the proposition to be voted on, the polling places, and any other matters deemed advisable by the board.

Education Code 45.109

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

SECTION D: PERSONNEL

DA	EMPLOYMENT OBJECTIVES
DAA	Equal Employment Opportunity
DAB	Genetic Nondiscrimination
DAC	Objective Criteria for Personnel Decisions
DB	EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
DBA	Credentials and Records
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DC	EMPLOYMENT PRACTICES
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DCE	Other Types of Contracts
DE	COMPENSATION AND BENEFITS
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DF	TERMINATION OF EMPLOYMENT
DFA	Probationary Contracts
DFAA	Suspension/Termination During Contract
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DFBB	Nonrenewal
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DFCA	Suspension/Termination
DFD	Hearings Before Hearing Examiner
DFE	Resignation
DFF	Reduction in Force

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SECTION D: PERSONNEL

DFFA Financial Exigency
DFFB Program Change
DFFC Continuing Contracts

DG EMPLOYEE RIGHTS AND PRIVILEGES
DGA Freedom of Association
DGB Personnel-Management Relations
DGBA Employee Complaints/Grievances
DGC Immunity

DH EMPLOYEE STANDARDS OF CONDUCT
DHA Gifts and Solicitations
DHB Reports to State Board for Educator Certification
DHE Searches and Alcohol/Drug Testing

DI EMPLOYEE WELFARE
DIA Freedom from Discrimination, Harassment, and Retaliation

DJ EMPLOYEE RECOGNITION AND AWARDS

DK ASSIGNMENT AND SCHEDULES

DL WORK LOAD
DLA Staff Meetings
DLB Required Plans and Reports

DM PROFESSIONAL DEVELOPMENT
DMA Required Staff Development
DMB Career Advancement
DMC Continuing Professional Education
DMD Professional Meetings and Visitations
DME Research and Publication

DN PERFORMANCE APPRAISAL
DNA Evaluation of Teachers
DNB Evaluation of Other Professional Employees

DP PERSONNEL POSITIONS
DPB Substitute, Temporary, and Part-Time Positions

NOTICE TO PARENTS: QUALIFICATIONS

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, at the beginning of each school year, notify the parents of each student attending any school receiving such funds that the parents may request, and the district shall provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived.
3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.
4. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

ADDITIONAL INFORMATION

A school that receives such federal funds shall also provide to each individual parent timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified.

20 U.S.C. 6311(h)(6)

PROFESSIONAL PERSONNEL

CERTIFICATE

A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a district unless the person holds an appropriate certificate or permit. A person who desires to teach shall present the person's certificate for filing with a district before the person's contract with a board is binding.

A person employed by a district as an educational diagnostician before September 1, 2008, may continue employment with the district without obtaining a certificate or permit as an educational diagnostician so long as the person is employed by that district.

A person is not required to hold a certificate under Education Code 21.0487 to be employed by a district as a Junior Reserve Officer Training Corps instructor.

An educator who does not hold a valid certificate may not be paid for teaching or work done before the effective date of issuance of a valid certificate.

Education Code 21.003(a), .053(a), (b), .0487(d)

LICENSE

A person may not be employed by a district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional counselor, marriage and family therapist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession. A person may perform specific services within those professions for a district only if the person holds the appropriate credentials from the appropriate state agency.

A person employed by a district before September 1, 2011, to perform marriage and family therapy is not required to hold a license as a marriage and family therapist as long as the person remains employed by the district.

Education Code 21.003(b)

SCHOOL DISTRICT TEACHING PERMIT

A district may issue a school district teaching permit and employ as a teacher a person who does not hold a teaching certificate issued by SBEC. To be eligible for a school district teaching permit, a person must hold a baccalaureate degree. *Education Code 21.055(a)–(b)*

STATEMENT TO COMMISSIONER

Promptly after employing a person under a school district permit, a district shall send a written statement to the Commissioner. This statement must identify the person, the person's qualifications as a teacher, and the subject or class the person will teach. The person may teach the subject or class pending action by the Commissioner.

Not later than the 30th day after the Commissioner receives a district's statement, the Commissioner may inform the district that the person is not qualified to teach. The person may not teach if the Commissioner finds that the person is not qualified. If the Commissioner fails to act before the 30th day after receiving the statement, a district may issue the school district teaching permit and the person may teach the subject or class identified in the statement sent to the Commissioner.

Education Code 21.055(c)–(d)

NONCORE CAREER AND TECHNICAL COURSES

The following requirements do not apply to a person who will teach only noncore academic career and technical education courses:

1. The requirement to hold a baccalaureate degree;
2. The requirement that the district send a written statement to the Commissioner identifying the person, the person's qualifications as a teacher, and the subject or class the person will teach; and

3. The requirement that the Commissioner inform the district in writing if the Commissioner finds the person to be not qualified to teach.

A board may issue a school district teaching permit to a person who will teach courses only in career and technical education based on qualifications certified by the superintendent. Qualifications must include demonstrated subject matter expertise such as professional work experience, formal training and education, holding an active professional relevant industry license, certification, or registration, or any combination of work experience, training and education, or industry license, certification, or registration, in the subject matter to be taught.

The superintendent shall certify to the board that a new employee has undergone a criminal background check and is capable of proper classroom management. A district shall require a new employee to obtain at least 20 hours of classroom management training and to comply with continuing education requirements as determined by the board.

A person may teach a career and technical education course immediately upon issuance of a permit. Promptly after employing a person who qualifies under Education Code 21.055(d-1), the board shall send to the Commissioner a written statement identifying the person, the course the person will teach, and the person's qualifications to teach the course.

Education Code 21.055(d-1)

DURATION OF PERMIT

A school district teaching permit remains valid unless the district issuing the permit revokes it for cause. A person authorized to teach under a school district teaching permit issued by a particular district may not teach in another school district unless that other district complies with the permit-issuing provisions. *Education Code 21.055(e)*

Note: The assignment of a teacher to teach a class for which he or she is not properly certified triggers parent notification requirements in accordance with state and federal laws. See DK.

HIGHLY QUALIFIED STATUS

Pursuant to the No Child Left Behind Act of 2001, each district shall ensure that all teachers teaching in a program supported with funds under Title I, Part A of the ESEA (20 U.S.C. 6301 *et seq*.) are highly qualified.

"CORE ACADEMIC SUBJECTS" DEFINED

The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

GENERAL EDUCATION PROGRAM

The term "highly qualified":

CERTIFICATION

1. When used with respect to any public elementary school or secondary school teacher, means the teacher:
   a. Has obtained full state certification as a teacher (including alternative certification); and
   b. Has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

NEW ELEMENTARY TEACHER

2. When used with respect to an elementary school teacher who is new to the profession, means the teacher:
   a. Holds at least a bachelor's degree; and
   b. Has demonstrated, by passing a rigorous state test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum.

NEW MIDDLE OR SECONDARY TEACHER

3. When used with respect to a middle or secondary school teacher who is new to the profession, means the teacher:
   a. Holds at least a bachelor's degree; and
   b. Has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by:
      (1) Passing a rigorous state academic subject test in each of the academic subjects in which the teacher teaches; or
      (2) Successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing.

EXISTING TEACHER

4. When used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means the teacher holds at least a bachelor's degree and:
   a. Has met the applicable standard as detailed above for new teachers; or

b. Demonstrates competence in all academic subjects in which the teacher teaches based on a high objective uniform state standard of evaluation.

20 U.S.C. 6319(a)(1), 7801(23)

SPECIAL EDUCATION PROGRAM

The term "highly qualified," when used with respect to a special education teacher, means the teacher meets the above requirements, as applicable, and:

CERTIFICATION AND EDUCATION

1. Has obtained full state certification as a special education teacher (including alternative certification);

2. Has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

3. Holds at least a bachelor's degree.

SUBJECT MATTER COMPETENCY

Special education teachers who teach alternative achievement standards or who teach two or more core academic subjects exclusively to children with disabilities must also demonstrate subject matter competence as set forth below:

ALTERNATIVE ACHIEVEMENT STANDARDS

1. New and existing special education teachers who teach core academic subjects exclusively to children who are assessed against alternate achievement standards may:

   a. Meet the applicable requirements for any new or existing elementary, middle, or secondary teacher; or

   b. In the case of instruction above the elementary level, demonstrate subject matter knowledge appropriate to the level of instruction being provided, as determined by the state, needed to effectively teach to those standards.

TWO OR MORE CORE ACADEMIC SUBJECTS

2. A special education teacher who teaches two or more core academic subjects exclusively to children with disabilities may either:

   a. Meet the applicable requirements for any new or existing elementary, middle, or secondary school teacher;

   b. In the case of an existing teacher, demonstrate competence in all core academic subjects in which the teacher teaches in the same manner as is required for any other existing elementary, middle, or secondary school teacher. This may include a single, high objective uniform state standard of evaluation covering multiple subjects; or

c. In the case of a new special education teacher who teaches multiple subjects and who is highly qualified in mathematics, language arts, or science, the teacher may demonstrate competence in the other core academic subjects in which the teacher teaches in the same manner as is required for an existing elementary, middle, or secondary school teacher. This may include a single, high objective uniform state standard of evaluation covering multiple subjects. The teacher must demonstrate competence under this section not later than two years after the date of employment.

20 U.S.C. 1401(10)

PARAPROFESSIONAL EMPLOYEES

CERTIFICATION

Educational aides shall be certified according to standards established by the State Board for Educator Certification. *19 TAC 230.51*

TITLE I PROGRAM

Each district receiving assistance under Title I, Part A of the ESEA shall ensure that all paraprofessionals working in a program supported with those funds shall:

DUTIES

1. Be assigned only duties consistent with 20 U.S.C. 6319(g).

HIGH SCHOOL DIPLOMA

2. Regardless of a paraprofessional's hiring date, have earned a secondary school diploma or its recognized equivalent.

HIGHER EDUCATION OR COMPETENCY TEST

3. If hired after January 8, 2002, have one of the following credentials:

   a. Completed at least two years of study at an institution of higher education;

   b. Obtained an associate's (or higher) degree; or

   c. Met a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment:

      (1) Knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or

      (2) Knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

   Receipt of a high school diploma is not sufficient to satisfy the formal academic assessment requirement.

EXCEPTIONS

The HIGHER EDUCATION OR COMPETENCY TEST requirements above shall not apply to a paraprofessional:

1. Who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under Title I, Part A by acting as a translator; or

2. Whose duties consist solely of conducting parental involvement activities.

20 U.S.C. 6319

CPR AND FIRST AID CERTIFICATION

A district employee who serves as head director of a school marching band, head coach, or chief sponsor of an extracurricular athletic activity (including cheerleading) that is sponsored or sanctioned by the district or UIL must maintain and submit to the district proof of current certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification. A district shall adopt procedures for administering this requirement, including procedures for the time and manner in which proof of current certification must be submitted. *Education Code 33.086*

AED CERTIFICATION

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 must receive and maintain certification in the use of an automated external defibrillator (AED) from the American Heart Association, the American Red Cross, or a similar nationally recognized association. *Education Code 22.902* [See DMA]

SCHOOL BUS DRIVERS

CREDENTIALS

For purposes of the following provisions, a “school bus driver” is a driver transporting school children and/or school personnel on routes to and from school or on a school-related activity trip while operating a multifunction school activity bus, school activity bus, or school bus. *37 TAC 14.1* [See CNA]

At a minimum, to become employed and maintain employment status as a school bus driver, a person must meet the following requirements:

1. Be at least 18 years old.

2. Possess a valid driver’s license designating a class appropriate (with applicable endorsement, if commercial driver license) for the gross vehicle weight rating and manufacturer’s designed passenger capacity of the vehicle to be operated.

3. Meet the medical qualifications specified by the Department of Public Safety (DPS) at 37 Administrative Code 14.12. [See DBB]

4. Maintain an acceptable driving record in accordance with the minimum standards established by the DPS at 37 Administrative Code 14.14.

5. Maintain an acceptable criminal history record, secured from any law enforcement agency or criminal justice agency, and reviewed in accordance with the provisions of Education Code Chapter 22. [See DBAA]

6. Possess a valid Texas School Bus Driver Safety Training Certificate, as specified at 37 Administrative Code 14.35 or a valid Enrollment Certificate, as specified at 37 Administrative Code 14.36.

Trans. Code 521.022; 37 TAC 14.11, .12, .14

PRE-EMPLOYMENT INQUIRIES

An applicant for employment as a school bus driver must disclose to the district:

1. Any violations of motor vehicle laws or ordinances (other than parking violations) of which the applicant was convicted or forfeited bond or collateral during the three years preceding the date the application is submitted;

2. Any serious traffic violations, as defined by Transportation Code 522.003(25), of which the applicant was convicted during the ten years preceding the date the application is submitted; and

3. Any suspension, revocation, or cancellation of driving privilege that the applicant has ever received.

The district shall make an inquiry into the applicant's complete driving record, with DPS and with any state in which the applicant held a motor vehicle operator's license or permit within the past seven years. If no previous driving record is found to exist, the district must document its efforts to obtain such information and certify that no previous driving record exists for the individual.

The district shall review the applicant's driving record to determine whether that person meets minimum requirements, as described at 37 Administrative Code 14.14(d) (penalty points for convictions of traffic law violations and crash involvements).

37 TAC 14.14(b)

ANNUAL EVALUATION

A district shall, at least once every 12 months, make an inquiry into the complete driving record of each school bus driver it employs, with DPS and with any state in which the individual held a motor vehicle operator's license or permit during that time period. The district shall review the driving record to determine whether the

individual meets the minimum requirements described at 37 Administrative Code 14.14(d) (penalty points for convictions of traffic law violations and crash involvements). *Trans. Code 521.022(d); 37 TAC 14.14(c)*

DISQUALIFICATION

Any person who has accumulated ten or more penalty points shall be considered ineligible to transport students until such time as he or she may become qualified. A school bus driver who receives notice that his or her license, permit, or privilege to operate a motor vehicle has been revoked, suspended, or withdrawn shall notify the district of the contents of the notice before the end of the business day following the day the driver received it. A district shall not permit a disqualified driver to drive a school bus, school activity bus, or multifunction school activity bus. *37 TAC 14.14(g)*

EMPLOYEE RECORDS

PROFESSIONAL EMPLOYEES

The following records on professional personnel must be readily available for review by the Commissioner:

1. Credentials (certificate or license);
2. Service record(s) and any attachments;
3. Contract;
4. Teaching schedule or other assignment record; and
5. Absence from duty reports.

SERVICE RECORD

The basic document in support of the number of years of professional service claimed for salary increment purposes and both the state's sick and personal leave program data for all personnel is the service record (form FIN-115) or a similar form containing the same information. It is the responsibility of the issuing district to ensure that service records are true and correct and that all service recorded on the service record was actually performed.

The service record must be validated by a person designated by a district to sign service records. The service record shall be kept on file at the district.

FORMER EMPLOYEES

On request by a classroom teacher, librarian, school counselor, or nurse or by the school district employing one of those individuals, a district that previously employed the individual shall provide a copy of the individual's service record to the district employing the individual. The district must provide the copy not later than the 30th day after the later of:

1. The date the request is made; or
2. The date of the last day of the individual's service to the district.

The original service record, signed by the employee, shall be given to the employee upon request or sent to the next employing district. A district must maintain a legible copy for audit purposes.

Education Code 21.4031; 19 TAC 153.1021(b), (d)

ACCESS TO EMPLOYEE RECORDS

With regard to public access to information in personnel records, custodians of such records shall adhere to the requirements of the Public Information Law. *Gov't Code Ch. 552* [See GBA]

Information in a personnel file is excepted from the requirements of the Public Information Law if the disclosure would constitute a clearly unwarranted invasion of personal privacy.

Except as provided below, an employee of a district shall choose whether to allow public access to information in the district's custody that relates to the employee's home address, home telephone number, emergency contact information, or social security number, or that reveals whether the person has family members.

Gov't Code 552.024, .102(a)

The social security number of an employee of a district in the custody of the district is confidential. A district may not require an employee or former employee of the district to choose whether to allow public access to the employee's or former employee's social security number. *Gov't Code 552.024(a-1), .147(a-1)*

EMPLOYEE RIGHT OF ACCESS

All information in the personnel file of a district employee shall be made available to that employee or the employee's designated representative as public information is made available under the Public Information Law. An employee or an employee's authorized representative has a special right of access, beyond the right of the general public, to information held by a district that relates to the employee and that is protected from public disclosure by laws intended to protect the employee's privacy interests.

A district may not deny to the employee or his or her representative access to information relating to the employee on the grounds that the information is considered confidential by privacy principles under the Public Information Law. A district may assert as grounds for denial of access other provisions of the Public Information Law or other laws that are not intended to protect the employee's privacy interests.

If a district determines that information in the employee's records is exempt from disclosure under an exception of Government Code Chapter 552, Subchapter C, other than an exception intended to protect the privacy interest of the requestor or the person whom the requestor is authorized to represent, it shall submit a written

request for a decision to the attorney general before disclosing the information. If a decision is not requested, a district shall release the information to the requestor not later than the tenth day after the request for information is received.

Gov't Code 552.023, .102(a), .307

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)*

CERTIFIED PERSONS

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

NONCERTIFIED EMPLOYEES

APPLICABILITY

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

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

[For noncertified employees of a district or shared services arrangement hired before January 1, 2008, see ALL OTHER EMPLOYEES, below.]

INFORMATION TO DPS AND TEA

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

A district shall provide 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)

SUBSTITUTE TEACHERS — This section applies to a person who is a substitute teacher for a district or shared services arrangement.

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

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

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

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

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

CRIMINAL HISTORY — A district shall obtain all CHRI that relates to a person to whom this section applies through the Clearinghouse. A district may require the person to pay any fees related to obtaining the CHRI.

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

STUDENT TEACHERS

APPLICABILITY — This section applies to a person participating in an internship consisting of student teaching to receive a teaching certificate.

CRIMINAL HISTORY

A student teacher may not perform any student teaching until:

1. The student teacher has provided to a district a driver's license or another form of identification containing the person's photograph issued by an entity of the United States government; and

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

Education Code 22.0835

COORDINATION OF EFFORTS

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

ALL OTHER EMPLOYEES

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

1. The district; or

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

A district may obtain the CHRI from:

1. DPS;

2. A law enforcement or criminal justice agency; or

3. A private consumer reporting agency [see CONSUMER CREDIT REPORTS, below].

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

CONFIDENTIALITY OF RECORD

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

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

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

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

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

Gov't Code 411.084

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

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

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

DESTRUCTION OF CHRI

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

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

Gov't Code 411.097(d)(3)

CONFIDENTIALITY OF INFORMATION OBTAINED FROM APPLICANT OR EMPLOYEE

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

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

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

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

Education Code 22.08391

SBEC NOTIFICATION

A superintendent shall promptly notify SBEC in writing by filing a report with the TEA staff within seven calendar days of the date the superintendent obtains or has knowledge of information indicating that an educator employed by or seeking employment with the district has a reported criminal history and the district obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established by the Texas Department of Public Safety. [See also DHB for details on reporting requirements.]

"Reported criminal history" means information concerning any formal criminal justice system charges and dispositions. The term includes arrests, detentions, indictments, criminal informations, convictions, deferred adjudications, and probations in any state or federal jurisdiction.

Education Code 22.087; 19 TAC 249.14(d), .3(43)

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

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 CHRI review that:

1. The employee or applicant has been convicted of:
    a. A felony under Penal Code Title 5;
    b. An offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or
    c. An offense under the laws of another state or federal law that is equivalent to an offense under paragraphs a or b; and
2. At the time the offense occurred, the victim of the offense was under 18 years of age or was enrolled in a public school.

EXCEPTION

However, a district is not required to discharge or refuse to hire an employee or 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:
    a. June 15, 2007, in the case of a person employed by a district as of that date; or
    b. The date the person's employment will begin, in the case of a person applying for employment with a district after June 15, 2007; and
2. The employee or applicant for employment satisfied all terms of the court order entered on conviction.

CERTIFICATION TO SBEC

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

SANCTIONS

SBEC may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant if the educator knows or should have known, through a criminal history record information review, that the employee or applicant has been convicted of an offense described above.

OPTIONAL TERMINATION

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 [See DF]

CONSUMER CREDIT REPORTS

DEFINITIONS

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

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

"Consumer reporting agency" is an agency that, for monetary fees, dues, or on a cooperative nonprofit basis, regularly assembles or evaluates consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

"Employment purposes" when used in connection with a consumer report means a report used for the purpose of evaluating a person

for employment, promotion, reassignment, or retention as an employee.

15 U.S.C. 1681a

OBTAINING REPORTS

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

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

ADVERSE ACTION

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

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

Note: The following provisions apply to a district that uses consumer reports.

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 CFR 641.1

DISPOSAL OF RECORDS

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

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

Examples of reasonable measures include:

1. Burning, pulverizing, or shredding papers containing a consumer report so the information cannot practicably be read or reconstructed;

2. Destroying or erasing electronic media containing a consumer report so that the information cannot practicably be read or reconstructed; or

3. After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of the consumer report.

16 CFR 682.3

SCHOOL BUS DRIVERS

A person shall not drive a school bus, school activity bus, or multifunction school activity bus unless he or she is physically qualified to do so. Each school bus driver shall undergo and successfully complete an annual physical examination in accordance with the requirements of 49 CFR 391.41 and 391.43, which list those physical and mental conditions for which the medical examiner is directed to disqualify an applicant. A driver shall not operate a school bus, school activity bus, or multifunction school activity bus unless he or she has in his or her possession the original, or photographic copy, of the medical examiner's certificate stating that the driver is physically qualified to drive a school bus, school activity bus, or multifunction school activity bus. *Trans. Code 521.022; 37 TAC 14.12*

A person disqualified on the basis of the medical examination may request special consideration in accordance with 37 Administrative Code 14.13.

DEFINITIONS

The definitions related to individuals with disabilities and exceptions to those definitions included in policy DAA shall be used in applying and interpreting this policy and any local policy adopted in conjunction with this policy.

BLOODBORNE PATHOGEN CONTROL

A district that employs employees who provide services in a public or private facility providing health care-related services, including a home health care organization, or who otherwise have a risk of exposure to blood or other material potentially containing bloodborne pathogens in connection with exposure to sharps shall comply with the minimum standards set by the Texas Department of State Health Services (TDSHS). This includes a district that operates a public school health clinic.

"SHARPS" DEFINED

"Sharps" means an object used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident, including a needle device, a scalpel, a lancet, a piece of broken glass, a broken capillary tube, an exposed end of a dental wire, or a dental knife, drill, or bur.

MINIMUM STANDARDS

The minimum standards in the TDSHS Bloodborne Pathogens Exposure Control Plan require a district to:

1. Develop, review annually, update as necessary, and document its actions regarding a comprehensive exposure control plan appropriate to the district and its particular facilities;

2. Provide, at district expense, personal protective equipment and Hepatitis B vaccinations to affected employees, and if an

employee declines to be vaccinated, maintain a record of the employee's written refusal;

3. Provide to affected employees pre-service and annual refresher training as described in the TDSHS Exposure Control Plan;

4. Record all exposure incidents (e.g., "sticks" by needles or other "sharps") in a sharps injury log and report the sharps injury to TDSHS on a standardized form; and

5. Provide a post-exposure evaluation and follow up with an employee who has a sharps injury.

Health and Safety Code 81.301–.307; 25 TAC Ch. 96

COST OF TESTING

If certified emergency medical services personnel, an emergency response employee or volunteer, or a first responder who renders assistance at the scene of an emergency or during transport to the hospital is accidentally exposed to blood or other body fluids of a patient, the hospital to which the patient is transported shall take reasonable steps to test the patient for hepatitis B, hepatitis C, HIV, or any reportable disease. A district that employs the person, or for which the person works as a volunteer in connection with rendering the assistance, is responsible for paying the costs of the test. *Health and Safety Code 81.095(b)*

GENETIC INFORMATION

Any receipt of genetic information in response to a request for medical information shall be deemed inadvertent if a district uses language such as that at 29 CFR 1635.8(b)(1)(i)(B). *29 CFR 1635.8(b)(1)(i)(A)* [See DAB]

PRE-EMPLOYMENT INQUIRIES AND EMPLOYMENT ENTRANCE EXAMINATIONS

A district shall not conduct a medical examination or make inquiries of a job applicant as to whether such applicant is an individual with a disability or as to the nature or severity of a disability, except as provided below. However, a district is permitted to make pre-employment inquiries into the ability of an applicant to perform job-related functions, such as asking an applicant to describe or demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions. *42 U.S.C. 12112(d)(2); 29 CFR 1630.14(a)*

A district may require a medical examination (and/or inquiry) after an offer of employment has been made to a job applicant and prior to the beginning of employment duties and may condition the offer on the results of such examination (and/or inquiry), provided all entering employees in the same job category are subjected to such an examination (and/or inquiry) regardless of disability.

The results of an employment entrance medical examination shall be used only to determine the applicant's ability to perform job-related functions.

42 U.S.C. 12112(d)(3); 29 CFR 1630.14(b)

CONFIDENTIALITY

Information obtained regarding the medical condition or history of the applicant shall be collected and maintained on separate forms and in separate medical files and shall be treated as confidential medical records. However, supervisors and managers may be informed regarding necessary restrictions on the employee's work or duties and necessary accommodation; first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment. *29 CFR 1630.14(b), (c)*

EXAMINATION DURING EMPLOYMENT

The district may require a medical examination (and/or inquiry) of an employee that is job related and consistent with business necessity and may make inquiries into the ability of an employee to perform job-related functions.

PLACEMENT ON TEMPORARY DISABILITY

The board may adopt a policy providing for placing an educator on leave of absence for temporary disability if, in the board's judgment and in consultation with a physician who has performed a thorough medical examination of the educator, the educator's condition interferes with the performance of regular duties. Such a policy must reserve to the educator the right to present to the board testimony or other information relevant to the educator's fitness to continue the performance of regular duties. [See also DEC]

The results of an employee's medical examination shall be used only to determine the employee's ability to perform job-related functions.

42 U.S.C. 12112(d)(3)–(4); 29 CFR 1630.14(c); Education Code 21.409(c)

RESTRICTION ON PUBLIC SERVANTS — PENAL CODE

"Public servant," for purposes of the following Penal Code provisions, includes a person elected, selected, appointed, employed, or otherwise designated as an officer, employee, or agent of government, even if the person has not yet qualified for office or assumed his or her duties. *Penal Code 1.07(a)(41)(A), (E)*

BRIBERY

1. A public servant shall not intentionally or knowingly offer, confer, agree to confer on another, solicit, accept, or agree to accept a benefit:

   a. As consideration for the public servant's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant.

   b. As consideration for a violation of a duty imposed on the public servant by law.

   c. That is a political contribution as defined by Title 15 of the Election Code or an expenditure made and reported as a lobbying expense in accordance with Government Code, Chapter 305, if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion, if such exercise of official discretion would not have been taken or withheld but for the benefit.

   "Benefit" means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

   Penal Code 36.01(3), .02

ILLEGAL GIFTS

2. A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions shall not solicit, accept, or agree to accept any benefit from a person the public servant knows is interested in or likely to become interested in any such transactions of a district. *Penal Code 36.08(d)*

   A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under this section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax exempt charitable organization formed for educational, religious, or scientific purposes. *Penal Code 36.08(i)*

EXCEPTIONS

"Illegal Gifts to Public Servants" does not apply to:

a. A fee prescribed by law to be received by a public servant or any other benefit to which the public servant is lawfully entitled or for which he or she gives legitimate consideration in a capacity other than as a public servant;

b. A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient;

c. A benefit to a public servant required to file a statement under Chapter 572, Government Code, or a report under Title 15, Election Code, that is derived from a function in honor or appreciation of the recipient if:

(1) The benefit and the source of any benefit in excess of $50 is reported in the statement; and

(2) The benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the state or political subdivision;

d. A political contribution as defined by Title 15, Election Code;

e. An item with a value of less than $50, excluding cash or a negotiable instrument as described by Business and Commerce Code 3.104;

f. An item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity; or

g. Food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law.

Penal Code 36.10

HONORARIA AND EXPENSES

3. A public servant commits a Class A misdemeanor offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties. However, a public servant is not prohibited from accepting transportation and lodging expenses or meals in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to

the extent those services are more than merely perfunctory. *Penal Code 36.07*

ABUSE OF PUBLIC EMPLOYMENT

4. A public servant shall not, with intent to obtain a benefit or with intent to harm or defraud another, intentionally or knowingly violate a law relating to the public servant's office or employment, or misuse district property, services, personnel, or any other thing of value, that has come into his or her custody or possession by virtue of his or her office or employment. *Penal Code 39.02(a)*

   "Law relating to the public servant's office or employment" means a law that specifically applies to a person acting in the capacity of a public servant and that directly or indirectly imposes a duty on the public servant or governs the conduct of the public servant. *Penal Code 39.01(1)*

   "Misuse" means to deal with property contrary to:

   a. An agreement under which the public servant holds the property;

   b. A contract of employment or oath of office of a public servant;

   c. A law, including provisions of the General Appropriations Act specifically relating to government property, that prescribes the manner of custody or disposition of the property; or

   d. A limited purpose for which the property is delivered or received.

   Penal Code 39.01(2)

INSTRUCTIONAL MATERIALS VIOLATIONS — COMMISSIONS

An administrator or teacher commits an offense if the person receives any commission or rebate on any instructional materials or technological equipment used in the schools with which the person is associated. *Education Code 31.152(a)*

INSTRUCTIONAL MATERIALS VIOLATIONS — CONFLICT

An administrator or teacher commits an offense if the person accepts a gift, favor, or service that:

1. Is given to the person or the person's school;

2. Might reasonably tend to influence the person in the selection of instructional materials or technological equipment; and

3. Could not be lawfully purchased with state instructional material funds.

"Gift, favor, or service" does not include staff development, in-service, or teacher training; or ancillary materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Education Code 31.152(b)–(d)

INSTRUCTIONAL MATERIALS VIOLATIONS — PURCHASE AND DISTRIBUTION

A person commits a Class C misdemeanor offense if the person knowingly violates any law providing for the purchase or distribution of free instructional materials for the public schools. *Education Code 31.153*

HOLDING CIVIL OFFICE

No person shall hold or exercise at the same time more than one civil office of emolument, except for offices listed in the constitutional provision, unless otherwise specifically provided. *Tex. Const., Art. XVI, Sec. 40(a); State v. Pirtle, 887 S.W.2d 291 (Tex. Ct. Crim. App. 1994); Atty. Gen. Op. DM-212 (1993)*

A position in or membership in the Texas military forces is not considered to be a civil office of emolument. *Gov't Code 437.203*

Individuals who receive all or part of their compensation either directly or indirectly from funds of the state of Texas and who are not state officers shall not be barred from serving as members of the governing bodies of school districts (other than those in which they are employed), cities, towns, or other local governmental districts. Such individuals may not receive a salary for serving as members of such governing bodies. *Tex. Const., Art. XVI, Sec. 40(b); Atty. Gen. Op. DM-55 (1991)*

CONFLICTS DISCLOSURE STATEMENT

A local government officer shall file a conflicts disclosure statement with respect to a vendor if the vendor enters into a contract with the district or the district is considering entering into a contract with the vendor; and the vendor:

BUSINESS RELATIONSHIP

1. Has an employment or other business relationship with the local government officer or a family member of the officer, and the business relationship results in the officer or family member receiving taxable income, other than investment income, that exceeds $2,500 during the 12-month period preceding the date that the officer becomes aware that:

   a. A contract between the district and the vendor has been executed; or

   b. The district is considering entering into a contract with the vendor;

GIFT(S)

2. Has given to the local government officer or a family member of the officer one or more gifts, as defined by law, and the gift

or gifts have an aggregate value of more than $100 in the 12-month period preceding the date the officer becomes aware that:

a. A contract between the district and the vendor has been executed; or

b. The district is considering entering into a contract with the vendor; or

FAMILY RELATIONSHIP

3. Has a family relationship with the local government officer.

A local government officer is not required to file a conflicts disclosure statement in relation to a gift accepted by the officer or a family member of the officer if the gift is a political contribution as defined by Title 15, Election Code, or food accepted as a guest.

Local Gov't Code 176.003(a)–(a-1)

DEFINITIONS

"Local government officer" means a member of the board; the superintendent; or an agent (including an employee) of the district who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. *Local Gov't Code 176.001(1), (4)*

"Gift" means a benefit offered by a person, including food, lodging, transportation, and entertainment accepted as a guest. The term does not include a benefit offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient. *Local Gov't Code 176.001(2-b)*

Note: For additional provisions and definitions relating to conflict disclosure statements, see BBFA(LEGAL).

PERSONAL SERVICES PERFORMED BY SUPERINTENDENT

A superintendent of a school district may not receive any financial benefit for personal services performed by the superintendent for any business entity that conducts or solicits business with the district. Any financial benefit received by a superintendent for performing personal services for any other entity, including a school district, open-enrollment charter school, regional education service center, or public or private institution of higher education, must be approved by the board on a case-by-case basis in an open meeting. The receipt of reimbursement for a reasonable expense is not considered a financial benefit. *Education Code 11.201(e)*

Note: See also CBB for requirements when federal funds are involved.

Note: For conflicts of interest and gifts and gratuities related to federal grants and awards, see CB and CBB.

DISCLOSURE—GENERAL STANDARD

An employee shall disclose to his or her immediate supervisor a personal financial interest, a business interest, or any other obligation or relationship that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the District.

SPECIFIC DISCLOSURES

SUBSTANTIAL INTEREST

The Superintendent shall file an affidavit with the Board President disclosing a substantial interest, as defined by Local Government Code 171.002, in any business or real property that the Superintendent or any of his or her relatives in the first degree may have.

Any other employee who is in a position to affect a financial decision involving any business entity or real property in which the employee has a substantial interest, as defined by Local Government Code 171.002, shall file an affidavit with the Superintendent; however, the employee shall not be required to file an affidavit for the substantial interest of a relative.

INTEREST IN PROPERTY

The Superintendent shall be required to file an affidavit disclosing interest in property in accordance with Government Code 553.002.

ANNUAL FINANCIAL MANAGEMENT REPORT

The Superintendent, as the executive officer of the District, shall provide to the District in a timely manner information necessary for the District's annual financial management report.

[See BBFA]

GIFTS

An employee shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities. [See CAA, CB, and CBB]

ENDORSEMENTS

An employee shall not recommend, endorse, or require students to purchase any product, material, or service in which the employee has a financial interest or that is sold by a company that employs or retains the District employee during nonschool hours.

SALES

An employee shall not use his or her position with the District to attempt to sell products or services.

NONSCHOOL EMPLOYMENT

An employee shall disclose in writing to his or her immediate supervisor any outside employment that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the District.

PRIVATE TUTORING

An employee shall disclose in writing to his or her immediate supervisor any private tutoring of District students for pay.

See the following pages for forms to be used by employees for disclosing potential conflicts of interest:

Exhibit A: Affidavit Disclosing Substantial Interest in a Business Entity or in Real Property, as defined in Local Government Code 171.002 — 2 pages

Exhibit B: Affidavit Disclosing Interest in Property, under Government Code Chapter 553, Subchapter A — 1 page

ADDITIONAL DISCLOSURE: The conflicts disclosure statement required of the Superintendent and, as applicable, other District employees by Local Government Code 176.003 is available on the Texas Ethics Commission website at http://www.ethics.state.tx.us.

EXHIBIT A

AFFIDAVIT DISCLOSING SUBSTANTIAL INTEREST
IN A BUSINESS ENTITY OR IN REAL PROPERTY

STATE OF TEXAS
COUNTY OF BURNET

I, _____ *(name)*, as an employee of Marble Falls Independent School District, make this affidavit and on my oath state the following:

1. I have a substantial interest in:

   ☐ a business entity, as those terms are defined in Local Government Code Sections 171.001–.002, that would experience a special economic effect distinguishable from its effect on the public by an action of the Board or the District. [See BBFA]

   or

   ☐ real property for which it is reasonably foreseeable that an action of the Board or District will have a special economic effect on the value of the property distinguishable from its effect on the public.

2. The business entity or real property is

   _____
   (name/address of business or description of property).

   I _____ have a substantial interest in this business entity or real property as follows: *(check all that apply)*

   ☐ Ownership of ten percent or more of the voting stock or shares of the business entity.

   ☐ Ownership of ten percent or more of the fair market value of the business entity.

   ☐ Ownership of $15,000 or more of the fair market value of the business entity.

   ☐ Funds received from the business entity exceed ten percent of my gross income for the previous year.

   ☐ Real property is involved and I have an equitable or legal ownership with a fair market value of at least $2,500.

3. The statements in this affidavit are based on my personal knowledge and are true and correct.

Signed _____ *(date)*

Signature of employee _____

Title _____

STATE OF TEXAS
COUNTY OF BURNET

Sworn to and subscribed before me on this _____ day of _____ *(month)*, _____ *(year)*.

_____, Notary Public, State of Texas

NOTE: *This affidavit should be filed with the Superintendent, Board President, or a designee before the Board takes action concerning the business entity or real property.*

EXHIBIT B

AFFIDAVIT DISCLOSING INTEREST IN PROPERTY

STATE OF TEXAS
COUNTY OF BURNET

I, _____ *(name)*, as Superintendent of Marble Falls Independent School District, make this affidavit and on my oath state the following:

1. I have a legal or equitable interest in property to be acquired with public funds, either by purchase or condemnation. The property is described as follows:

   _____.

2. The nature, type, and amount of interest, including percentage of ownership, I have in the property is:

   _____.

3. I acquired my interest in the property on _____ *(date)*.

4. The information stated in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code.

Signed _____ *(date)*

Signature of Superintendent _____

STATE OF TEXAS
COUNTY OF BURNET

Sworn to and subscribed before me on this _____ day of _____ *(month)*, _____ *(year)*.

_____, Notary Public, State of Texas

NOTE: *This affidavit must be filed with the county clerk(s) of the county or counties in which the property is located and of the county in which the Superintendent resides within ten days before the date on which the property is to be acquired by purchase or condemnation.*

MINIMUM SALARY SCHEDULE — EDUCATORS

A district shall pay each classroom teacher, full-time librarian, full-time school counselor, or full-time nurse not less than the minimum monthly salary, based on the employee's level of experience, specified in Education Code 21.402 and 19 Administrative Code 153.1021.

DEFINITIONS

"CLASSROOM TEACHER"

"Classroom teacher" means an educator who teaches an average of at least four hours per day in an academic or career and technology instructional setting, focusing on the delivery of the Texas Essential Knowledge and Skills, and who holds the relevant certificate from the State Board for Educator Certification (SBEC). Although noninstructional duties do not qualify as teaching, necessary functions related to the educator's instructional assignment, such as instructional planning and transition between instructional periods, should be applied to creditable classroom time.

"LIBRARIAN"

"Librarian" means an educator who provides full-time library services and holds the relevant certificate from SBEC.

"COUNSELOR"

"Counselor" means an educator who provides full-time counseling and guidance services and holds the relevant certificate from SBEC.

"NURSE"

"Nurse" means 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.

"FULL-TIME"

"Full-time" means contracted employment for at least ten months (187 days) for 100 percent of the school day, in accordance with the definitions of school day in Education Code 25.082, employment contract in Education Code 21.002, and school year in Education Code 25.081.

19 TAC 153.1022(a)

PLACEMENT ON SALARY SCHEDULE

The Commissioner's rules determine the experience for which a teacher, librarian, school counselor, or nurse is to be given credit in placing the teacher, librarian, school counselor, or nurse on the minimum salary schedule. A district shall credit the teacher, librarian, school counselor, or nurse for each year of experience, whether or not the years are consecutive. *Education Code 21.402(a), .403(c); 19 TAC 153.1022*

EMPLOYEES FORMERLY ON CAREER LADDER

A teacher or librarian who received a career ladder supplement on August 31, 1993, is entitled to at least the same gross monthly salary the teacher or librarian received for the 1994–95 school year as long as the teacher or librarian is employed by the same district.

In addition, a teacher or librarian who was on level two or three of the career ladder is entitled, as long as he or she is employed by the same district, to placement on the minimum salary schedule according to the guidelines at Education Code 21.403(d). *Education Code 21.402(f), .403(d)*

PAY INCREASES

A district shall not grant any extra compensation, fee, or allowance to a public officer, agent, servant, or contractor after service has been rendered or a contract entered into and performed in whole or in part. *Tex. Const. Art. III, Sec. 53*

PUBLIC HEARING—CONTRACT EMPLOYEES

A district may not pay an employee or former employee more than an amount owed under a contract with the employee unless the district holds at least one public hearing. Notice of the hearing must be given in accordance with notice of a public meeting under the Texas Open Meetings Act [see BE].

The board must state the following at the public hearing:

1. The source and exact amount of the payment;
2. The reason the payment is being offered including the public purpose that will be served by making the payment; and
3. The terms for distribution of the payment that effect and maintain the public purpose.

Loc. Gov't Code 180.007

SALARY ADVANCES AND LOANS

A district shall not lend its credit or gratuitously grant public money or things of value in aid of any individual, association, or corporation. *Tex. Const. Art. III, Sec. 52; Brazoria County v. Perry, 537 S.W.2d 89 (Tex. Civ. App.—Houston [1st Dist.] 1976, no writ)*

DESIGNATION OF COMPENSATION FOR BENEFITS

An employee who is covered by a cafeteria plan or who is eligible to pay health-care premiums through a premium conversion plan may elect to designate a portion of the employee's compensation to be used as health-care supplementation. The amount designated may not exceed the amount permitted under federal law. *Education Code 22.103*

USE

An employee may use the compensation designated for health-care supplementation for any employee benefit, including depositing the designated amount into a cafeteria plan in which the employee is enrolled or using the designated amount for health-care premiums through a premium conversion plan. *Education Code 22.106*

ANNUAL ELECTION

Each school year, an active employee must elect in writing whether to designate a portion of the employee's compensation to be used as health-care supplementation. The election must be made at the

same time that the employee elects to participate in a cafeteria plan, if applicable. *Education Code 22.105*

DEFINITION

For purposes of the designation of compensation as health-care supplementation, "employee" means an active, contributing member of the Teacher Retirement System (TRS) who:

1. Is employed by a district;
2. Is not a retiree eligible for coverage under Insurance Code Chapter 1575 (retiree group health benefits);
3. Is not eligible for coverage by a group insurance plan under Insurance Code Chapter 1551 (state employee health insurance) or Chapter 1601 (state university employee health insurance); and
4. Is not an individual performing personal services for the district as an independent contractor.

Education Code 22.101(2)

TRS CONTRIBUTIONS FOR NEW HIRES

During each fiscal year, a district shall pay an amount equal to the state contribution rate, as established by the General Appropriations Act for the fiscal year, applied to the aggregate compensation of new members of the retirement system, during their first 90 days of employment.

"New member" means a person first employed on or after September 1, 2005, including a former member who withdrew retirement contributions under Government Code 822.003 and is reemployed on or after September 1, 2005.

On a monthly basis, a district shall:

1. Certify to TRS the total amount of salary paid during the first 90 days of employment of a new member and the total amount of employer payments under this section for the payroll periods; and
2. Retain information, as determined by TRS, sufficient to allow administration of this section, including information for each employee showing the applicable salary as well as aggregate compensation for the first 90 days of employment for new employees.

A district must remit the amount required under this section to TRS at the same time the district remits the member's contribution. In computing the amount required to be remitted, a district shall include compensation paid to an employee for the entire pay period that contains the 90th calendar day of new employment.

Gov't Code 825.4041

TRS SURCHARGE FOR REHIRED RETIREES

During each payroll period for which a retiree is reported, a district shall contribute to the retirement system for each retiree reported an amount based on the retiree's salary equal to the sum of:

TRS FUND CONTRIBUTIONS

1. The current contribution amount that would be contributed by the retiree if the retiree were an active, contributing member; and

2. The current contribution amount authorized by the General Appropriations Act that the state would contribute for that retiree if the retiree were an active, contributing member.

Gov't Code 825.4092(b)

HEALTH INSURANCE CONTRIBUTIONS

In addition, each payroll period and for each rehired retiree who is enrolled in TRS Care (retiree group health insurance), a district shall contribute to the TRS Care trust fund an amount established by TRS. In determining the amount to be contributed by the district, TRS shall consider the amount a retiree is required to pay for the retiree and any enrolled dependents to participate in the group program and the full cost of the retiree's and enrolled dependents' participation in the group program. If more than one employer reports the retiree to TRS during a month, the amount of the required payment shall be prorated among employers.

EXCEPTION

A district is not required to contribute these amounts for a retiree who retired from the retirement system before September 1, 2005.

Gov't Code 825.4092(c), (e); Insurance Code 1575.204(b)

NOTICE REGARDING EARNED INCOME TAX CREDIT

Not later than March 1 of each year, a district shall provide employees with information regarding general eligibility requirements for the federal earned income tax credit by one of the following means:

1. In person;

2. Electronically at the employee's last known e-mail address;

3. Through a flyer included, in writing or electronically, as a payroll stuffer; or

4. By first class mail to the employee's last known address.

A district may not satisfy this requirement solely by posting information in the workplace.

In addition, a district may provide employees with IRS publications and forms, or information prepared by the comptroller, relating to the earned income tax credit.

Labor Code 104.001–.003

DECREASING PAY

The Commissioner has held that a district may reduce educator compensation if it gives sufficient warning of a possible reduction in pay when educators can still unilaterally resign from their contracts. A sufficient warning must be both formal enough and specific enough to give educators a meaningful opportunity to decide whether to continue employment with a district. *Brajenovich v. Alief Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 021-R1O-1106 (2009)*

WIDESPREAD SALARY REDUCTIONS

The following provisions apply only to a widespread reduction in the amount of annual salaries paid to classroom teachers in a district based primarily on district financial conditions rather than on teacher performance.

For any school year in which a district has reduced the amount of the annual salaries paid to classroom teachers from the amount paid for the preceding school year, the district shall reduce the amount of the annual salary paid to each district administrator or other professional employee by a percent or fraction of a percent that is equal to the average percent or fraction of a percent by which teacher salaries have been reduced.

Education Code 21.4023

A board may not reduce salaries until the district has complied with the requirements at Education Code 21.4022 [see SALARY REDUCTION/FURLOUGH PROCESS, below]. *Education Code 21.4022*

FURLOUGH PROGRAM

In accordance with district policy [see DFFA], a board may implement a furlough program and reduce the number of days of service otherwise required under Education Code 21.401 [see DC] by not more than six days of service during a school year if the Commissioner certifies that the district will be provided with less state and local funding for that year than was provided to the district for the 2010–11 school year. *Education Code 21.4021(a)*

A board may not implement a furlough program until the district has complied with the requirements at Education Code 21.4022 [see SALARY REDUCTION/FURLOUGH PROCESS, below]. *Education Code 21.4022*

FUNDING LEVELS

Not later than July 1 of each year, the Commissioner shall determine for each district whether the estimated amount of state and local funding per student in weighted average daily attendance to be provided to the district under the Foundation School Program for maintenance and operations for the following school year is less than the amount provided to the district for the 2010–11 school year. If the amount estimated to be provided is less, the

Commissioner shall certify the percentage decrease in funding to be provided to the district. *Education Code 42.009*

SALARIES — Notwithstanding Education Code 21.402 (minimum salary schedule), a board may reduce the salary of an employee who is furloughed in proportion to the number of days by which service is reduced. Any reduction in the amount of the annual salary must be equally distributed over the course of the employee's current contract with the district.

FURLOUGH DAYS — A furlough program must subject all contract personnel to the same number of furlough days. An educator may not be furloughed on a day that is included in the number of days of instruction required under Education Code 25.081 [see EB]. Implementation of a furlough program may not result in an increase in the number of required teacher workdays. An educator may not use personal, sick, or any other paid leave while the educator is on a furlough.

CONTRACT RESIGNATION — If a board adopts a furlough program after the date by which a teacher must give notice of resignation from a probationary, term, or continuing contract [see DFE], an employee who subsequently resigns is not subject to sanctions imposed by SBEC.

NO APPEAL — A decision by a board to implement a furlough program is final and may not be appealed and does not create a cause of action or require collective bargaining.

Education Code 21.4021

SALARY REDUCTION / FURLOUGH PROCESS — A board may not implement a furlough program under Education Code 21.4021 or reduce salaries until the district has complied with the requirements below.

EMPLOYEE INVOLVEMENT — A district must use a process to develop a furlough program or other salary reduction proposal, as applicable, that:

1. Includes the involvement of the district's professional staff; and
2. Provides district employees with the opportunity to express opinions regarding the furlough program or salary reduction proposal, as applicable, at the public meeting described below.

PUBLIC MEETING — A board must hold a public meeting at which the board and district administration present:

1. Information regarding the options considered for managing the district's available resources, including consideration of a

tax rate increase and use of the district's available fund balance;

2. An explanation of how the district intends, through implementation of a furlough program or salary reductions, as applicable, to limit the number of district employees who will be discharged or whose contracts will not be renewed. Any explanation of a furlough program must state the specific number of furlough days proposed to be required; and

3. Information regarding the local option residence homestead exemption.

The public and district employees must be provided with an opportunity to comment at the public meeting.

Education Code 21.4022

INCENTIVE GRANTS—CONTRACT PROVISION

A district shall provide in employment contracts that qualifying employees may receive an incentive payment under an awards program established under Education Code Chapter 21, Subchapter O (Educator Excellence Award Program and Educator Excellence Innovation Program) if the district participates in the program. A district shall indicate that any incentive payment distributed is considered a payment for performance and not an entitlement as part of an employee's salary. *Education Code 21.415*

EDUCATOR EXCELLENCE INNOVATION PROGRAM

The Educator Excellence Innovation Program (EEIP) is a grant program under which a district may receive a competitive grant for the purposes of systematically transforming educator quality and effectiveness. TEA will give priority to districts that receive Title I funding and have at a majority of district campuses a student enrollment that is at least 50 percent educationally disadvantaged.

ELIGIBILITY

A district is eligible to apply for EEIP grant funds if the district:

1. Completes and submits a Notice of Intent to Apply to TEA by the date established by the Commissioner;
2. Complies with all assurances in the Notice of Intent to Apply and grant application;
3. Participates in the required technical assistance activities established by the Commissioner, including establishing leadership teams, master teachers, mentor teachers, and instructional coaches and developing career pathways;
4. Agrees to participate for four years; and
5. Complies with any other activities set forth in the program requirements.

An eligible district must submit an application in a form prescribed by the Commissioner. Each eligible applicant must meet all deadlines, requirements, and assurances specified in the application. The Commissioner may waive any eligibility requirements as specified in 19 Administrative Code 102.1073.

LOCAL PLAN

An eligible district that intends to participate in the EEIP shall submit a local educator excellence innovation plan to TEA. A local educator excellence innovation plan must address the elements at 19 Administrative Code 102.1073(e)(2).

A district must act pursuant to its local board policy [see DEAA (LOCAL)] for submitting a local educator excellence innovation plan and grant application to TEA. A local decision to approve and submit a plan and grant application may not be appealed to the Commissioner.

A district may renew its local educator excellence innovation plan for three consecutive school years without resubmitting a full grant application to TEA. With TEA approval, a district may amend its local plan in accordance with 19 Administrative Code 102.1073(c) and (h) for each school year the district receives a program grant.

USE OF GRANT FUNDS

A district may use grant funds only to carry out purposes of the program as described at Education Code 21.7011, in accordance with the district's local plan, which may include the following specific methods or procedures:

1. Implementation and administration of a high-quality mentoring program for teachers in the first three years of classroom teaching using mentors who meet the qualifications prescribed by Education Code 21.458 [see MENTOR TEACHERS, below];
2. Implementation of a teacher evaluation system using multiple measures that include:
    a. The results of classroom observation, which may include student comments;
    b. The degree of student educational growth and learning; and
    c. The results of teacher self-evaluation;
3. To the extent permitted under Education Code Chapter 25, Subchapter C, restructuring of the school day or school year to provide for embedded and collaborative learning communities for the purpose of professional development [see EC];
4. Establishment of an alternative teacher compensation or retention system; and
5. Implementation of incentives designed to reduce teacher turnover.

WAIVER REQUEST

A district may apply to the Commissioner in writing for a waiver to exempt the district or one or more district campuses from one or more of the statutory sections listed at Education Code 21.7061(a).

The application for the waiver must demonstrate:

1. Why waiving the identified section of the Education Code is necessary to carry out the purposes of the program;
2. Approval for the waiver by a vote of a majority of the members of the board;

3. Approval for the waiver by a vote of a majority of the educators employed at each campus for which the waiver is sought; and

4. Evidence that the voting occurred during the school year and in a manner that ensured that all educators entitled to vote had a reasonable opportunity to participate in the voting.

Neither the board nor the superintendent may compel a waiver of rights under Education Code 21.7061.

Not later than April 1 of the year in which the waiver application is submitted, the Commissioner shall notify the district in writing whether the application has been granted or denied. A waiver expires when the waiver is no longer necessary to carry out the purposes of the program, in accordance with the district's local educator excellence innovation plan.

Education Code Ch. 21, Subch. O; 19 TAC 102.1073

MENTOR TEACHERS

A district may assign a mentor teacher to each classroom teacher who has less than two years of teaching experience in the subject or grade level to which the teacher is assigned. A teacher assigned as a mentor must:

1. To the extent practicable, teach in the same school;

2. To the extent practicable, teach the same subject or grade level, as applicable; and

3. Meet the qualifications prescribed by Commissioner's rules.

The Commissioner's rules must require that a mentor teacher:

1. Complete a research-based mentor and induction training program approved by the Commissioner;

2. Complete a training program provided by the district; and

3. Have at least three complete years of teaching experience with a superior record of assisting students, as a whole, in achieving improvement in student performance.

A district may apply to the Commissioner for funds for a mentor teacher program. A district may use the funds only for providing:

1. Mentor teacher stipends;

2. Scheduled release time for mentor teachers and the classroom teachers to whom they are assigned for meeting and engaging in mentoring activities; and

3. Mentoring support through providers of mentor training.

Education Code 21.458; 19 TAC 153.1011

MASTER TEACHER GRANT PROGRAMS

The Commissioner shall establish master reading, mathematics, technology, and science teacher grant programs to encourage teachers to become certified as master teachers and to work with other teachers and students to improve student performance. *Education Code 21.410–.413*

APPLICATION

A district may apply to the Commissioner for grants for each identified high-need campus to be used to pay year-end stipends to certified master teachers.

USE OF FUNDS

Grant funds may be used only for the purpose of paying a year-end stipend to a master teacher whose primary duties are to teach reading, mathematics, technology, or science and to serve as a reading, mathematics, technology, or science teacher mentor for the amount of time and in the manner established by the district.

PAYMENTS

The Commissioner shall reduce payments to a district proportionately to the extent a teacher does not meet the requirements for a master teacher for the entire school year.

If a teacher qualifies as a master teacher for a partial month, a district's written policy will determine how the district counts the partial month, for example, as no month served or as an entire month served. Only whole months shall be entered on the application by a district on the teacher's behalf.

Education Code sections 21.410–.413 do not create a property right to a grant or stipend. A master teacher stipend is not considered in determining whether the district is paying the teacher the minimum monthly salary under Education Code 21.402.

DESIGNATION OF TEACHER

A district that employs more certified master teachers than the number of grants available shall designate which certified master teacher(s) to assign the duties required to receive the state stipends. The designation is based on a written policy adopted by the board. A district's decision is final and may not be appealed.

A district may not apportion among teachers a stipend paid with a grant the district receives under this program. A district may use local money to pay additional stipends in amounts determined by the district.

Education Code 21.410–.413; 19 TAC Ch. 102, Subch. BB

ACHIEVEMENT ACADEMY STIPENDS

A stipend received by a teacher who attends a literacy achievement, mathematics achievement, or a reading-to-learn academy is not considered in determining whether a district is paying the teacher the minimum monthly salary under Education Code 21.402. *Education Code 21.4552(d), .4553(d), .4554(d)*

A stipend received by a school counselor or teacher who attends a postsecondary education and career counseling academy under Education Code 33.009 is not considered in determining whether a district is paying the school counselor or teacher the minimum monthly salary under Education Code 21.402. *Education Code 33.009(h)*

RETIREMENT INCENTIVES

A district may not offer or provide a financial or other incentive to an employee to encourage the employee to retire from the Teacher Retirement System of Texas. *Education Code 22.007*

ATTENDANCE SUPPLEMENT

A district shall not deny an educator a salary bonus or similar compensation given in whole or in part on the basis of educator attendance because of the educator's absence from school for observance of a religious holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20. *Education Code 21.406*

FAIR LABOR STANDARDS ACT

Unless an exemption applies, a district shall pay each of its employees not less than minimum wage for all hours worked. *29 U.S.C. 206(a)(1)*

MINIMUM WAGE AND OVERTIME

Unless an exemption applies, a district shall pay an employee not less than one and one-half times the employee's regular rate of pay for all hours worked in excess of 40 in any workweek. *29 U.S.C. 207(a)(1); 29 C.F.R. pt. 778*

BREAKS FOR NONEXEMPT EMPLOYEES

Rest periods of up to 20 minutes must be counted as hours worked. Coffee breaks or time for snacks are rest periods, not meal periods. *29 C.F.R. 785.18*

Bona fide meal periods of 30 minutes or more are not counted as hours worked if the employee is completely relieved from duty. The employee is not relieved from duty if the employee is required to perform any duties, whether active or inactive, while eating. For example, an office employee who is required to eat at his or her desk is working while eating. It is not necessary that an employee be permitted to leave the premises if the employee is otherwise completely freed from duties during the meal period. *29 C.F.R. 785.19*

COMPENSATORY TIME

Nonexempt employees may receive, in lieu of overtime compensation, compensatory time off at a rate of not less than one and one-half hours for each hour of overtime work, pursuant to an agreement or understanding arrived at between the employer and employee before the performance of the work. Such agreement or understanding may be informal, such as when an employee works overtime knowing that the employer rewards overtime with compensatory time.

ACCRUAL

An employee may accrue not more than 240 hours of compensatory time. If the employee's overtime work included a public safety activity, an emergency response activity, or a seasonal activity, the employee may accrue not more than 480 hours of compensatory time. After the employee has reached these limits, the employee shall be paid overtime compensation for additional overtime work.

PAYMENT FOR ACCRUED TIME

Compensation paid to an employee for accrued compensatory time shall be paid at the regular rate earned by the employee at the time of payment. An employee who has accrued compensatory time off shall be paid for any unused compensatory time upon separation from employment at the rates set forth at 29 U.S.C. 207(o)(4).

USE

An employee who has requested the use of compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the district.

The Fair Labor Standards Act (FLSA) does not prohibit a district from compelling the use of accrued compensatory time.

29 U.S.C. 207(o); Christensen v. Harris County, 529 U.S. 576 (2000); Houston Police Officers' Union v. City of Houston, 330 F.3d 298 (5th Cir. 2003)

EXEMPT EMPLOYEES

The minimum wage and overtime provisions do not apply to any employee employed in a bona fide executive, administrative, or professional capacity. *29 U.S.C. 213(a)(1)*

ACADEMIC ADMINISTRATORS

The term "employee employed in a bona fide administrative capacity" includes an employee:

1. Compensated for services on a salary or fee basis at a rate of not less than $455 per week exclusive of board, lodging, or other facilities, or on a salary basis that is at least equal to the entrance salary for teachers in the district by which employed; and

2. Whose primary duty is performing administrative functions directly related to academic instruction or training in a district or department or subdivision thereof.

"Performing administrative functions directly related to academic instruction or training" means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.

Employees engaged in academic administrative functions include:

1. The superintendent or other head of an elementary or secondary school system, and any assistants, responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program;

2. The principal and any vice principals responsible for the operation of an elementary or secondary school;

3. Academic counselors who perform work such as administering school testing programs, assisting students with academic problems and advising students concerning degree requirements; and

4. Other employees with similar responsibilities.

Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as social workers, psychologists, lunch room managers, or dietitians do not perform academic administrative functions, although such employees may qualify for another exemption.

29 C.F.R. 541.204

SALARY BASIS

To qualify as an exempt executive, administrative, or professional employee, the employee must be compensated on a salary basis, unless the employee is a teacher. Subject to the exceptions listed in the rule, an employee must receive the full salary for any week in which the employee performs any work, without regard to the number of days or hours worked. A district that makes improper deductions from salary shall lose the exemption if the facts demonstrate that the district did not intend to pay exempt employees on a salary basis. *29 C.F.R. 541.600, .602(a), .603*

PARTIAL-DAY DEDUCTIONS

A district employee who otherwise meets the salary basis requirements shall not be disqualified from exemption on the basis that the employee is paid according to a pay system established by statute, ordinance, or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the employee's pay to be reduced or the employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one workday when accrued leave is not used by an employee because:

1. Permission for its use has not been sought or has been sought and denied;
2. Accrued leave has been exhausted; or
3. The employee chooses to use leave without pay.

Deductions from the pay of a district employee for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

29 C.F.R. 541.710

SAFE HARBOR POLICY

If a district has a clearly communicated policy that prohibits improper pay deductions and includes a complaint mechanism, reimburses employees for any improper deductions, and makes a good faith commitment to comply in the future, the district will not lose the deduction unless the district willfully violates the policy by con-

tinuing to make improper deductions after receiving employee complaints.

The best evidence of a clearly communicated policy is a written policy that was distributed to employees before the improper pay deductions by, for example, providing a copy of the policy to employees upon hire, publishing the policy in an employee handbook, or publishing the policy on a district's intranet.

29 C.F.R. 541.603(d)

TEACHERS

The term "employee employed in a bona fide professional capacity" includes any employee with a primary duty of teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an elementary or secondary school system by which the employee is employed. The salary basis requirements do not apply to teaching professionals.

Exempt teachers include:

1. Regular academic teachers;
2. Teachers of kindergarten or nursery school pupils;
3. Teachers of gifted or disabled children;
4. Teachers of skilled and semi-skilled trades and occupations;
5. Teachers engaged in automobile driving instruction;
6. Home economics teachers; and
7. Vocal or instrumental music instructors.

Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate, or journalism are engaged in teaching. Such activities are a recognized part of the schools' responsibility in contributing to the educational development of the student.

The possession of an elementary or secondary teacher's certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching professionals. Teachers who possess a teaching certificate qualify for the exemption regardless of the terminology (e.g., permanent, conditional, standard, provisional, temporary, emergency, or unlimited) used by the state to refer to different kinds of certificates. However, a teacher who is not certified may be considered for

exemption, provided that such individual is employed as a teacher by the employing school or school system.

29 C.F.R. 541.303

WAGE AND HOUR RECORDS

A district shall maintain and preserve payroll or other records for nonexempt employees containing the information required by the regulations under the FLSA. *29 C.F.R. 516.2(a)*

PAYDAY LAW EXEMPTION

The Texas Payday Law does not apply to the state or a political subdivision. *Labor Code 61.003*

Note: This policy addresses leaves in general. For provisions regarding the Family and Medical Leave Act (FMLA), including FML for an employee seeking leave because of a relative's military service, see DECA. For provisions addressing leave for an employee's military service, see DECB.

STATE LEAVE

STATE PERSONAL LEAVE

A district shall provide employees with five days per year of state personal leave, with no limit on accumulation and no restrictions on transfer among districts. A district may provide additional personal leave beyond this minimum.

A board may adopt a policy governing an employee's use of state personal leave, except that the policy may not restrict the purposes for which the leave may be used.

Education Code 22.003(a)

STATE SICK LEAVE (ACCUMULATED PRIOR TO 1995)

District employees retain any sick leave accumulated as state minimum sick leave under former Section 13.904(a) of the Education Code. Accumulated state sick leave shall be used only for the following:

1. Illness of the employee.
2. Illness of a member of the employee's immediate family.
3. Family emergency.
4. Death in the employee's immediate family.
5. During military leave [see USE DURING MILITARY LEAVE, below].

Acts of the 74th Legislative Session, Senate Bill 1, Sec. 66

FORMER EDUCATION SERVICE CENTER (ESC) EMPLOYEES

A district shall accept the sick leave accrued by an employee who was formerly employed by a regional education service center (ESC), not to exceed five days per year for each year of employment. *Education Code 8.007*

ORDER OF USE

A board's policy governing an employee's use of state personal leave may not restrict the order in which an employee may use state personal leave and any additional personal leave provided by the school district.

An employee who retains any state sick leave is entitled to use the state sick leave, state personal leave, or local personal leave in any order to the extent that the leave the employee uses is appropriate to the purpose of the leave.

Education Code 22.003(a), (f)

USE DURING MILITARY LEAVE

An employee with available personal leave is entitled to use the leave for compensation during a term of active military service. "Personal leave" includes personal or sick leave available under former law or provided by local policy. *Education Code 22.003(d), (e)* [See DECB(LEGAL)]

TEMPORARY DISABILITY

Each full-time educator shall be given a leave of absence for temporary disability at any time the educator's condition interferes with the performance of regular duties. The contract or employment of the educator may not be terminated while the educator is on a leave of absence for temporary disability. For purposes of temporary disability leave, pregnancy is considered a temporary disability.

AT EMPLOYEE'S REQUEST

A request for a leave of absence for temporary disability must be made to a superintendent. The request must:

1. Be accompanied by a physician's statement confirming inability to work;
2. State the date requested by the educator for the leave to begin; and
3. State the probable date of return as certified by the physician.

BY BOARD AUTHORITY

A board may adopt a policy providing for placing an educator on leave of absence for temporary disability if, in the board's judgment in consultation with a physician who has performed a thorough medical examination of the educator, the educator's condition interferes with the performance of regular duties. The educator shall have the right to present to the board testimony or other information relevant to the educator's fitness to continue in the performance of regular duties. [See DBB]

RETURN TO ACTIVE DUTY

NOTICE

The educator shall notify the superintendent of a desire to return to active duty no later than the 30th day before the expected date of return. The notice must be accompanied by a physician's statement indicating the educator's physical fitness for the resumption of regular duties.

PLACEMENT

An educator returning to active duty after a leave of absence for temporary disability is entitled to an assignment at the school where the educator formerly taught, subject to the availability of an appropriate teaching position. In any event, the educator shall be placed on active duty no later than the beginning of the next school year. A principal at another campus voluntarily may approve the appointment of an employee who wishes to return from leave of absence. However, if no other principal approves the assignment by the beginning of the next school year, a district must place the

employee at the school at which the employee formerly taught or was assigned.

LENGTH OF ABSENCE

A superintendent shall grant the length of leave of absence for temporary disability as required by the individual educator. A board may establish a maximum length for a leave of absence for temporary disability, but the maximum length may not be less than 180 calendar days.

Education Code 21.409; Atty. Gen. Op. DM-177 (1992); Atty. Gen. Op. H-352 (1974)

SICK LEAVE DIFFERENT FROM TEMPORARY DISABILITY LEAVE

An employee's entitlement to sick leave is unaffected by any concurrent eligibility for a leave of absence for temporary disability. The two types of leave are different, and each must be granted by its own terms. *Atty. Gen. Op. H-352 (1974)*

ASSAULT LEAVE

In addition to all other days of leave, a district employee who is physically assaulted during the performance of regular duties is entitled to the number of days of leave necessary to recuperate from physical injuries sustained as a result of the assault. The leave shall be paid as set forth below at COORDINATION WITH WORKERS' COMPENSATION BENEFITS.

A district employee is physically assaulted if the person engaging in the conduct causing injury to the employee:

1. Could be prosecuted for assault; or
2. Could not be prosecuted for assault only because the person's age or mental capacity makes the person a nonresponsible person for purposes of criminal liability.

NOTICE OF RIGHTS

Any informational handbook a district provides to employees in an electronic or paper form or makes available by posting on the district's website must include notification of an employee's rights regarding assault leave, in the relevant section of the handbook. Any form used by a district through which an employee may request personal leave must include assault leave as an option.

ASSIGNMENT TO ASSAULT LEAVE

At the request of an employee, a district must immediately assign the employee to assault leave. Days of assault leave may not be deducted from accrued personal leave. Assault leave may not extend more than two years beyond the date of the assault. Following an investigation of the claim, a district may change the assault leave status and charge the leave against the employee's accrued personal leave or against the employee's pay if insufficient accrued personal leave is available.

COORDINATION WITH WORKERS' COMPENSATION BENEFITS

Notwithstanding any other law, assault leave benefits due to an employee shall be coordinated with temporary income benefits due from workers' compensation so the employee's total compensation from temporary income benefits and assault leave benefits will equal 100 percent of the employee's weekly rate of pay.

Education Code 22.003(b)–(c-1)

RELIGIOUS OBSERVANCES

A district shall reasonably accommodate an employee's request to be absent from duty in order to participate in religious observances and practices, so long as it does not cause undue hardship on the conduct of district business. Such absence shall be without pay unless applicable paid leave is available. *42 U.S.C. 2000e(j), 2000e-2(a); Ansonia Bd. of Educ. v. Philbrook, 479 U.S. 60, (1986); Pinsker v. Joint Dist. No. 28J of Adams and Arapahoe Counties, 735 F.2d 388 (10th Cir. 1984)*

COMPLIANCE WITH A SUBPOENA

A district may not discharge, discipline, or penalize in any manner an employee because the employee complies with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. *Labor Code 52.051(a)*

JURY DUTY

A district may not discharge, discipline, reduce the salary of, or otherwise penalize or discriminate against an employee because of the employee's compliance with a summons to appear as a juror. For each regularly scheduled workday on which a nonsalaried employee serves in any phase of jury service, a district shall pay the employee the employee's normal daily compensation. An employee's accumulated personal leave may not be reduced because of the employee's service in compliance with a summons to appear as a juror. *Education Code 22.006*

ATTENDANCE AT TRUANCY HEARING

A district may not terminate the employment of a permanent employee because the employee is required under Family Code 65.062(b) to attend a truancy court hearing. *Family Code 65.063*

DEVELOPMENTAL LEAVES OF ABSENCE

A board may grant a developmental leave of absence for study, research, travel, or other suitable purpose to an employee working in a position requiring a permanent teaching certificate who has served in a district at least five consecutive school years.

A developmental leave of absence may be granted for one school year at one-half regular salary or for one-half of a school year at full regular salary. Payment to the employee shall be made periodically by a district in the same manner, on the same schedule, and with the same deductions as if the employee were on full-time duty.

An employee on developmental leave shall continue to be a member of the Teacher Retirement System of Texas and shall be an employee of a district for purposes of participating in programs,

holding memberships, and receiving benefits afforded by employment in a district.

Education Code 21.452

ABSENCE CONTROL

Uniform enforcement of a reasonable absence-control rule is not retaliatory discharge. For example, a district that terminates an employee for violating a reasonable absence-control provision cannot be liable for retaliatory discharge as long as the rule is uniformly enforced. *Howell v. Standard Motor Prods., Inc., 2001 U.S. Dist LEXIS 12332 (N. D. Tex. 2001) (Family and Medical Leave Act case); Specialty Retailers v. DeMoranville, 933 S.W.2d 490 (Tex. 1996) (age discrimination case); Gonzalez v. El Paso Natural Gas Co., 40 F.E.P. Cases (BNA) 353 (Tex. App.—El Paso 1986, no pet.) (sex discrimination case)*

[Some employees may have protected status even after the expiration of all other leave. See DAA.]

Note: This policy summarizes the Family and Medical Leave Act (FMLA) and implementing regulations, including FML for an employee seeking leave because of a relative's military service. For provisions on leaves in general, see DEC. For provisions addressing leave for an employee's military service, see DECB.

This introductory page outlines the contents of this policy on the Family and Medical Leave Act. See the following sections for statutory provisions on:

SECTION I General Provisions pages 2–5

1. Applicability to districts
2. Employee eligibility
3. Qualifying reasons for leave
4. Definitions

SECTION II Leave Entitlement and Use pages 5–12

1. Amount of leave
2. Intermittent use of leave
3. Special rules for instructional employees
4. Use of paid leave
5. Continuation of health insurance
6. Reinstatement of employee

SECTION III Notices and Medical Certification pages 12–18

1. Notices to employee
2. Notice to employer regarding use of FML
3. Certification of leave

SECTION IV Miscellaneous Provisions page 18–19

1. Preservation of records
2. Prohibition against discrimination

SECTION I: GENERAL PROVISIONS

COVERED EMPLOYER

All public elementary and secondary schools are "covered employers" under the FMLA, without regard to the number of employees employed. The term "employer" includes any person who acts directly or indirectly in the interest of a district to any of the district's employees. *29 U.S.C. 2611(4), 2618(a); 29 C.F.R. 825.104(a)*

ELIGIBLE EMPLOYEE

"Eligible employee" means an employee who:

1. Has been employed by a district for at least 12 months. The 12 months need not be consecutive;
2. Has been employed by a district for at least 1,250 hours of service during the 12-months immediately preceding the commencement of leave; and
3. Is employed at a worksite where 50 or more employees are employed by the district within 75 miles of that worksite.

29 U.S.C. 2611(2); 29 C.F.R. 825.110

[A district that has no eligible employees must comply with the requirements at GENERAL NOTICE, below.]

QUALIFYING REASONS FOR LEAVE

A district shall grant leave to eligible employees:

1. For the birth of a son or daughter, and to care for the newborn child;
2. For placement with the employee of a son or daughter for adoption or foster care [For the definitions of "adoption" and "foster care," see 29 C.F.R. 825.122.];
3. To care for the employee's spouse, son or daughter, or parent with a serious health condition;
4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job [For the definition of "serious health condition," see 29 C.F.R. 825.113.];
5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty) [For the definition of "military member," see 29 C.F.R. 825.126(b). For the definition of "covered active duty" and "call to covered active duty status," see 29 C.F.R. 825.102.]; and

6. To care for a covered servicemember with a serious injury or illness incurred in the line of duty if the employee is the spouse, son, daughter, parent, or next of kin of the service-member. [For the definitions of "covered servicemember" and "serious injury or illness," see 29 C.F.R. 825.102, .122.]

29 U.S.C. 2612(a); 29 C.F.R. 825.112

For provisions regarding treatment for substance abuse, see 29 C.F.R. 825.119.

QUALIFYING EXIGENCY

An eligible employee may take FMLA leave for one or more of the following qualifying exigencies:

1. Short-notice deployment.
2. Military events and related activities.
3. Childcare and school activities.
4. Financial and legal arrangements.
5. Counseling.
6. Rest and recuperation.
7. Post-deployment activities.
8. Parental care.
9. Additional activities, provided that the district and employee agree that the leave shall qualify as an exigency and agree to both the timing and duration.

29 C.F.R. 826.126

PREGNANCY OR BIRTH

Both parents are entitled to FMLA leave to be with a healthy newborn child (i.e., bonding time) during the 12-month period beginning on the date of birth. In addition, the expectant mother is entitled to FMLA leave for incapacity due to pregnancy, for prenatal care, or for her own serious health condition following the birth of the child. The expectant mother is entitled to leave for incapacity due to pregnancy even though she does not receive treatment from a health-care provider during the absence and even if the absence does not last for more than three consecutive calendar days. A spouse is entitled to FMLA leave if needed to care for a pregnant spouse who is incapacitated, during her prenatal care, or following the birth of a child if the spouse has a serious health condition. [For the definition of "needed to care for," see 29 C.F.R. 825.124.]
29 C.F.R. 825.120

DEFINITIONS

"NEXT OF KIN"

"Next of kin of a covered servicemember" (for purposes of military caregiver leave) means:

1. The blood relative specifically designated in writing by the covered servicemember as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. The designated individual shall be deemed to be the covered servicemember's only next of kin; or

2. When no such designation has been made, the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority:

   a. Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions,

   b. Brothers and sisters,

   c. Grandparents,

   d. Aunts and uncles, and

   e. First cousins.

   If there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously.

29 C.F.R. 825.127(d)(3)

"PARENT"

"Parent" (for purposes of family, medical, and qualifying exigency leave) means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. This term does not include parents "in law." *29 C.F.R. 825.122*

For the definition of "parent of a covered servicemember" for purposes of military caregiver leave, see 29 C.F.R. 825.127(d)(2).

"SON OR DAUGHTER"

"Son or daughter" (for purposes of family and medical leave) means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence. *29 C.F.R. 825.122*

For the definition of “son or daughter on active duty or call to active duty status” for purposes of qualifying exigency leave, see 29 C.F.R. 825.122.

For the definition of “son or daughter of a covered servicemember” for purposes of military caregiver leave, see 29 C.F.R. 825.127(d)(1).

“SPOUSE”

“Spouse” means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state.

This definition includes an individual in a same-sex or common law marriage that either:

1. Was entered into in a state that recognizes such marriages; or
2. If entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.

29 C.F.R. 825.102, .122

SECTION II: LEAVE ENTITLEMENT AND USE

AMOUNT OF LEAVE

Except in the case of military caregiver leave, an eligible employee's FMLA leave entitlement is limited to a total of 12 workweeks of leave during a 12-month period for any one or more of the qualifying reasons.

Spouses who are employed by the same district may be limited to a combined total of 12 weeks of FMLA leave during any 12-month period if leave is taken for the birth of a son or daughter, the placement of a child for adoption or foster care, or to care for a parent with a serious health condition.

29 U.S.C. 2612(a), (f); 29 C.F.R. 825.120(a)(3), .200, .201

DETERMINING THE 12-MONTH PERIOD

Except with respect to military caregiver leave, a district may choose any one of the following methods for determining the “12-month period” in which the 12 weeks of leave entitlement occurs:

1. The calendar year;
2. Any fixed 12-month “leave year,” such as a fiscal year or a year starting on an employee's “anniversary” date;

3. The 12-month period measured forward from the date any employee's first FMLA leave begins; or

4. A “rolling” 12-month period measured backward from the date an employee uses any FMLA leave.

29 C.F.R. 825.200(b)

MILITARY CAREGIVER LEAVE

In the case of military caregiver leave, an eligible employee’s FMLA leave entitlement is limited to a total of 26 workweeks of leave during a “single 12-month period.” The “single 12-month period” is measured forward from the date an employee’s first FMLA leave to care for the covered servicemember begins, regardless of the method used by a district to determine the 12-month period for other FMLA leaves. During the “single 12-month period,” an eligible employee’s FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason. *29 C.F.R. 825.200(f), (g)*

Spouses who are employed by the same district may be limited to a combined total of 26 weeks of FMLA leave during the “single 12-month period” if leave is taken as military caregiver leave, for the birth of a son or daughter, for the placement of a child for adoption or foster care, or to care for a parent with a serious health condition. *29 C.F.R. 825.127(e)(3)*

SUMMER VACATION AND OTHER EXTENDED BREAKS

If a district’s activity temporarily ceases and employees generally are not expected to report for work for one or more weeks (e.g., a school closing for two weeks for the Christmas/New Year holiday), those days do not count against the employee’s FMLA leave entitlement. Similarly, the period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. *29 C.F.R. 825.200(h), .601(a)*

INTERMITTENT OR REDUCED LEAVE SCHEDULE

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. “Intermittent leave” is FMLA leave taken in separate blocks of time due to a single qualifying reason. A “reduced leave schedule” is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday.

For leave taken because of the employee’s own serious health condition, to care for a spouse, parent, son, or daughter with a serious health condition, or military caregiver leave, there must be a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. Leave due to a qualifying exigency may also be taken on an intermittent or reduced schedule basis.

When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the district agrees.

29 U.S.C. 2612(b); 29 C.F.R. 825.102, .202

TRANSFER TO ALTERNATIVE POSITION

If an employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, a district may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. *29 U.S.C. 2612(b)(2); 29 C.F.R. 825.204*

CALCULATING LEAVE USE

When an employee takes leave on an intermittent or reduced schedule, only the amount of leave actually taken may be counted toward the employee's leave entitlement. A district must account for intermittent or reduced schedule leave using an increment no greater than the shortest period of time that the district uses to account for use of other forms of leave, provided the increment is not greater than one hour. *29 C.F.R. 825.205*

SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

Special rules apply to certain employees of school districts. These special rules affect leave taken intermittently or on a reduced schedule, or taken near the end of an academic term (semester) by instructional employees.

“Instructional employees” are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

29 C.F.R. 825.600

FAILURE TO PROVIDE NOTICE OF FORESEEABLE LEAVE

If an instructional employee does not give required notice of foreseeable leave to be taken intermittently or on a reduced schedule, a district may require the employee to take leave of a particular duration or to transfer temporarily to an alternative position. Alternatively, a district may require the employee to delay the taking of leave until the notice provision is met. *29 C.F.R. 601(b)*

20 PERCENT RULE

If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, to care for a covered

servicemember, or for the employee's own serious health condition; the leave is foreseeable based on planned medical treatment; and the employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, a district may require the employee to choose:

1. To take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

2. To transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

"Periods of a particular duration" means a block or blocks of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave. If an employee chooses to take leave for "periods of a particular duration" in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

29 U.S.C. 2618(c); 29 C.F.R. 825.601, .603

LEAVE AT THE END OF A SEMESTER

As a rule, a district may not require an employee to take more FMLA leave than the employee needs. The FMLA recognizes exceptions where instructional employees begin leave near the end of a semester. As set forth below, the district may in certain cases require the employee to take leave until the end of the semester.

The school semester, or "academic term," typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of the FMLA.

If a district requires the employee to take leave until the end of the semester, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. Any additional leave required by the district to the end of the semester is not counted as FMLA leave; however, the district shall maintain the employee's group health insurance and restore the employee to the same or equivalent job, including other benefits, at the end of the leave.

29 U.S.C. 2618(d); 29 C.F.R. 825.603

MORE THAN FIVE WEEKS BEFORE END OF SEMESTER

A district may require an instructional employee to continue taking leave until the end of the semester if:

1. The employee begins leave more than five weeks before the end of the semester;

2. The leave will last at least three weeks; and

3. The employee would return to work during the three-week period before the end of the semester.

DURING LAST FIVE WEEKS OF SEMESTER

A district may require an instructional employee to continue taking leave until the end of the semester if:

1. The employee begins leave during the last five weeks of the semester for any reason other than the employee's own serious health condition or a qualifying exigency;

2. The leave will last more than two weeks; and

3. The employee would return to work during the two-week period before the end of the semester.

DURING LAST THREE WEEKS OF SEMESTER

A district may require an instructional employee to continue taking leave until the end of the semester if the employee begins leave during the three-week period before the end of the semester for any reason other than the employee's own serious health condition or a qualifying exigency.

29 C.F.R. 825.602

SUBSTITUTION OF PAID LEAVE

Generally, FMLA leave is unpaid leave. However, an employee may choose to substitute accrued paid leave for unpaid FMLA leave. If an employee does not choose to substitute accrued paid leave, a district may require the employee to do so. The term "substitute" means that the paid leave provided by the district, and accrued pursuant to established policies of the district, will run concurrently with the unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the district's normal leave policy. *29 U.S.C. 2612(d); 29 C.F.R. 825.207(a)*

COMPENSATORY TIME

If an employee requests and is permitted to use accrued compensatory time to receive pay during FMLA leave, or if a district requires such use, the compensatory time taken may be counted against the employee's FMLA leave entitlement. *29 C.F.R. 825.207(f)*

FMLA AND WORKERS' COMPENSATION

A serious health condition may result from injury to the employee "on or off" the job. If a district designates the leave as FMLA leave, the leave counts against the employee's FMLA leave entitlement. Because the workers' compensation absence is not unpaid, neither the employee nor the district may require the substitution of paid leave. However, a district and an employee may agree, where

state law permits, to have paid leave supplement workers' compensation benefits.

If the health-care provider treating the employee for the workers' compensation injury certifies that the employee is able to return to a "light duty job" but is unable to return to the same or equivalent job, the employee may decline the district's offer of a "light duty job." As a result, the employee may lose workers' compensation payments, but is entitled to remain on unpaid FMLA leave until the employee's FMLA leave entitlement is exhausted. As of the date workers' compensation benefits cease, the substitution provision becomes applicable and either the employee may elect or the district may require the use of accrued paid leave.

29 C.F.R. 825.207(d)

MAINTENANCE OF HEALTH BENEFITS

During any FMLA leave, a district must maintain the employee's coverage under any group health plan on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period.

An employee may choose not to retain group health plan coverage during FMLA leave. However, when the employee returns from leave, the employee is entitled to be reinstated on the same terms as before taking leave without any qualifying period, physical examination, exclusion of pre-existing conditions, and the like.

29 U.S.C. 2614(c); 29 C.F.R. 825.209

PAYMENT OF PREMIUMS

During FMLA leave, the employee must continue to pay the employee's share of group health plan premiums. If premiums are raised or lowered, the employee would be required to pay the new premium rates. *29 C.F.R. 825.210*

FAILURE TO PAY PREMIUMS

Unless a district has an established policy providing a longer grace period, a district's obligations to maintain health insurance coverage cease if an employee's premium payment is more than 30 days late. In order to terminate the employee's coverage, the district must provide written notice to the employee that the payment has not been received. Such notice must be mailed to the employee at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter unless the payment has been received by that date. Coverage for the employee may be terminated at the end of the 30-day grace period, if the required 15-day notice has been provided.

Upon the employee's return from FMLA leave, the district must still restore the employee to coverage/benefits equivalent to those the employee would have had if leave had not been taken and the

premium payment(s) had not been missed. The employee may not be required to meet any qualification requirements imposed by the plan, including any new preexisting condition waiting period, to wait for an open season, or to pass a medical examination to obtain reinstatement of coverage.

29 C.F.R. 825.212

RECOVERY OF BENEFIT COST

If an employee fails to return to work after FMLA leave has been exhausted or expires, a district may recover from the employee its share of health plan premiums during the employee's unpaid FMLA leave, unless the employee's failure to return is due to one of the reasons set forth in the regulations. A district may not recover its share of health insurance premiums for any period of FMLA leave covered by paid leave. *29 C.F.R. 825.213*

RIGHT TO REINSTATEMENT

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave began, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. *29 C.F.R. 825.214(a), .216(a)*

MOONLIGHTING DURING LEAVE

If a district has a uniformly applied policy governing outside or supplemental employment, the policy may continue to apply to an employee while on FMLA leave. A district that does not have such a policy may not deny FMLA benefits on the basis of outside or supplemental employment unless the FMLA leave was fraudulently obtained. *29 U.S.C. 2618(e); 29 C.F.R. 825.216(e)*

REINSTATEMENT OF SCHOOL EMPLOYEES

A district shall make the determination of how an employee is to be restored to "an equivalent position" upon return from FMLA leave on the basis of established school board policies and practices. The "established policies" must be in writing, must be made known to the employee before the taking of FMLA leave, and must clearly explain the employee's restoration rights upon return from leave. Any established policy which is used as the basis for restoration of an employee to "an equivalent position" must provide substantially the same protections as provided in the FMLA. For example, an employee may not be restored to a position requiring additional licensure or certification. *29 C.F.R. 825.604*

PAY INCREASES AND BONUSES

An employee is entitled to any unconditional pay increases that may have occurred during the FMLA leave period, such as cost of living increases. Pay increases conditioned upon seniority, length

of service, or work performed must be granted in accordance with a district's policy or practice with respect to other employees on an equivalent leave status for a reason that does not qualify as FMLA leave.

Equivalent pay includes any bonus or payment, whether it is discretionary or non-discretionary. However, if a bonus or other payment is based on the achievement of a specified goal such as hours worked, products sold, or perfect attendance, and the employee has not met the goal due to FMLA leave, then the payment may be denied, unless otherwise paid to employees on an equivalent leave status for a reason that does not qualify as FMLA leave. For example, if an employee who used paid vacation leave for a non-FMLA purpose would receive the payment, then an employee who used paid vacation leave for an FMLA-protected purpose also must receive the payment.

29 C.F.R. 825.215(c)

KEY EMPLOYEES

A district may deny job restoration to a key employee if such denial is necessary to prevent substantial and grievous economic injury to the operations of the district. *29 U.S.C. 2614(b); 29 C.F.R. 825.217–.219*

SECTION III: NOTICES AND MEDICAL CERTIFICATION

EMPLOYER NOTICES

GENERAL NOTICE

Every covered employer must post on its premises a notice explaining the FMLA's provisions and providing information concerning the procedures for filing complaints with the Department of Labor's Wage and Hour Division. The notice must be posted prominently where it can be readily seen by employees and applicants for employment. Covered employers must post this general notice even if no employees are eligible for FMLA leave.

If a district has any eligible employees, it shall also:

1. Include the notice in employee handbooks or other written guidance to employees concerning employee benefits or leave rights, if such written materials exist; or
2. Distribute a copy of the general notice to each new employee upon hiring.

Electronic posting is sufficient if it meets the other requirements of this section.

If a district's workforce is comprised of a significant portion of workers who are not literate in English, the district shall provide the general notice in a language in which the employees are literate.

A district may use Department of Labor (DOL) form WHD 1420 or may use another format so long as the information provided includes, at a minimum, all of the information contained in that notice.

29 C.F.R. 825.300(a)

ELIGIBILITY NOTICE

When an employee requests FMLA leave, or when a district acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the district must notify the employee of the employee's eligibility to take FMLA leave. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible.

A district must provide the eligibility notice within five business days, absent extenuating circumstances. Notification of eligibility may be oral or in writing. The district may use DOL form WH-381 to provide such notification to employees. The district shall translate the notice in any situation in which it is required to translate the general notice.

29 C.F.R. 825.300(b)

RIGHTS AND RESPONSIBILITIES NOTICE

Each time a district provides an eligibility notice to an employee, the district shall also provide a written rights and responsibilities notice. The rights and responsibilities notice must include the information required by the FMLA regulations at 29 C.F.R. 825.300(c)(1).

A district may use DOL form WH-381 to provide such notification to employees. A district may adapt the prototype notice as appropriate to meet these notice requirements. The notice may be distributed electronically if it meets the other requirements of this section. The district shall translate the notice in any situation in which it is required to translate the general notice.

29 C.F.R. 825.300(c)

DESIGNATION NOTICE

When a district has enough information to determine whether leave is being taken for an FMLA-qualifying reason, the district must notify the employee whether the leave will be designated as FMLA leave. If the district determines that the leave will not be designated as FMLA-qualifying, the district must notify the employee of that determination. Absent extenuating circumstances, a district must provide the designation notice within five business days.

A district may use DOL form WH-382 to provide such notification to employees. If the leave is not designated as FMLA leave because it does not meet the requirements of the Act, the notice to the

employee that the leave is not designated as FMLA leave may be in the form of a simple written statement.

The designation notice must include the information required by the FMLA regulations at 29 C.F.R. 825.300(d)(1) (substitution of paid leave), (d)(3) (fitness for duty certification), and (d)(6) (amount of leave charged against FMLA entitlement). For further provisions on designation of leave, see 29 C.F.R. 825.301.

29 C.F.R. 825.300(d)

RETROACTIVE DESIGNATION

A district may retroactively designate leave as FMLA leave, with appropriate notice to the employee, if the district's failure to timely designate leave does not cause harm or injury to the employee. In addition, a district and an employee may agree that leave will be retroactively designated as FMLA leave. *29 C.F.R. 825.301(d)*

EMPLOYEE NOTICE

An employee giving notice of the need for FMLA leave must state a qualifying reason for the leave and otherwise satisfy the requirements for notice of foreseeable and unforeseeable leave, below. The employee does not need to expressly assert rights under the Act or even mention the FMLA. *29 C.F.R. 825.301*

FORESEEABLE LEAVE

An employee must provide at least 30 days' advance notice before FMLA leave is to begin if the need for leave is foreseeable based upon an expected birth, placement for adoption or foster care, or planned medical treatment of the employee, a family member, or a covered servicemember. If 30 days' notice is not practicable, the employee must give notice as soon as practicable. For leave due to a qualifying exigency, the employee must provide notice as soon as practicable regardless of how far in advance the leave is foreseeable.

When planning medical treatment, the employee must consult with the district and make a reasonable effort to schedule the treatment so as not to disrupt unduly the district's operations, subject to the approval of the health-care provider.

29 C.F.R. 825.302

UNFORESEEABLE LEAVE

When the approximate timing of leave is not foreseeable, an employee must provide notice to a district as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the district's usual and customary notice requirements applicable to such leave. *29 C.F.R. 825.303*

COMPLIANCE WITH DISTRICT REQUIREMENTS

A district may require an employee to comply with its usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. If an employee does not comply with usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA leave may be delayed or denied. *29 C.F.R. 825.302(d)–.303(c)*

CERTIFICATION OF LEAVE

A district may require that an employee's FMLA leave be supported by certification, as described below. The district must give notice of a requirement for certification each time certification is required. At the time the district requests certification, the district must advise the employee of the consequences of failure to provide adequate certification. *29 C.F.R. 825.305(a)*

TIMING

In most cases, a district should request certification at the time the employee gives notice of the need for leave or within five business days thereafter or, in the case of unforeseen leave, within five business days after the leave commences. The district may request certification at a later date if the district later has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification to the district within 15 calendar days after the district's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. *29 C.F.R. 825.305(b)*

INCOMPLETE OR INSUFFICIENT CERTIFICATION

A district shall advise an employee if it finds a certification incomplete or insufficient and shall state in writing what additional information is necessary to make the certification complete and sufficient. The district must provide the employee with seven calendar days (unless not practicable under the particular circumstances despite the employee's diligent, good faith efforts) to cure any such deficiency.

A certification is “incomplete” if one or more of the applicable entries have not been completed. A certification is “insufficient” if it is complete, but the information provided is vague, ambiguous, or non-responsive. A certification that is not returned to the district is not considered incomplete or insufficient, but constitutes a failure to provide certification.

29 C.F.R. 825.305(c)

MEDICAL CERTIFICATION OF SERIOUS HEALTH CONDITION

When leave is taken because of an employee's own serious health condition, or the serious health condition of a family member, a district may require the employee to obtain medical certification from a health-care provider. A district may use DOL optional form WH-380-E when the employee needs leave due to the employee's own serious health condition and optional form WH-380-F when the employee needs leave to care for a family member with a serious

health condition. A district may not require information beyond that specified in the FMLA regulations.

An employee may choose to comply with the certification requirement by providing the district with an authorization, release, or waiver allowing the district to communicate directly with the health-care provider.

For the definition of "health-care provider," see 29 C.F.R. 825.125.

29 C.F.R. 825.306

GENETIC INFORMATION

A district subject to the Genetic Information Nondiscrimination Act (GINA) shall comply with the GINA rules with respect to a request for medical information. *29 C.F.R. 1635.8(b)(1)(i)(A)* [See DAB]

AUTHENTICATION AND CLARIFICATION

If an employee submits a complete and sufficient certification signed by the health-care provider, a district may not request additional information from the health-care provider. However, the district may contact the health-care provider for purposes of clarification and authentication of the certification after the district has given the employee an opportunity to cure any deficiencies, as set forth above. To make such contact, a district must use a health-care provider, a human resources professional, a leave administrator, or a management official. Under no circumstances may the employee's direct supervisor contact the employee's health-care provider.

"Authentication" means providing the health-care provider with a copy of the certification and requesting verification that the information on the form was completed and/or authorized by the health-care provider who signed the document; no additional medical information may be requested.

"Clarification" means contacting the health-care provider to understand the handwriting on the certification or to understand the meaning of a response. A district may not ask the health-care provider for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must be satisfied when individually identifiable health information of an employee is shared with a district by a HIPAA-covered health-care provider.

29 C.F.R. 825.307(a)

SECOND AND THIRD OPINIONS

If a district has reason to doubt the validity of a medical certification, the district may require the employee to obtain a second opinion at the district's expense. If the opinions of the employee's and the district's designated health-care providers differ, the district may require the employee to obtain certification from a third health-

care provider, again at the district's expense. *29 C.F.R. 825.307(b), (c)*

FOREIGN MEDICAL CERTIFICATION

If the employee or a family member is visiting another country, or a family member resides in another country, and a serious health condition develops, the district shall accept medical certification as well as second and third opinions from a health-care provider who practices in that country. If the certification is in a language other than English, the employee must provide the district with a written translation of the certification upon request. *29 C.F.R. 825.307(f)*

RECERTIFICATION

A district may request recertification no more often than every 30 days and only in connection with an absence by the employee, except as set forth in the FMLA regulations. The district must allow at least 15 calendar days for the employee to provide recertification.

As part of the recertification for leave taken because of a serious health condition, the district may provide the health-care provider with a record of the employee's absence pattern and ask the health-care provider if the serious health condition and need for leave is consistent with such a pattern.

29 C.F.R. 825.308

CERTIFICATION—QUALIFYING EXIGENCY LEAVE

The first time an employee requests leave because of a qualifying exigency, a district may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status, and the dates of the covered military member's covered active duty service.

A district may also require that the leave be supported by a certification that addresses the information at 29 C.F.R. 825.309(b). The district may use DOL optional form WH-384, or another form containing the same basic information, for this certification. The district may not require information beyond that specified in the regulations.

29 C.F.R. 825.309

CERTIFICATION—MILITARY CAREGIVER LEAVE

When an employee takes military caregiver leave, a district may require the employee to obtain a certification completed by an authorized health-care provider of the covered servicemember. In addition, the district may request that the employee and/or covered servicemember address in the certification the information at 29 C.F.R. 825.310(c). The district may also require the employee to provide confirmation of a covered family relationship to the seriously injured or ill servicemember.

A district may use DOL optional form WH-385, or another form containing the same basic information, for this certification. The district may not require information beyond that specified in the regulations. A district must accept as sufficient certification "invitational travel orders" ("ITOs") or "invitational travel authorizations" ("ITAs") issued to any family member to join an injured or ill servicemember at his or her bedside.

A district may seek authentication and/or clarification of the certification under the procedures described above. Second and third opinions, and recertifications, are not permitted for leave to care for a covered servicemember.

29 C.F.R. 825.310

INTENT TO RETURN TO WORK

A district may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The district's policy regarding such reports may not be discriminatory and must take into account all of the relevant facts and circumstances related to the individual employee's leave situation. *29 C.F.R. 825.311*

FITNESS FOR DUTY CERTIFICATION

As a condition of restoring an employee who took FMLA leave due to the employee's own serious health condition, a district may have a uniformly applied policy or practice that requires all similarly situated employees (i.e., same occupation, same serious health condition) who take leave for such conditions to obtain and present certification from the employee's health-care provider that the employee is able to resume work. A district may require that the certification specifically address the employee's ability to perform the essential functions of the employee's job. *29 C.F.R. 825.312*

FAILURE TO PROVIDE CERTIFICATION

If the employee fails to provide the district with a complete and sufficient certification, despite the opportunity to cure, or fails to provide any certification, the district may deny the taking of FMLA leave. This provision applies in any case where a district requests a certification, including any clarifications necessary to determine if certifications are authentic and sufficient. *29 C.F.R. 825.305*

For failure to provide timely certification of foreseeable leave, see 29 C.F.R. 825.313(a). For failure to provide timely certification of unforeseeable leave, see 29 C.F.R. 825.313(b). For failure to provide timely recertification, see 29 C.F.R. 825.313(c). For failure to provide timely fitness-for-duty certification, see 29 C.F.R. 825.313(d).

SECTION IV: MISCELLANEOUS PROVISIONS

RECORDS

A district shall make, keep, and preserve records pertaining to its obligations under the FMLA in accordance with the recordkeeping

requirements of the Fair Labor Standards Act (FLSA) and the FMLA regulations. A district shall keep these records for no less than three years and make them available for inspection, copying, and transcription by representatives of the DOL upon request.

If the district is preserving records electronically, the district must comply with 29 C.F.R. 825.500(b). A district that has eligible employees must maintain records with the data set forth at 29 C.F.R. 825.500(c). A district that has no eligible employees must maintain just the data at 29 C.F.R. 825.500(c)(1). For districts in a joint employment situation, see 29 C.F.R. 825.500(e).

Records and documents relating to certifications, recertifications, or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files.

If the Genetic Information Nondiscrimination Act (GINA) is applicable, records and documents created for purposes of FMLA leave that contain family medical history or genetic information shall be maintained in accordance with the confidentiality requirements of GINA (see 29 C.F.R. 1635.9), which permit such information to be disclosed consistent with the requirements of the FMLA. [For information regarding GINA, see DAB(LEGAL).]

If the Americans with Disabilities Act (ADA) is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements [see 29 C.F.R. 1630.14(c)(1)], except as set forth in this section of the regulations.

29 C.F.R. 825.500

PROHIBITION AGAINST DISCRIMINATION AND RETALIATION

The FMLA prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to an employee's rights. *29 U.S.C. 2615; 29 C.F.R. 825.220*

Note: This policy addresses leave for an employee's military service. For provisions on leaves in general, see DEC. For provisions regarding the Family and Medical Leave Act (FMLA), including FML for an employee seeking leave because of a relative's military service, see DECA.

FEDERAL MILITARY LEAVE

REEMPLOYMENT

Any person who is absent from a position of employment by reason of voluntary or involuntary service in the uniformed services shall be entitled to certain reemployment rights and benefits under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) if:

1. The person (or an appropriate officer of the uniformed service in which such service is performed) has given advance written or verbal notice of such service to a district (unless notice is precluded by military necessity or is otherwise unreasonable or impossible);

2. The cumulative length of the absence and of all previous absences from a position of employment with the district does not exceed five years; and

3. The person reports to or submits an application for reemployment to the district and complies with the appropriate procedural requirements that apply under the circumstances.

For purposes of federal military leave, "uniformed services" means the Armed Forces; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Services; and any other category of persons designated by the President in time of war or emergency.

A person who is reemployed under USERRA is entitled to the seniority, and other rights and benefits determined by seniority, that the person had on the date of the commencement of uniformed service, plus the additional seniority, rights, and benefits that such person would have attained if the person had remained continuously employed.

EXCEPTION

A district is not required to reemploy a person if:

1. The district's circumstances have so changed as to make reemployment impossible or unreasonable;

2. The reemployment of such person would impose an undue hardship on the district; or

3. The employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

38 U.S.C. 4301, et. seq.

STATE LEAVE FOR MEMBER OF MILITARY OR RESCUE TEAM

An employee of a district who is a member of the state military forces, a reserve component of the United States Armed Forces, or a member of a state or federally authorized Urban Search and Rescue team shall be granted a paid leave of absence from the employee's duties without loss of time, efficiency rating, vacation time, personal time, sick leave, or salary on all days during which the employee is engaged in authorized training or duty ordered or authorized by proper authority. Such leave shall not exceed 15 workdays in a fiscal year.

SHORT TERM

On employment, a district shall provide written notice of the number of workdays of paid leave to which an employee is entitled each fiscal year under Government Code 437.202(a).

On request, a district shall provide to an employee a statement that contains the number of workdays for which the employee claimed paid leave under Government Code 437.202(a) in that fiscal year.

Gov't Code 437.202(a), (e)–(f)

CALLED TO DUTY

A member of the state military forces who is ordered to active state duty by the governor or other proper authority under state law is entitled to the same benefits and protections provided to persons performing service in the uniformed services under 38 U.S.C. 4301–4313 and 4316–4319 (USERRA) and to persons in the military service of the United States under 50 App. U.S.C. 501–536, 560, and 580–594, as those laws existed on April 1, 2003. *Gov't Code 437.213*

LONG TERM

CHAPTER 431

A district may not terminate the employment of an employee who is a member of the military forces of this state or any other state because the employee is ordered to authorized training or duty by a proper authority. The employee is entitled to return to the same employment held when ordered to training or duty and may not be subjected to loss of time, efficiency rating, vacation time, or any benefit of employment during or because of the absence. The employee, as soon as practicable after release from duty, must give written or actual notice of intent to return to employment. *Gov't Code 437.204*

CHAPTER 613

Any employee, other than a temporary employee, who leaves a position with a district to enter active military service is entitled to be reemployed by the district in the same position held at the time

of the induction, enlistment, or order, or to a position of similar seniority, status, and pay. To be entitled to reemployment, the employee must be discharged, separated, or released from active military service under honorable conditions not later than the fifth anniversary after the date of induction, enlistment, or call to active military service and must be physically and mentally qualified to perform the duties of the position. *Gov't Code 613.001(3), .002*

An employee who cannot perform the duties of the position because of a disability sustained during military service is entitled to reemployment in a district in a position that the employee can perform and that has like seniority, status, and pay as the former position, or the nearest possible seniority, status, and pay. *Gov't Code 613.003*

To be reemployed, a veteran of the military must apply for reemployment not later than the 90th day after the date the veteran is discharged or released from active military service. Application must be made in writing to the superintendent and have attached to it evidence of the veteran's discharge, separation, or release from military service under honorable conditions. *Gov't Code 613.004*

A person reemployed after active military service shall not be discharged without cause before the first anniversary of the date of the reemployment. *Gov't Code 613.005*

"Military service" means service as a member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, the Texas National Guard, or the Texas State Guard. *Gov't Code 613.001(2)*

USE OF PERSONAL LEAVE

An employee with available personal leave is entitled to use the leave for compensation during a term of active military service. This provision applies to any personal or sick leave available under former law or provided by local policy.

A district may adopt a policy providing for paid leave for active military service as part of the consideration of employment.

Education Code 22.003(d), (e)

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)*

DISCHARGE OF CONVICTED EMPLOYEES

A district shall discharge an employee if the district obtains information through a criminal history record information (CHRI) review that:

1. The employee has been convicted of:
   a. A felony under Penal Code Title 5;
   b. An offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or
   c. An offense under the laws of another state or federal law that is equivalent to an offense under paragraphs a or b; and
2. At the time the offense occurred, the victim of the offense was under 18 years of age or was enrolled in a public school.

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 June 15, 2007; and
2. The employee satisfied all terms of the court order entered on conviction.

CERTIFICATION TO THE COMMISSIONER

Each school year, a superintendent shall certify to the Commissioner that a 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 if the educator knows or should have known, through a criminal history record information review, that the employee has been convicted of an offense described above.

OPTIONAL TERMINATION

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 [See DBAA]

CERTAIN OFFENSES AGAINST STUDENTS

MANDATORY TERMINATION

If a district receives notice that SBEC has revoked the certificate of a person based on conviction for a felony under Penal Code Title 5 or an offense requiring registration as a sex offender, and the victim of the offense is under 18 years of age, 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:
    a. Suspend the person without pay;
    b. Provide the person with written notice that the person's contract is void [see NOTICE TO EMPLOYEE, below]; and
    c. Terminate the employment of the person as soon as practicable.

Education Code 21.058(a), (c)

DISCRETIONARY TERMINATION

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

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 the district provides written notice to the person, under the mandatory or discretionary termination provisions above, that the person's contract is void. *Education Code 21.058(c-2)*

NO APPEAL

Action taken by a district under the mandatory or discretionary terminations provisions above is not subject to appeal under

Education Code Chapter 21 and the notice and hearing requirements of Chapter 21 do not apply to the action. *Education Code 21.058(e)*

INVALID OR EXPIRED CERTIFICATION

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

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

Education Code 21.0031(a)

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

1. The employee has completed the requirements for renewal of the certificate or permit;
2. The employee submitted the request for renewal before the expiration date; and
3. The date the certificate or permit would have expired is before the date SBEC takes action to approve the renewal of the certificate or permit.

Education Code 21.0031(f)

DISTRICT'S OPTIONS

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

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

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

Education Code 21.0031(b)

EXCEPTION

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

1. The employee requests an extension from SBEC to renew, extend, or otherwise validate the employee's certificate or permit; and

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

Education Code 21.0031(b-1)

NO APPEAL OR CHAPTER 21 HEARING

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

APPLICABILITY

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

REPORT TO SBEC

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

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

RESIGNATION WITHOUT CONSENT (UNILATERAL RESIGNATION)

An educator employed under a probationary contract for the following school year, or under a term or continuing contract, may relinquish the position and leave district employment at the end of the school year without penalty by filing a written resignation with a board or a board's designee not later than the 45th day before the first day of instruction of the following school year.

A written resignation mailed by prepaid certified or registered mail to a board president or a board's designee at the post office address of the district is considered filed at the time of mailing.

Education Code 21.105(a), .160(a), .210(a)

An unequivocal resignation filed not later than the 45th day before the first day of instruction of the following school year is effective upon filing with a district and the district cannot reject such a resignation. The resignation cannot be withdrawn by the teacher based on an argument that the district has not accepted the resignation. *Fantroy v. Dallas Indep. Sch. Dist., Tex. Comm'r of Educ. Decision. No. 034-R9-0206 (Mar. 5, 2009); Garcia v. Miles Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 055-RI-503 (Nov. 30, 2006).*

RESIGNATION WITH CONSENT

The educator may resign, with the consent of the board or the board's designee, at any other time. *Education Code 21.105(b), .160(b), .210(b)*

SANCTIONS FOR ABANDONMENT OF CONTRACT

On written complaint by a district, the State Board for Educator Certification (SBEC) may impose sanctions against an educator who is employed under a probationary contract, or under a continuing or term contract, for the following school year, and who:

1. Resigns;
2. Fails without good cause to comply with the resignation deadline or the provision regarding resignation by consent; and
3. Fails without good cause to perform the contract.

Education Code 21.105(c), .160(c), .210(c)

Acceptance or approval of a resignation indicates consent to abandonment of contract. *Quitman Indep. Sch. Dist. v. Wilkerson, Tex. Comm'r of Educ. Decision No. 142-TTC-698 (Dec. 2, 1999); Houston Indep. Sch. Dist. v. Johnson, Tex. Comm'r of Educ. Decision No. 054-TTC-1196 (Sept. 28, 1998)*

SBEC shall not pursue sanctions against an educator who is alleged to have abandoned his or her contract unless a board:

1. Submits a written complaint within 30 calendar days after the effective date of the educator's separation from employment

from the district. Unless the district and the educator have a written agreement to the contrary, the effective date of separation from employment is the first day that, without district permission, the educator fails to appear for work under the contract.

2. Renders a finding that good cause did not exist under Education Code 21.105(c)(2) (probationary contract), 21.160(c)(2) (continuing contract), or 21.210(c)(2) (term contract). This finding constitutes prima facie evidence of the educator's lack of good cause but is not a conclusive determination.

3. Submits the following required attachments to the written complaint:

   a. The educator's resignation letter, if any;

   b. The agreement with the educator regarding the effective date of separation from employment, if any;

   c. The educator's contract; and

   d. Board meeting minutes indicating a finding of "no good cause." If the board does not meet within 30 calendar days of the educator's separation from employment, the minutes may be submitted within 10 calendar days after the next board meeting.

19 TAC 249.14(g)

REPORT TO SBEC

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

INVESTIGATION

A superintendent shall complete an investigation of an educator that is based on evidence that the educator may have abused or otherwise committed an unlawful act with a student or minor, despite the educator's resignation from district employment before completion of the investigation. *Education Code 21.006(b-1); 19 TAC 249.14(d)(3)(C)*

EMPLOYEE FREE SPEECH

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

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

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

WHISTLEBLOWER PROTECTION

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

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

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

Gov't Code 554.002

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

DEFINITIONS

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

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

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

1. The employee believed that the conduct reported was a violation of law; and
2. The employee's belief was reasonable in light of the employee's training and experience.

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

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

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

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

WHISTLEBLOWER COMPLAINTS

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

INITIATE GRIEVANCE

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

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

LEGAL ACTION

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

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

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

BURDEN OF PROOF

If the employee brings a lawsuit, the employee has the burden of proof unless the suspension, termination, or adverse personnel action occurred within 90 days after the employee reported a violation of law, in which case the suspension, termination, or adverse personnel action is presumed, subject to rebuttal, to be because the employee made the report.

AFFIRMATIVE DEFENSE

It is an affirmative defense to a whistleblower suit that the district would have taken the action against the employee that forms the basis of the suit based solely on information, observation, or evidence that is not related to the fact that the employee made a report protected under the whistleblower law.

Gov't Code 554.004

NOTICE OF RIGHTS

A board shall inform its employees of their rights regarding whistleblower protection by posting a sign in a prominent location in the workplace. The design and content of the sign shall be as prescribed by the attorney general. *Gov't Code 554.009*

RIGHT TO REPORT A CRIME

A district employee may report a crime witnessed at the school to any peace officer with authority to investigate the crime. A district may not adopt a policy requiring a school employee to refrain from reporting a crime witnessed at the school or to report a crime witnessed at the school only to certain persons or peace officers. *Education Code 37.148*

PROTECTION FOR REPORTING CHILD ABUSE

A board or its agents may not suspend or terminate the employment of, or otherwise discriminate against, a professional employee who in good faith:

1. Reports child abuse or neglect to:
    a. The person's supervisor,
    b. An administrator of the facility where the person is employed,
    c. A state regulatory agency, or
    d. A law enforcement agency; or
2. Initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect.

A person whose employment is suspended or terminated or who is otherwise discriminated against in violation of the foregoing may sue for injunctive relief, damages, or both. A district employee who has a cause of action under WHISTLEBLOWER PROTECTION may not bring an action under PROTECTION FOR REPORTING CHILD ABUSE.

Family Code 261.110

PROTECTION FROM DISCIPLINARY PROCEEDINGS

For purposes of the following provisions, "disciplinary proceeding" means discharge or suspension of a professional employee, or termination or nonrenewal of a professional employee's term contract. [See DGC regarding immunity] *Education Code 22.0512(b)*

REPORTING CHILD ABUSE OR MALTREATMENT

A district employee may not be subject to any disciplinary proceeding resulting from an action taken in compliance with Education Code 38.0041 [prevention of child abuse and other maltreatment, see FFG]. *Education Code 38.0041*

USE OF PHYSICAL FORCE

A professional employee may not be subject to disciplinary proceedings for the employee's use of physical force against a student to the extent justified under Penal Code 9.62. This provision does not prohibit a district from enforcing a policy relating to corporal punishment or bringing a disciplinary proceeding against a professional employee of the district who violates the district policy relating to corporal punishment. *Education Code 22.0512(a); Tex. Att'y Gen. Op. GA-0202 (2004)*

Penal Code 9.62 provides that the use of force, other than deadly force, against a person is justified:

1. If the actor is entrusted with the care, supervision, or administration of the person for a special purpose; and
2. When and to the degree the actor reasonably believes the force is necessary to further the special purpose or to maintain discipline in a group.

INSTRUCTIONAL MATERIALS AND TECHNOLOGICAL EQUIPMENT

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

EXCEPTION

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

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

Education Code 31.104(e); 19 TAC 66.107(c), .1319(d)

BREAKS FOR NURSING MOTHERS—NONEXEMPT EMPLOYEES

A district shall provide a nonexempt employee a reasonable break to express breast milk, each time the employee needs to express breast milk for her nursing child, for one year after the child's birth. The district shall provide a place, other than a bathroom, that is

shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

A district is not required to compensate the employee receiving reasonable break time for any work time spent for such purpose.

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

29 U.S.C. 207(r)

RIGHT TO EXPRESS BREAST MILK

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

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

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

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

Gov't Code Ch. 619

CHARITABLE CONTRIBUTIONS

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

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

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

Education Code 22.011

PROTECTION OF NURSES

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

1. Would constitute grounds for reporting the nurse to the Board of Nurse Examiners under Occupations Code Chapter 301, Subchapter I;

2. Constitutes a minor incident, as defined at Occupations Code 301.419; or

3. Would violate Occupations Code Chapter 301 or a rule of the Board of Nurse Examiners, if the nurse notifies the district at the time of the refusal that this is the reason for refusing to engage in the act or omission.

Occupations Code 301.352(a)

EDUCATOR ETHICS

Educators shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom.

The State Board for Educator Certification (SBEC) shall provide for the adoption, amendment, and enforcement of an educator's code of ethics [see DH(EXHIBIT)]. SBEC is solely responsible for enforcing the ethics code for purposes related to certification disciplinary proceedings.

Education Code 21.041(8); 19 TAC 247.1(b), (c)

PUBLIC SERVANTS

All district employees are "public servants" and therefore subject to Title VIII of the Penal Code, regarding offenses against public administration, including restrictions on the acceptance of illegal gifts, honoraria and expenses, and abuse of office. *Penal Code 1.07(a)(41), Title VIII* [See DBD and BBFA]

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.

ENFORCEMENT

A board shall ensure that district personnel enforce the policies on school property.

Education Code 38.006(b) [See also FNCD and GKA]

DRUG AND ALCOHOL ABUSE PROGRAM

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)*

FEDERAL DRUG-FREE WORKPLACE ACT

A district that receives a direct federal grant must agree to provide a drug-free workplace by:

1. Publishing a statement notifying employees of the requirements of the federal Drug-Free Workplace Act (DFWA) and requiring that each employee be given a copy of the statement [see DI(EXHIBIT)];
2. Establishing a drug-free awareness program for employees pursuant to the DFWA;
3. Notifying the granting agency within ten days after receiving notice that an employee has been convicted under a criminal drug statute;
4. Imposing a sanction on an employee who is convicted of such a violation, or requiring the employee's satisfactory participation in a drug abuse or rehabilitation program; and

5. Making a good faith effort to continue to maintain a drug-free workplace.

41 U.S.C. 702(a)(1)

DIETARY SUPPLEMENTS

Except as provided at Education Code 38.011(b), a district employee may not:

1. Knowingly sell, market, or distribute 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 duties; or

2. Knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance-enhancing compounds by a primary or secondary student with whom the employee has contact as part of the employee's duties.

An employee who violates items 1 or 2, above, commits a Class C misdemeanor offense.

Education Code 38.011

LOW-THC CANNABIS

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the possession of low-THC cannabis, as authorized by Health and Safety Code Chapter 487. *Health and Safety Code 487.201*

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. [See DH(EXHIBIT)]

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

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

VIOLATIONS OF STANDARDS OF CONDUCT

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

WEAPONS PROHIBITED

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

EXCEPTIONS

No violation of this policy occurs when the use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

ELECTRONIC MEDIA

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), web logs (blogs), electronic forums (chat rooms), video-sharing websites, editorial comments posted on the Internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and web-based applications.

USE WITH STUDENTS

In accordance with administrative regulations, a certified or licensed employee, or any other employee designated in writing by the Superintendent or a campus principal, may use electronic media to communicate with currently enrolled students about matters within the scope of the employee's professional responsibilities. All other employees are prohibited from using electronic media to communicate directly with students who are currently enrolled in the District. The regulations shall address:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with students; and

3. Other matters deemed appropriate by the Superintendent or designee.

Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic media. [See CPC]

PERSONAL USE

An employee shall be held to the same professional standards in his or her public use of electronic media as for any other public conduct. If an employee's use of electronic media violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

SAFETY REQUIREMENTS

Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

HARASSMENT OR ABUSE

An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect.]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

RELATIONSHIPS WITH STUDENTS

An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

TOBACCO AND E-CIGARETTES

An employee shall not smoke or use tobacco products or e-cigarettes on District property, in District vehicles, or at school-related activities. [See also GKA]

ALCOHOL AND DRUGS

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

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug,

hallucinogen, stimulant, depressant, amphetamine, or barbiturate.

2. Alcohol or any alcoholic beverage.

3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.

4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

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

EXCEPTIONS

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

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;

2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or

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

NOTICE

Each employee shall be given a copy of the District's notice regarding drug-free schools. [See DI(EXHIBIT)]

A copy of this policy, a purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.

ARRESTS, INDICTMENTS, CONVICTIONS, AND OTHER ADJUDICATIONS

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

1. Crimes involving school property or funds;

2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;

3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or

4. Crimes involving moral turpitude, which include:

   - Dishonesty; fraud; deceit; theft; misrepresentation;

- Deliberate violence;
- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
- Felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
- Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct;
- Felony driving while intoxicated (DWI); or
- Acts constituting abuse or neglect under the Texas Family Code.

DRESS AND GROOMING

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

REPORT REQUIRED

In addition to the reporting requirement under Family Code 261.101 [see FFG], a superintendent shall notify the State Board for Educator Certification (SBEC) if:

CRIMINAL HISTORY

1. An educator employed by or seeking employment with the district has a reported criminal history and the district obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established by the Texas Department of Public Safety;

TERMINATION

2. An educator's employment at the district was terminated based on evidence that the educator engaged in an act of misconduct listed below;

RESIGNATION

3. An educator resigned and there is evidence that the educator engaged in an act of misconduct listed below; or

ASSESSMENT INSTRUMENT

4. The educator engaged in conduct that violated the assessment instrument security procedures established under Education Code 39.0301.

"REPORTED CRIMINAL HISTORY"

"Reported criminal history" means information concerning any formal criminal justice system charges and dispositions. The term includes arrests, detentions, indictments, criminal informations, convictions, deferred adjudications, and probations in any state or federal jurisdiction.

Education Code 21.006, 22.087; 19 TAC 249.3(43), .14(d)

REPORTABLE MISCONDUCT

A superintendent shall make a report to SBEC under Education Code 21.006 if there is evidence that the educator:

1. Sexually or physically abused or otherwise committed an unlawful act with a student or minor;

2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor;

3. Possessed, transferred, sold, or distributed a controlled substance, as defined by Health and Safety Code Chapter 481 or by 21 U.S.C. Section 801 et seq.;

4. Illegally transferred, appropriated, or expended funds or other property of the district;

5. Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or permit for the purpose of promotion or additional compensation; or

6. Committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event.

"ABUSE"

"Abuse" includes the following acts or omissions:

1. Mental or emotional injury to a student or minor that results in an observable and material impairment in the student's or minor's development, learning, or psychological functioning;

2. Causing or permitting a student or minor to be in a situation in which the student or minor sustains a mental or emotional injury that results in an observable and material impairment in the student's or minor's development, learning, or psychological functioning;

3. Physical injury that results in substantial harm to a student or minor, or the genuine threat of substantial harm from physical injury to the student or minor, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline; or

4. Sexual conduct harmful to a student's or minor's mental, emotional, or physical welfare.

19 TAC 249.3(1)

"SOLICITATION OF A ROMANTIC RELATIONSHIP"

"Solicitation of a romantic relationship" means deliberate or repeated acts that can be reasonably interpreted as the solicitation by an educator of a relationship with a student that is romantic in nature. A romantic relationship is often characterized by a strong emotional or sexual attachment and/or patterns of exclusivity, but does not include appropriate educator-student 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 educator of a romantic relationship with a student:

1. Behavior, gestures, expressions, or communications with a student that are unrelated to the educator's job duties and evidence a romantic intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the romantic intent of such communications or behavior include:

    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 educator attempts to conceal the communications;

f. If the educator claims to be counseling a student, SBEC may consider whether the educator's job duties included counseling, whether the educator 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 educator reported the abuse or neglect to the appropriate authorities; and

g. Any other evidence tending to show the context of the communications between educator 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 educator.

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. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage.

11. Any other acts tending to show that the educator solicited a romantic relationship with the student.

19 TAC 249.3(50)

A superintendent may notify SBEC of any educator misconduct that the superintendent believes in good faith may be subject to sanctions by SBEC. *19 TAC 249.14(d)*

DEADLINE TO REPORT

The superintendent must notify SBEC in writing not later than the seventh day after the date the superintendent knew about an

employee's termination of employment following an alleged incident of misconduct. *Education Code 21.006(c)*

CONTENTS OF REPORT

The report shall include the name or names of any student or minor who is the victim of abuse or unlawful conduct by an educator. The report shall, at a minimum, describe in detail the factual circumstances requiring the report and identify the subject of the report by providing the following available information:

1. Name and any aliases;
2. Certificate number, if any, or social security number;
3. Last known mailing address and home and daytime phone numbers;
4. All available contact information for any alleged victim or victims; and
5. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report.

Education Code 21.006(c); 19 TAC 249.14(e)

A superintendent shall include the name of a student or minor who is the victim of abuse or unlawful conduct by an educator, but the name of the student or minor is not public information under Government Code Chapter 552. [See GBAA] *Education Code 21.006(h)*

NOTICE

A superintendent shall notify the board and the educator of the filing of a written report with SBEC. *Education Code 21.006(d)*

SANCTIONS FOR FAILURE TO REPORT

A superintendent who fails to timely make a required report is subject to sanctions by SBEC. *Education Code 21.006(f); 19 TAC 249.14(e)*

IMMUNITY

A superintendent who, in good faith and while acting in an official capacity, files a report with SBEC is immune from civil or criminal liability that might otherwise be incurred or imposed. *Education Code 21.006(e)*

Note: This policy addresses harassment of district employees. For legally referenced material relating to discrimination and retaliation, see DAA(LEGAL). For harassment of students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

OFFICIAL OPPRESSION

A public official commits a Class A misdemeanor if, while acting in his or her official or employment capacity, the official intentionally subjects another to 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*

HARASSMENT OF EMPLOYEES

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 CFR 1606.8(a), 1604.11*

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

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

HOSTILE ENVIRONMENT

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

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

Pennsylvania State Police v. Suders, 542 U.S. 129 (2004); Nat'l Railroad Passenger Corp. v. Morgan, 536 U.S. 101 (2002); Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986); 29 CFR 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 CFR 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 CFR 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 CFR 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 involving District employees. For discrimination, harassment, and retaliation involving students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

DEFINITIONS

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

STATEMENT OF NONDISCRIMINATION

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

DISCRIMINATION

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

HARASSMENT

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

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

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.

RETALIATION

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

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding harassment or discrimination is subject to appropriate discipline.

PROHIBITED CONDUCT

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

REPORTING PROCEDURES

An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should promptly 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 or gender, including sexual harassment, may be directed to the designated Title IX coordinator. [See DIA(EXHIBIT)]

ADA / SECTION 504 COORDINATOR

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

SUPERINTENDENT

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

ALTERNATIVE REPORTING PROCEDURES

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

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

TIMELY REPORTING

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to

promptly report may impair the District's ability to investigate and address the prohibited conduct.

NOTICE OF REPORT

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

INVESTIGATION OF THE REPORT

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

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

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.

CONCLUDING THE INVESTIGATION

The investigator may prepare a written report of the investigation. Any 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 disciplinary or corrective action.

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.

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.

RECORDS RETENTION

Copies of reports alleging prohibited conduct, investigation reports, and related records shall be maintained by the District for a period of at least three years. [See CPC]

ACCESS TO POLICY

This policy shall be distributed annually to District employees or made available on the District's website.

The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: Susan Maughan

Position: Executive Director of Special Services

Address: 1800 Colt Circle, Marble Falls, TX 78654

Telephone: (830) 693-4357

The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Name: Susan Maughan

Position: Executive Director of Special Services

Address: 1800 Colt Circle, Marble Falls, TX 78654

Telephone: (830) 693-4357

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]

Staff development may include:

1. Training in technology, conflict resolution, and discipline strategies, including classroom management, district discipline policies, and the Student Code of Conduct;
2. Training in preventing, identifying, responding to, and reporting incidents of bullying; and
3. 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(b)–(d), (g)

STUDENTS WITH DISABILITIES

Staff development must include training, based on scientifically based research, that relates to the instruction of students with disabilities and is designed for educators who work primarily outside the area of special education.

A district is required to provide such training 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 such training, a district must consult 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.

Education Code 21.451(d)(2), (e)–(f)

SUICIDE PREVENTION

Staff development must include suicide prevention training that must be provided:

1. To all new district educators on an annual basis, as part of a new employee orientation; and
2. To existing district educators on a schedule adopted by TEA rule.

The suicide prevention training must use a best practice-based program recommended by the Texas Department of State Health Services in coordination with TEA.

The suicide prevention training may be satisfied through independent review of suicide prevention training material that complies with guidelines developed by TEA and is offered online.

Education Code 21.451(d)(3)–(d-2)

MENTAL HEALTH, SUBSTANCE ABUSE PREVENTION, AND SUICIDE PREVENTION

A district shall provide training in mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention 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 the list described at Health and Safety Code 161.325 to satisfy the training requirements. [See FFB]

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.

Health and Safety Code 161.325

CHILD ABUSE AND MALTREATMENT

A district's methods for increasing awareness of issues regarding sexual abuse and other maltreatment of children [see BQ, district improvement plan, and FFG] must address employee training.

The training must be provided as part of employee orientation to all new employees. The training may be included in staff development under Education Code 21.451.

The training shall address:

1. Factors indicating a child is at risk for sexual abuse or other maltreatment;
2. Likely warning signs indicating a child may be a victim of sexual abuse or other maltreatment;

3. Internal procedures for seeking assistance for a child who is at risk for sexual abuse 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 or other maltreatment; and

5. Community organizations that have relevant existing research-based programs and that are able to provide training or other education for employees, students, and parents.

A district shall maintain records of the training that include the name of each employee who participated.

If a district determines that the district does not have sufficient resources to provide the required training, the district shall work with a community organization to provide the training at no cost to the district.

Education Code 38.0041

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

SPECIAL PROGRAMS TRAINING

TITLE I STAFF DEVELOPMENT

A district that receives assistance under Title I, Part A, shall include in its plan [see AID] a description of the strategy the district will use to provide professional development for teachers and principals, and, if appropriate, pupil services personnel, administrators, parents and other staff, including district staff, in accordance with 20 U.S.C. 6318 and 6319 (No Child Left Behind Act). *20 U.S.C. 6312(b)(1)(D), 7801(34)*

READING ACADEMIES

A teacher shall attend a reading academy under 19 Administrative Code 102.1101 if:

1. The teacher teaches at a campus that fails to satisfy any performance standard under Education Code 39.054(d) [see AIA] on the basis of student performance on the state reading assessment instrument administered to students in any grade level at the campus; 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.

From funds appropriated for this purpose, a teacher who attends a reading academy is entitled to a stipend in the amount determined by the Commissioner. The stipend shall not be considered in determining whether a district is paying the teacher the state minimum monthly salary [see DEA and DEAA].

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

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 the extracurricular safety training program developed by the Commissioner:

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 may be conducted by a district, the American Red Cross, the American Heart Association, or a similar organization, or by the University Interscholastic League (UIL).

Education Code 33.202(b), (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 State Health Services Advisory Board of Athletic Trainers (TDSHS-ABAT) or a course approved for continuing education credit by the licensing authority for athletic trainers.
3. A 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, TDSHS-ABAT, 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 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

RESOURCES FOR STAFF DEVELOPMENT

If a district receives resources from the Commissioner's staff development account, it 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*

FREQUENCY

The employment policies adopted by a board must require a written evaluation at annual or more frequent intervals of each principal, supervisor, school counselor, or other full-time, certified professional employee, and nurse. *Education Code 21.203(a)*

ADMINISTRATOR APPRAISAL

A district shall appraise each administrator, other than a principal, annually using either:

1. The Commissioner's recommended appraisal process and performance criteria; or
2. An appraisal process and performance criteria developed by the district in consultation with the district- and campus-level committees and adopted by the board.

District funds may not be used to pay an administrator who has not been appraised in the preceding 15 months.

Education Code 21.354(c), (d)

PRINCIPAL APPRAISAL

A district shall appraise each principal annually. In appraising principals, a school district shall use either:

1. The appraisal system and school leadership standards and indicators developed or established by the Commissioner; or
2. An appraisal process and performance criteria developed by the district in consultation with the district-level and campus-level committees [see BQA and BQB] and adopted by the board.

Education Code 21.3541(f), (g)

SCHOOL COUNSELORS

The Commissioner shall develop and periodically update an evaluation form for use by districts in evaluating school counselors. *Education Code 21.356*

CONFIDENTIALITY OF EVALUATION

A document evaluating the performance of an administrator is confidential. *Education Code 21.355*

APPRAISAL PROCEDURES

The following procedures for administrator appraisal are minimum requirements.

A district shall establish an annual calendar providing for the following activities, which shall involve both the administrator and the appraiser:

1. Procedures for setting goals that define expectations and set priorities for the administrator being appraised.
2. Formative conference.
3. Summative conference.

19 TAC 150.1022(a)

APPRAISAL INSTRUMENT AND PROCESS

A district shall involve appropriate administrators in developing, selecting, or revising the appraisal instruments and process.

Before conducting appraisals, an appraiser shall provide evidence of training in appropriate personnel evaluation skills related to the locally established criteria and process.

A district may implement a process for collecting staff input for evaluating administrators. If the district implements such a process, the input must not be anonymous.

DOMAINS

The domains and descriptors used to evaluate each administrator may include the following:

1. Instructional management.
2. School or organization morale.
3. School or organization improvement.
4. Personnel management.
5. Management of administrative, fiscal, and facilities functions.
6. Student management.
7. School or community relations.
8. Professional growth and development.
9. Student achievement indicators and campus performance objectives.

In developing appraisal instruments, a district shall use the local job description, as applicable.

19 TAC 150.1021–.1022

Note: The standards, indicators, knowledge, and skills to be used to align with the training, appraisal, and professional development of principals are outlined in 19 Administrative Code 149.2001.

SCHOOL START DATE

A district may not begin instruction for students for a school year before the fourth Monday in August unless the district operates a year-round system (see below). A district may not receive a waiver of this requirement.

EXCEPTIONS

A district that does not offer each grade level from kindergarten through grade 12 and whose prospective or former students generally attend school in another state for the grade levels the district does not offer may instead start school on any date permitted under the law of the other state.

A district with a student enrollment of 190,000 or more may begin instruction for students for a school year on or after the first Monday in August at a campus or at not more than 20 percent of the campuses in the district if:

1. The district at the beginning of the school year provides, financed with local funds, days of instruction for students at the campus or at each of the multiple campuses, in addition to the minimum number of days of instruction required under Education Code 25.081;

2. The campus or each of the multiple campuses are undergoing comprehensive reform, as determined by the board; and

3. A majority of the students at the campus or at each of the multiple campuses are educationally disadvantaged.

Education Code 25.0811

LENGTH OF SCHOOL YEAR

A district shall operate so that it provides for at least 75,600 minutes of instruction, including intermissions and recesses, each school year.

EXCEPTIONS

The Commissioner may approve the operation of schools for less than the number of minutes specified above when disaster, flood, extreme weather conditions, fuel curtailments, or other calamities have caused the closing of schools.

If the Commissioner does not approve reduced instruction time, a district may add additional minutes to the end of the district's normal school hours as necessary to compensate for minutes of instruction lost due to school closures caused by disaster, flood, extreme weather conditions, fuel curtailment, or another calamity.

Education Code 25.081

LAST DAY OF SCHOOL

A district may not schedule the last day of school for students for a school year before May 15. However, a district that does not offer each grade level from kindergarten through grade 12 and whose prospective or former students generally attend school in another

state for the grade levels the district does not offer may schedule the last day of school on any date permitted under Texas law or the law of the other state. *Education Code 25.0812*

OPTIONAL FLEXIBLE YEAR PROGRAM

To enable a school district to provide additional instructional days for an optional extended year program [see EHBC], the school district may, with the approval of the Commissioner, provide a number of days of instruction during the regular school year that is not more than ten days fewer than 180 days. *Education Code 29.0821(b)(1)*

YEAR-ROUND SCHOOLS

A district may operate its schools year-round on a single or a multi-track system. If it adopts a year-round system, it may modify:

1. The number of contract days of employees and the number of days of operation, including any time required for staff development, planning and preparation, and continuing education, otherwise required by law.
2. Testing dates, data reporting, and related matters.
3. The date of the first day of instruction of the school year under Education Code 25.0811 for a school that was operating year-round for the 2000–01 school year.
4. Students' eligibility to participate in extracurricular activities when their calendar track is not in session.

Education Code 25.084

LENGTH AND SCHEDULE

A school day shall be at least seven hours each day, including intermissions and recesses. A day of instruction means 420 minutes of instruction.

PLEDGES OF ALLEGIANCE

A board shall require students, once during each school day, to recite the pledges of allegiance to the United States and Texas flags.

On written request from a student's parent or guardian, a district shall excuse the student from reciting a pledge of allegiance.

MINUTE OF SILENCE

A board shall provide for the observance of one minute of silence following the recitation of the pledges of allegiance. During the one-minute period, each student may reflect, pray, or meditate, or engage in any other silent activity that is not likely to interfere with or distract another student. Each teacher or other school employee in charge of the students during that period shall ensure that each student remains silent and does not act in a manner that is likely to interfere with or distract another student.

Education Code 25.081(e), .082

KINDERGARTEN PROGRAM

A public school kindergarten may be operated on a half-day or full-day basis as determined by the board. *Education Code 29.152*

GRANT PROGRAMS

A district may use funds from grants administered by the Commissioner to operate an existing half-day kindergarten on a full-day basis. *Education Code 29.155*

PREKINDERGARTEN GRANT PROGRAMS

A district is eligible for half-day funding for each eligible student participating in a high-quality prekindergarten grant program. *Education Code 29.116* [See EHBG]

INTERRUPTIONS

A board shall adopt and strictly enforce a policy limiting interruptions of classes during the school day for nonacademic activities such as announcements and sales promotions. At a minimum, the policy must limit announcements other than emergency announcements to once during the school day.

LOSS OF CLASS TIME

A board shall adopt and strictly enforce a policy limiting the removal of students from class for remedial tutoring or test preparation. A district may not remove a student from a regularly scheduled class for remedial tutoring or test preparation if, as a result of the removal, the student would miss more than ten percent of the school days on which the class is offered, unless the student's parent or another person standing in parental relation to the student provides to the district written consent for removal from class for such purpose. [See EHBC for provisions on tutorial services.]

Education Code 25.083

TEACHER-STUDENT RATIO

A district shall employ a sufficient number of certified teachers to maintain an average ratio of not less than one teacher for each 20 students in average daily attendance. *Education Code 25.111*

HIGH-QUALITY PREKINDERGARTEN GRANT PROGRAM

A district operating a prekindergarten program under Education Code Chapter 29, Subchapter E-1 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. *Education Code 29.167(d)*

PHYSICAL EDUCATION

A district's physical education curriculum objectives and goals shall address teacher-student ratios. [See EHAA] *Education Code 25.114*

KINDERGARTEN–GRADE 4

A district shall not enroll more than 22 students in a class, kindergarten through fourth grade, except as allowed by the Commissioner. The limit on class size, kindergarten through grade 4, shall not apply during:

1. The last 12 weeks of the school year; or
2. Any 12-week period of the school year selected by a district, if the district's average daily attendance has been adjusted due to high migratory population under Education Code 42.005(c). A district claiming this exemption must notify the Commissioner in writing not later than the 30th day after the first day of the 12-week period.

A "migratory child" is a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker or migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany the parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work has moved from one school district to another.

Education Code 25.112(a), (b); No Child Left Behind Act of 2001, 20 U.S.C. 6399(2)

EXCEPTION TO CLASS SIZE LIMITS

The Commissioner may except a district, on application, from the class size limits above if the limit works an undue hardship on the district. An exception expires at the end of the school year for which it is granted.

A school district seeking an exception shall notify the Commissioner and apply for the exception not later than the later of:

1. October 1; or
2. The 30th day after the first school day the district exceeds the limit described above.

Education Code 25.112(d)–(e)

NOTICE TO PARENTS

A campus or district that is granted an exception from class size limits shall provide written notice of the exception to the parent of or person standing in parental relation to each student affected by the exception. The notice must be in conspicuous bold or underlined print and:

1. Specify the class for which an exception was granted;
2. State the number of children in the class; and
3. Be included in a regular mailing or other communication from the campus or district, such as information sent home with students.

The notice must be provided not later than the 31st day after the first day of the school year or the date the exception is granted, if the exception is granted after the beginning of the school year.

Education Code 25.113

Courses in the foundation and enrichment curriculum in grades 6–12 must be provided in a manner that allows all grade promotion and high school graduation requirements to be met in a timely manner. A district is not required to offer a specific course in the foundation and enrichment curriculum except as specified in 19 Administrative Code 74.3. *19 TAC 74.3(c)*

GRADES 6–8

A district that offers grades 6–8 must provide instruction in the required curriculum as specified in 19 Administrative Code 74.1, relating to essential knowledge and skills. A district must ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, fine arts, health, physical education, technology applications, and to the extent possible, languages other than English. The school district may provide instruction 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 74.3(a)(1)*

PHYSICAL ACTIVITY REQUIREMENTS

A district shall require students in grades 6–8 to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum.

A district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks.

EXEMPTIONS

A district must provide an exemption for:

1. A student who is unable to participate in the required physical activity because of illness or disability; and
2. A student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity and meets the requirements for extracurricular activity as defined at 19 Administrative Code 76.1001.

A district may allow an exemption for a student on a middle or junior high school campus participating in a school-related activity or an activity sponsored by a private league or club only if that activity meets each of the following requirements:

1. The activity must be structured;
2. The board must certify the activity; and

3. The student must provide proof of participation in the activity.

A "structured activity" is an activity that meets, at a minimum, each of the following requirements:

1. The activity is based on the grade appropriate movement, physical activity and health, and social development strands of the essential knowledge and skills for physical education specified in 19 Administrative Code Chapter 116; and

2. The activity is organized and monitored by school personnel or by appropriately trained instructors who are part of a program that has been certified by the board.

Education Code 28.002(l)–(l-1); 19 TAC 103.1003

FINE ARTS REQUIREMENT

The school district must ensure that, beginning with students who enter grade 6 in the 2010–11 school year, each student completes one Texas Essential Knowledge and Skills-based fine arts course in grade 6, grade 7, or grade 8. *Education Code 28.002(c-1); 19 TAC 74.3(a)(2)*

INSTRUCTION IN HIGH SCHOOL, COLLEGE, AND CAREER PREPARATION

Each district shall provide instruction to students in grade 7 or 8 in preparing for high school, college, and a career. The instruction must include information regarding:

1. The creation of a high school personal graduation plan under Education Code 28.02121;

2. The distinguished level of achievement described by Education Code 28.025(b-15);

3. Each endorsement described by Education Code 28.025(c-1);

4. College readiness standards; and

5. Potential career choices and the education needed to enter those careers.

A district may provide the instruction as part of an existing course in the required curriculum; provide the instruction as part of an existing career and technology course designated by the State Board of Education (SBOE) as appropriate for that purpose; or establish a new elective course through which to provide the instruction.

Education Code 28.016

HIGH SCHOOL COURSES AT EARLIER GRADES

A district may offer courses designated for grades 9–12 in earlier grade levels. *19 TAC 74.26(b)*

GRADES 9–12 COURSE OFFERINGS

A district that offers grades 9–12 shall provide instruction in the required curriculum as specified in 19 Administrative Code 74.1. A district shall ensure that sufficient time is provided for teachers to teach and for students to learn the subjects in the required curriculum. *19 TAC 74.3(b)(1)*

A district shall offer the courses listed below in grades 9–12 and shall maintain evidence that students have the opportunity to take these courses:

1. English language arts — English I, II, III, IV, and at least one additional advanced English course.
2. Mathematics — Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications.
3. Science — Integrated Physics and Chemistry, Biology, Chemistry, Physics, and at least two of the following:
    a. Aquatic Science;
    b. Astronomy;
    c. Earth and Space Science;
    d. Environmental Systems;
    e. Advanced Animal Science;
    f. Advanced Biotechnology;
    g. Advanced Plant and Soil Science;
    h. Anatomy and Physiology;
    i. Engineering Design and Problem Solving;
    j. Food Science;
    k. Forensic Science;
    l. Medical Microbiology;
    m. Pathophysiology;
    n. Scientific Research and Design; and
    o. Principles of Engineering.

    The requirement to offer two additional courses may be reduced to one by the Commissioner upon application of a district with a total high school enrollment of less than 500 students.

Science courses shall include at least 40 percent hands-on laboratory investigations and field work using appropriate scientific inquiry.

4. Social studies — United States History Studies Since 1877, World History Studies, United States Government, World Geography Studies, and Economics with Emphasis on the Free Enterprise System and Its Benefits.

5. Physical education — at least two of the following:

   a. Foundations of Personal Fitness;

   b. Adventure/Outdoor Education;

   c. Aerobic Activities; or

   d. Team or Individual Sports.

6. Fine arts — courses selected from at least two of the four fine arts areas (art, music, theatre, and dance) as follows:

   a. Art I, II, III, IV;

   b. Music I, II, III, IV;

   c. Theatre I, II, III, IV; or

   d. Dance I, II, III, IV.

7. Career and technical education [see EEL] — coherent sequences of courses selected from at least three of the following 16 career clusters:

   a. Agriculture, Food, and Natural Resources;

   b. Architecture and Construction;

   c. Arts, Audio/Video Technology, and Communications;

   d. Business Management and Administration;

   e. Education and Training;

   f. Finance;

   g. Government and Public Administration;

   h. Health Science;

   i. Hospitality and Tourism;

   j. Human Services;

   k. Information Technology;

   l. Law, Public Safety, Corrections, and Security;

m. Manufacturing;

n. Marketing;

o. Science, Technology, Engineering, and Mathematics; and

p. Transportation, Distribution, and Logistics.

8. Languages other than English — Levels I, II, and III or higher of the same language.

9. Technology applications — Computer Science I and Computer Science II or Advanced Placement (AP) Computer Science and at least two of the following:

a. Computer Science III;

b. Digital Art and Animation;

c. Digital Communications in the 21st Century;

d. Digital Design and Media Production;

e. Digital Forensics;

f. Digital Video and Audio Design;

g. Discrete Mathematics for Computer Science;

h. Fundamentals of Computer Science;

i. Game Programming and Design;

j. Independent Study in Evolving/Emerging Technologies;

k. Independent Study In Technology Applications;

l. Mobile Application Development;

m. Robotics Programming and Design;

n. 3-D Modeling and Animation;

o. Web Communications;

p. Web Design; and

q. Web Game Development.

10. Speech — Communications Applications.

11. Each district shall provide an elective course in personal financial literacy that meets the requirements for a one-half elective credit, using materials approved by the SBOE. The instruction in personal financial literacy must include instruction on completing the application for federal student

aid provided by the Department of Education. In fulfilling the requirement to provide financial literacy instruction, a district may use an existing state, federal, private, or nonprofit program that provides students without charge the described instruction.

19 TAC 74.3(b)(2); Education Code 28.0021(b)

A district must provide each student the opportunity each year to select courses in which he or she intends to participate from a list that includes all courses listed above. If a district will not offer all required courses every year, but intends to offer particular courses only every other year, it must notify all enrolled students of that fact.

A district shall teach any course a student is specifically required to take for high school graduation at least once in any two consecutive school years. For a subject that has an end-of-course assessment, a district shall either teach the course every year or use alternate delivery systems, as described in 19 Administrative Code Chapter 74, Subchapter C, to enable students to earn credit for the course and shall maintain evidence thereof.

19 TAC 74.3(b)(4)

A district may offer additional courses from the complete list of courses approved by the SBOE to satisfy graduation requirements. *19 TAC 74.3(b)(3)*

APPLIED COURSES

A school district may offer the foundation curriculum in an applied manner. The courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument. *Education Code 28.025(b-4)*

RESEARCH WRITING COMPONENT

For students entering grade 9 beginning with the 2007–08 school year, districts must ensure that one or more courses offered in the required curriculum for the Recommended and Advanced/ Distinguished Achievement High School Programs include a research writing component. *19 TAC 74.3(b)(5)*

PARENTING AWARENESS PROGRAM

A district shall use the parenting and paternity awareness program developed by the SBOE in its high school health curriculum.

HIGH SCHOOL

MIDDLE AND JUNIOR HIGH SCHOOL

A district may use the program in the district's middle or junior high school curriculum.

PROGRAM REQUIREMENTS

Implementation of this requirement shall comply with the requirement that the board establish a local school health advisory council to assist the district in ensuring that local community values are reflected in the district's health education instruction.

A district may add elements at its discretion but must include the following areas of instruction:

1. Parenting skills and responsibilities, including child support;
2. Relationship skills, including money management, communication, and marriage preparation; and
3. Skills relating to the prevention of family violence, only if the district's middle, junior high, or high schools do not have a family violence program.

At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level.

LOCAL PROGRAMS AND MATERIALS

A district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed by the SBOE. The programs and curriculum materials may provide instruction in:

1. Child development;
2. Parenting skills, including child abuse and neglect prevention; and
3. Assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.

PARENT PERMISSION

A student under 14 years of age may not participate in the program without the permission of the student's parent or person standing in parental relation to the student.

Education Code 28.002(p); 19 TAC 74.35(a)

ALCOHOL AWARENESS INSTRUCTION

A district shall incorporate instruction in the dangers, causes, consequences, signs, symptoms, and treatment of binge drinking and alcohol poisoning into any course meeting a requirement for a health education credit.

A district shall choose an evidence-based alcohol awareness program to use in the district's middle school, junior high school, and high school health curriculum from a list of programs approved by the Commissioner for this purpose.

"Evidence-based alcohol awareness program" means a program, practice, or strategy that has been proven to effectively prevent or delay alcohol use among students, as determined by evaluations

that use valid and reliable measures and that are published in peer-reviewed journals.

Education Code 28.002(r); 19 TAC 74.35(b)

CPR INSTRUCTION

For all students who entered grade 7 in the 2010–11 school year and thereafter, a district shall provide instruction to students in grades 7–12 in cardiopulmonary resuscitation (CPR). The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation from high school.

CPR instruction must include training that has been developed by the American Heart Association or the American Red Cross or using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.

A district may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide instruction and training. Instruction is not required to result in CPR certification. If instruction is intended to result in certification, the course instructor must be authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association; otherwise, an instructor is not required to be certified in CPR.

WAIVERS FOR STUDENTS WITH DISABILITIES

A district may waive this requirement for a student who, due to a disability, is unable to complete the instruction. The determination regarding a student's ability to complete the CPR requirement must be made by:

1. The student's admission, review, and dismissal (ARD) committee if the student receives special education services under Education Code, Chapter 29, Subchapter A; or
2. The committee established for the student under Section 504, if the student does not receive special education services, but is covered by Section 504.

Education Code 28.0023 (c)–(e), (g); 19 TAC 74.38

DONATIONS

A district may accept from TEA donations the agency receives under Education Code 7.026 for use in providing instruction to students in the principles and techniques of CPR. A district may accept other donations, including donations of equipment, for use in providing CPR instruction. *Education Code 29.903*

DRIVER EDUCATION

A school district shall consider offering a driver education and traffic safety course during each school year. If the district offers the course, the district may:

1. Conduct the course in accordance with 19 Administrative Code Chapter 75 and charge a fee for the course in the amount determined by TEA to be comparable to the fee charged by a driver education school that holds a license under Education Code Chapter 1001; or
2. Contract with a driver education school that holds a license under Education Code Chapter 1001 to conduct the course.

Driver education is limited to eligible students who are between the ages of 14 and 18 years of age, who are at least 14 years of age at the time the driver education classroom phase begins and who will be 15 years of age or older when the behind-the-wheel instruction begins. Students officially enrolled in school who are 18–21 years of age may attend a minor and adult driver education program. *Education Code 29.902; 19 TAC 75.1005(i)*

LIFE SKILLS PROGRAMS

A district may provide an integrated program of educational and support services for students who are pregnant or who are parents. If a district provides such a program, the program shall include all of the following:

1. Individual counseling, peer counseling, and self-help programs.
2. Career counseling and job readiness training.
3. Day care for the students' children on the campus or at a day care facility in close proximity to the campus.
4. Transportation for children of students to and from the campus or day care facility.
5. Transportation for students, as appropriate, to and from the campus or day care facility.
6. Instruction related to knowledge and skills in child development, parenting, and home and family living.
7. Assistance to students in the program in obtaining available services from government agencies or community service organizations, including prenatal and postnatal health and nutrition programs.

A district shall solicit recommendations for obtaining community support for the students and their children in the life skills programs.

A district may operate a shared services arrangement program to operate a life skills program for student parents.

Education Code 29.085 [See EHBC and FNE]

SCHOOL-BASED SAVINGS PROGRAM

A district may establish a school-based savings program to facilitate increased awareness of the importance of saving for higher education and facilitate personal financial literacy instruction. A district may offer the program in conjunction with a personal financial literacy course under Education Code 28.0021 [see EHAC].

A school-based savings program may, through partnerships with appropriate institutions, promote:

1. General savings, by offering savings accounts or certificates of deposit through partner financial institutions; or
2. Savings dedicated for higher education, by offering through partner institutions the following accounts or bonds the primary purpose of which must be to pay expenses associated with higher education:
    a. An account authorized under Section 529, Internal Revenue Code of 1986;
    b. A Coverdell education savings account established under 26 U.S.C. Section 530;
    c. A certificate of deposit;
    d. A savings account; and
    e. A Series I savings bond.

A district establishing a program:

1. Shall seek to establish partnerships with appropriate institutions that are able to offer an account or bond above; and
2. May seek to establish partnerships with public sector partners, private businesses, nonprofit organizations, and philanthropic organizations in the community.

A partnership established between a district and:

1. An appropriate institution may allow a student in the program or the student and an adult in the student's family jointly to have an opportunity to establish an account or purchase a bond; and
2. An appropriate institution, public sector partner, private business, or nonprofit or philanthropic organization may provide:

a. A structure for the management of the program; and

b. Incentives that encourage contribution to a school-based account or purchase of a bond, including incentives that provide matching funds or seed funding.

Education Code 28.0024

LOCAL CREDIT COURSES

A district may offer one or more courses in addition to those in the required curriculum for local credit. The State Board of Education shall be flexible in approving such courses for credit for high school graduation. *Education Code 28.002(f)* [See EIF]

ADMISSION, REVIEW, AND DISMISSAL COMMITTEE

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

RESPONSIBILITIES OF ARD COMMITTEE

The responsibilities of the ARD committee and the district include:

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

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

COMMITTEE MEMBERS

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

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

4. A representative of the district who:

   a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;

   b. Is knowledgeable about the general education curriculum; and

   c. Is knowledgeable about the availability of resources of the district;

5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;

6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2–5;

7. The student, if appropriate;

8. For a student with an auditory impairment, including deaf-blindness, a teacher who is certified in the education of students with auditory impairments;

9. For a student with a visual impairment, including deaf-blindness, a teacher who is certified in the education of students with visual impairments;

10. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;

11. A representative of any participating agency likely to be responsible for providing transition services for a student, as appropriate, and with the consent of the student's parents or a student who has reached the age of majority; and

12. When considering initial or continued placement of a student in a career and technical education program, a representative from career and technical education, preferably the teacher.

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

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

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

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

REGULAR EDUCATION TEACHER

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

PARENT INVOLVEMENT

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

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

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

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

ALTERNATIVE MEANS OF MEETING PARTICIPATION

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

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

MEETINGS

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

A "meeting" does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A "meeting" also does not include preparatory activities that public agency 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)*

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 de-

termines 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(i)

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(i)(3)

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 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 the first IEP to be in effect when the student is 14, 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];

12. 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;

13. The date of the meeting;

14. The name, position, and signature of each member participating in the meeting; and

15. 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), .0111; 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); 19 TAC 89.1050(h)*

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 consid-

ers skills necessary to function in current and postsecondary environments;

6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders (ASD);

7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;

8. Communication interventions, including language forms and functions that enhance effective communication across settings;

9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;

10. Professional educator/staff support; and

11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

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

19 TAC 89.1055(e)–(f)

VISUAL IMPAIRMENT

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

COLLABORATIVE PROCESS

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

TEN-DAY RECESS

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

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

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

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

FAILURE TO REACH AGREEMENT

If a recess is implemented and the ARD committee still cannot reach mutual agreement, a district shall implement the IEP it has determined to be appropriate for the student. A written statement of the basis for the disagreement shall be included in the IEP. The parent who disagrees shall be offered the opportunity to write his or her own statement of disagreement.

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(f)

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)

COMPENSATORY EDUCATION ALLOTMENT

A district is entitled to an annual compensatory education allotment for each student:

1. Who is educationally disadvantaged; or

2. Who does not have a disability and resides in a residential placement facility in a district in which the student's parent or legal guardian does not reside.

The number of educationally disadvantaged students is determined by averaging the best six months' numbers of students eligible for enrollment in the national school lunch program of free or reduced-price lunches for the preceding school year; or in the manner provided by Commissioner rule.

A student receiving a full-time virtual education through the state virtual school network (TxVSN) [see EHDE] may be included in determining the number of educationally disadvantaged students if the school district submits to the Commissioner a plan detailing the enhanced services that will be provided to the student and the Commissioner approves the plan.

Education Code 42.152(a)–(b-1)

USE

A district shall use its compensatory education allotment to fund supplemental programs and services designed to eliminate any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at-risk of dropping out of school, as defined below, and all other students.

Specifically, a district may use the funds, other than an indirect cost allotment established by State Board rule, to meet the costs of providing a compensatory, intensive, or accelerated instruction program under Education Code 29.081, a disciplinary alternative education program (DAEP) under Education Code 37.008, or to support a Title I program, at a campus at which at least 40 percent of the students are educationally disadvantaged.

A district may also use allocated funds for:

1. A mentoring services program under Education Code 29.089;

2. An accelerated reading instruction program under Education Code 28.006(g) for students at risk of dropping out of school as defined by Education Code 29.081(d) and (g);

3. A program for treatment of students who have dyslexia or a related disorder, as required by Education Code 38.003, for students at risk of dropping out of school as defined by Education Code 29.081(d) and (g); and

4. A program under Education Code 29.081 specifically designed to serve students at risk of dropping out of school.

Education Code 42.152(c), (c-1), (c-2)

LIMIT ON DAEP EXPENDITURES

A district may not use more than 18 percent of its compensatory education allotment for DAEPs.

The Commissioner may waive this limitation upon an annual petition, by a district's board and site-based decision making committee, presenting the reason for the need to spend supplemental compensatory education funds on DAEPs.

Education Code 42.152(c)(1)–(2)

DROPOUT PREVENTION STRATEGIES

A district with a high dropout rate, as determined by the Commissioner, shall submit a plan to the Commissioner describing the manner in which the district intends to use its compensatory education and high school allotments for developing and implementing research-based strategies for dropout prevention.

If a district is required to submit both a dropout prevention strategy plan and a plan to increase college enrollment [see GNC], the district must describe in its dropout prevention strategy plan how the activities identified in both plans will be coordinated. If a district is required to submit both a school improvement plan, due to failure to meet the required performance standard regarding dropout rates or completion rates, as well as a dropout prevention strategy plan, the district may request that its school improvement plan be used to satisfy both requirements.

A district shall submit the plan not later than December 1 of each school year preceding the school year in which the district will receive the compensatory education or high school allotment to which the plan applies. The plan must meet the requirements at 19 Administrative Code 89.1701(e).

A district may not spend or obligate more than 25 percent of the district's compensatory or high school allotment unless the Commissioner approves the plan.

Education Code 29.918; 19 TAC 89.1701

DEFINITION OF AT-RISK STUDENT

"Student at risk of dropping out of school" includes each student who is under 26 years of age and who:

1. Was not advanced from one grade level to the next for one or more school years, unless the student did not advance from prekindergarten or kindergarten to the next grade level only as a result of the request of the student's parent;

2. If the student is in grades 7–12 did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year, or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;

3. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;

4. If the student is in prekindergarten, kindergarten, or grades 1–3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;

5. Is pregnant or is a parent;

6. Has been placed in a DAEP in accordance with Education Code 37.006 during the preceding or current school year;

7. Has been expelled during the preceding or current school year;

8. Is currently on parole, probation, deferred prosecution, or other conditional release;

9. Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;

10. Is a student of limited English proficiency, as defined by Section 29.052;

11. Is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;

12. Is homeless, as defined by 42 U.S.C. 11302 and its subsequent amendments [see FD]; or

13. Resided in the preceding school year or resides in the current school year in a residential placement facility in a district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster group home.

Education Code 29.081(d)–(d-1)

LOCAL ELIGIBILITY CRITERIA

In addition to students described above, a student who satisfies local eligibility criteria adopted by a board may receive compensatory education services. The number of students receiving services under local eligibility criteria during a school year may not exceed ten percent of the number of students described above who received services from the district during the preceding school year. *Education Code 29.081(g)*

COMPENSATORY, INTENSIVE, AND ACCELERATED INSTRUCTION

A district shall use student performance data from state basic skills assessment instruments and achievement tests to design and implement appropriate compensatory, intensive, or accelerated instructional services for students in the district's schools that enable the students to perform at grade level at the conclusion of the next regular school term. *Education Code 29.081(a)*

ACCELERATED INSTRUCTION

A district shall provide accelerated instruction to an enrolled student who has taken an end-of-course assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school.

A district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.

A district that is required to provide accelerated instruction must separately budget sufficient funds for that purpose. [See CE]

A district shall evaluate the effectiveness of accelerated instruction programs and annually hold a public hearing to consider the results.

Education Code 29.081(b), (b-1), (b-2), (b-3), 39.025(b-1)

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(c), the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area, using funds appropriated for accelerated instruction under Education Code 28.0211. 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 28.0217*

EFFECTIVENESS

A district shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students. *Education Code 29.081(c)*

DROPOUT RECOVERY EDUCATION PROGRAMS

A district may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The programs must meet the criteria set forth at Education Code 29.081(e)(1)–(5).

Students in attendance at a dropout recovery education program shall be included in a district's average daily attendance for funding purposes.

Education Code 29.081(e)–(f)

PUBLIC JUNIOR COLLEGE PARTNERSHIP PROGRAM

A school district may agree to partner with a public junior college to provide on the campus of the college a dropout recovery program for students to successfully complete and receive a diploma from a high school of the partnering school district in accordance with Education Code 29.401. [See GNC]

COMMUNITIES IN SCHOOLS

An elementary or secondary school receiving funding under Education Code 33.156 shall participate in the Communities in Schools (CIS) program if the number of students enrolled in the school who are at risk of dropping out of school is equal to at least ten percent of the number of students in average daily attendance at the school, as determined by TEA. *Education Code 33.157*

OPTIONAL EXTENDED YEAR PROGRAM

A district may set aside an amount from its compensatory education allotment or may apply to TEA for funding of an extended-year program, for a period not to exceed 30 instructional days for students:

1. In kindergarten through grade 11, who are identified as not likely to be promoted to the next grade level for the succeeding school year; or
2. In grade 12, who are identified as not likely to graduate from high school before the beginning of the succeeding school year.

A student who does not demonstrate proficiency in a subject area as determined by the district is also eligible for services.

An optional extended year program (OEYP) may extend the day, the week, or the year to provide additional support and instruction for eligible students. The program shall be conducted beyond the required instructional year, which may include intercessions for year round programs.

POLICY

If a district provides an OEYP, it shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

PROGRAM CRITERIA — An OEYP must meet the requirements set forth at Education Code 29.082 and 19 Administrative Code 105.1001.

PROMOTION OF STUDENT — A student who attends at least 90 percent of the program days and who satisfies the requirements for promotion at Education Code 28.021 shall be promoted or retained in accordance with Education Code 29.082(e).

TRANSPORTATION — A district shall provide transportation to each student who is required to attend a program under this section and who is eligible for regular transportation services.

Education Code 29.082; 19 TAC 105.1001 [See EIE and FDC]

OPTIONAL FLEXIBLE YEAR PROGRAM (OFYP) — A district may provide an optional flexible year program (OFYP) for students who did not or are not likely to perform successfully on state assessment instruments or who would not otherwise be promoted to the next grade level.

PROGRAM CRITERIA — An OFYP must meet the requirements set forth at Education Code 29.0821 and 19 Administrative Code 129.1029.

Education Code 29.0821; 19 TAC 129.1029

OPTIONAL FLEXIBLE SCHOOL DAY PROGRAM (OFSDP) — Notwithstanding Education Code 25.081 (school year) or 25.082 (school day) [see EB and EC], a district may apply to the Commissioner to provide a flexible school day program (OFSDP) for students, in accordance with 19 Administrative Code 129.1027.

PROGRAM CRITERIA — A district that meets application requirements may:

1. Provide flexibility in the number of hours each day a student attends;
2. Provide flexibility in the number of days each week a student attends; or
3. Allow a student to enroll in less than or more than a full course load.

Except in the case of a course designed for a student who will be denied credit as a result of attendance requirements, a course offered in a program under this section must provide for at least the same number of instructional hours as required for a course offered in a program that meets the required minimum number of instructional days under Education Code 25.081 and the required length of school day under Education Code 25.082.

STUDENT ELIGIBILITY — A district may provide an OFSDP for students who:

1. Have dropped out of school or are at risk of dropping out of school, as defined above at DEFINITION OF AT-RISK STUDENT;

2. Attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the Commissioner; or

3. As a result of attendance requirements under Education Code 25.092, will be denied credit for one or more classes in which the students have been enrolled.

A student who will be denied credit for one or more classes as a result of attendance requirements may enroll in a course in a OFSDP offered during the school year or during the period in which school is recessed for the summer to enable the student to earn class credit that the student would not otherwise be able to receive without retaking the class.

EXTRACURRICULAR PARTICIPATION

A student enrolled in an OFSDP may participate in a competition or activity sanctioned by the University Interscholastic League (UIL) only if the student meets all UIL eligibility criteria.

FUNDING

Funding for an OFSDP shall be based on the number of instructional days in a district calendar and a seven-hour school day, but attendance may be cumulated over a school year, including any summer or vacation session. The attendance of students who accumulate less than the number of attendance hours required shall be proportionately reduced for funding purposes. The Commissioner may limit funding for the attendance of a student who will be denied credit as a result of attendance requirements to funding only for the attendance necessary for the student to earn class credit that the student would not otherwise be able to receive without retaking the class.

In calculating average daily attendance for students served, the Commissioner shall ensure that funding for attendance in a course in an OFSDP is based on the same instructional hour requirements of the regular program rather than a full-time equivalent student basis that requires six hours of student contact time to qualify for a full day of attendance.

ANNUAL PERFORMANCE REVIEW

Annually, each school district shall review its progress in relation to the performance indicators required by 19 Administrative Code 129.1027(h). Progress should be assessed based on information that is disaggregated with respect to race, ethnicity, gender, and socioeconomic status.

Education Code 29.0822; 19 TAC 129.1027

TUTORIAL SERVICES

A district may provide tutorial services at district schools. If a district provides tutorial services, it shall require a student whose grade in a subject for a reporting period is lower than the equivalent of 70 on a scale of 100 to attend tutorials. [See EC for provisions on loss of class time.]

A district may provide transportation services to accommodate students who are required to attend tutorials and who are eligible for regular transportation.

Education Code 29.084

BASIC SKILLS PROGRAMS

A district may apply to the Commissioner for funding of basic skills programs for students in grade 9 who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to grade 10 and who fail to meet minimum skills levels established by the Commissioner.

With the consent of a student's parent or guardian, a district may assign a student to the basic skills program.

A basic skills program may not exceed 210 instructional days and must meet the requirements set forth at Education Code 29.086.

Education Code 29.086

AFTER-SCHOOL AND SUMMER INTENSIVE MATHEMATICS AND SCIENCE PROGRAMS

A district may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics and science instruction to:

1. Students who are not performing at grade level in mathematics or science to assist those students in performing at grade level;
2. Students who are not performing successfully in a mathematics course or science course to assist those students in successfully completing the course; or
3. Other students as determined by the district.

Before providing a program, a board must adopt a policy for:

1. Determining student eligibility for participating in the program that:
    a. Prescribes the grade level or course a student must be enrolled in to be eligible; and
    b. Provides for considering teacher recommendations in determining eligibility;

2. Ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;

3. Ensuring that eligible students are encouraged to attend the program;

4. Ensuring that the program is offered at one or more locations in the district that are easily accessible to eligible students; and

5. Measuring student progress on completion of the program.

Education Code 29.088, .090; 19 TAC 102.1041

MENTORING SERVICES PROGRAM

A district may provide a mentoring services program to students at risk of dropping out of school. A board may arrange for any public or nonprofit community-based organization to come to the district's schools and implement the program.

A board shall obtain the consent of a student's parent or guardian before allowing the student to participate in the program.

Education Code 29.089

ACCELERATED READING INSTRUCTION PROGRAM

A district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results [see EKC], to be at risk for dyslexia or other reading difficulties. The district shall determine the form, content, and timing of the program.

A district shall provide additional reading instruction and intervention to each student given the seventh grade reading assessment [see EKC], as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument.

LIMITATION

A district may implement an accelerated reading instruction program only if the Commissioner certifies that funds have been appropriated during a school year for administering the program.

Education Code 28.006(f), (g), (g-1), (k)

INTENSIVE PROGRAM OF INSTRUCTION

STATE ASSESSMENTS

A district shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument or is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade 9, as determined by the district.

The program shall be designed to:

1. Enable the student to:

a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or

b. Attain a standard of annual growth specified by a district and reported by the district to TEA; and

2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

STUDENTS RECEIVING SPECIAL EDUCATION SERVICES

For a student in a special education program who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a), (b), or (c), the student's admission, review, and dismissal committee shall design the program to:

1. Enable the student to attain a standard of annual growth on the basis of the student's individualized education program (IEP); and

2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

GRADUATION REQUIREMENTS

A district shall use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping a student satisfy state and local high school graduation requirements.

NO CAUSE OF ACTION

A district's determination of the appropriateness of an intensive program of instruction for a student is final and does not create a cause of action.

Education Code 28.0213

MAXIMUM ALLOWABLE INDIRECT COST

A district may expend no more than the following percentages of the district's Foundation School Program (FSP) special allotments under Education Code Chapter 42, Subchapter C, for indirect costs related to the following programs:

1. No more than 48 percent for indirect costs related to:

   a. Compensatory education,

   b. Bilingual education and special language programs, and

   c. Special education.

2. No more than 45 percent for indirect costs related to gifted and talented education programs.

3. No more than 42 percent for indirect costs related to career and technical education programs.

Beginning with the 2012–13 school year, a district may choose to use a greater indirect cost allotment under Education Code 42.151,

.153, .154, and .156, to the extent the district receives less funding per weighted student in state and local maintenance and operations revenue than in the 2011–12 school year. The Commissioner shall develop a methodology for a school district to make this determination and may require any information necessary to implement this rule.

19 TAC 105.11

COLLEGE PREPARATORY COURSES

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 twelfth grade level whose performance on:
    a. An end-of-course 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 51.3062(c) [Texas Success Initiative (TSI) assessment] 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 an 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 each 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.

To the extent applicable, a district shall draw from curricula and instructional materials developed under Education Code 28.008 in developing a course and related instructional materials. A course and the related instructional materials shall be made available to students not later than the 2014–15 school year.

Education Code 28.014

END-OF-COURSE EXAM

A student enrolled in a college preparatory mathematics or English language arts course under Education Code 28.014 who satisfies the TSI college readiness benchmarks on an assessment instrument administered at the end of the course satisfies the requirements concerning and is exempt from the administration of the Algebra I or the English I and English II end-of-course assessment instruments, as applicable, as prescribed by Education Code 39.023(c), even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument. A student who fails to perform satisfactorily on the assessment instrument may retake that assessment instrument or may take the appropriate end-of-course assessment instrument. *Education Code 39.025(a-1)*

TITLE III REQUIREMENTS

A district that receives funds under Title III of the No Child Left Behind Act shall comply with the statutory requirements regarding limited English proficient and immigrant students. *20 U.S.C. 6801–7014*

STATE POLICY

It is the policy of the state that every student who has a home language other than English and who is identified as an English language learner shall be provided a full opportunity to participate in a bilingual education or English as a second language (ESL) program.

DEFINITIONS

"Student of limited English proficiency (LEP)" means a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary classwork in English.

"English language learner" is a person who is in the process of acquiring English and has another language as the first native language.

The terms English language learner and LEP student are used interchangeably.

"Parent" includes a legal guardian of a student.

DISTRICT RESPONSIBILITY

Each district shall:

1. Identify English language learners based on criteria established by the state;
2. Provide bilingual education and ESL programs as integral parts of the regular program;
3. Seek certified teaching personnel to ensure that English language 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 39 to ensure accountability for English language learners and the schools that serve them.

Education Code 29.052; 19 TAC 89.1201(a), .1203

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 20 school days of the enrollment of LEP students. 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. A professional bilingual educator;
2. A professional transitional language educator;
3. A parent of a LEP student; and
4. A campus administrator.

A district may add other members to the committee in any of the required categories. If a district does not have an individual in one or more of the job classifications required, it shall designate another professional staff member to serve on the LPAC.

In districts and grade levels at which a district is not required to provide a bilingual education program, the LPAC shall be composed of one or more professional personnel, a campus administrator, and a district-designated parent of a LEP student.

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

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

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

DUTIES

The LPAC shall have the duties set forth at Education Code 29.063(c) and 19 Administrative Code 89.1220(g)–(i), (k).

HOME LANGUAGE SURVEY

Within four weeks of each student's enrollment, a district shall conduct a home language survey to determine the language normally used in the home and the language normally used by the student. The home language survey shall be conducted in English and in the home language, and signed by the student's parents if the student is in prekindergarten through grade 8, or by the student if the student is in grades 9 through 12. The original copy of the survey shall be retained in the student's permanent record.

A district shall conduct only one home language survey of each student. The home language survey shall be administered to each student new to the district and to students previously enrolled who were not surveyed in the past.

The home language survey shall contain the following questions:

1. "What language is spoken in your home most of the time?"
2. "What language does your child speak most of the time?"

Additional information may be collected by a district and recorded on the home language survey.

The home language survey shall be used to establish the student's language classification for determining whether a district is required to provide a bilingual education or ESL program. If a student is identified through the home language survey as normally speaking a language other than English, the student shall be tested in accordance with 19 Administrative Code 89.1225 and additionally for students with disabilities, 19 Administrative Code 89.1230.

Education Code 29.056(a)(1); 19 TAC 89.1215

LEP CLASSIFICATION

The LPAC may classify a student as LEP if:

1. The student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;
2. The student's score or relative degree of achievement on the TEA-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;
3. The student's primary language proficiency score as measured by a TEA-approved test is greater than the student's proficiency in English; or
4. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

Education Code 29.056(c)

PARENTAL NOTICE AND CONSENT

Within ten days of the LPAC's classification of a student as LEP, the LPAC shall give written notice to the student's parent. The notice must be in English and in the parent's primary language. The notice shall inform the parents of the benefits of the program for

which the student is recommended and that it is an integral part of the school program.

The entry or placement of a student in the bilingual education or ESL program must be approved in writing by the student's parent.

Pending parent approval, a district shall place the student in the recommended program, but may count only those students with parent approval for bilingual education allotment.

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

1. The student is 18 years of age or has had the disabilities of minority removed;
2. Reasonable attempts to inform and obtain permission from a parent or guardian have been made and documented;
3. Approval is obtained from:
    a. An adult whom the district recognizes as standing in parental relation to the student, including a foster parent or employee of a state or local governmental agency with temporary possession or control of the student; or
    b. The student, if no parent, guardian, or other responsible adult is available; or
4. A parent or guardian has not objected in writing to the proposed entry, exit, or placement.

Education Code 29.056(a), (d); 19 TAC 89.1220(j), (m), .1240(a)

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. The number of participating students who are not LEP may not exceed 40 percent of the number of students enrolled in the program. *Education Code 29.058; 19 TAC 89.1233*

BILINGUAL AND ESL PROGRAMS

Each district with an enrollment of 20 or more LEP students in any language classification in the same grade level district-wide shall offer a bilingual education or special language program, as follows:

1. Kindergarten through elementary grades: a district shall provide a bilingual education program by offering dual language instruction using one of the four bilingual program models described in 19 Administrative Code 89.1210(d). [See BILINGUAL EDUCATION PROGRAM MODELS, below]

2. Post-elementary through grade 8: a district shall offer bilingual education, ESL, or other transitional language instruction approved by TEA.

3. Grades 9 through 12: a district shall provide ESL instruction by offering an ESL program using one of the two models described at 19 Administrative Code 89.1210(g). [See ESL PROGRAM MODELS, below]

If a program other than bilingual education must be used in kindergarten through the elementary grades, documentation for the exception must be filed with and approved by TEA.

Education Code 29.053(c), (d), .054; 19 TAC 89.1205

PROGRAM CONTENT

A district's bilingual education program shall 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 amount of instruction in each language within the bilingual education program shall be commensurate with the students' level of proficiency in each language and their level of academic achievement.

The bilingual education program shall address the affective, linguistic, and cognitive needs of English language learners as described at 19 Administrative Code 89.1210(c).

An ESL program shall be an intensive program of instruction in English from teachers trained in recognizing and dealing with language differences. Instruction in ESL shall be commensurate with the student's level of English proficiency and his or her level of academic achievement.

A district shall provide for ongoing coordination between the ESL program and the regular educational program. The ESL program shall address the affective, linguistic, and cognitive needs of English language learners as described at 19 Administrative Code 89.1210(f).

The bilingual education and ESL programs shall be an integral part of the regular educational program required under 19 Administrative Code Chapter 74 (Curriculum Requirements).

The bilingual or ESL program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds.

A district shall modify the instruction, pacing, and materials of bilingual and ESL programs to ensure that English language learners

have a full opportunity to master the essential knowledge and skills of the required curriculum. Students participating in the bilingual education program may demonstrate their mastery of the essential knowledge and skills in either their home language or in English for each content area.

Students enrolled in the bilingual or ESL programs shall be placed in classes with other students of approximately the same age and level of educational attainment. A district shall ensure that each student's instruction is appropriate to the student's level of educational attainment, and the district shall keep adequate records of the educational level and progress of each student enrolled in the program.

LEP students shall participate fully with English-speaking students in regular classes provided in subjects such as art, music, and physical education. A district shall provide students enrolled in the bilingual or ESL program a meaningful opportunity to participate fully with other students in all extracurricular activities. Elective courses may be taught in a language other than English.

Education Code 29.055, .057(b); 19 TAC 89.1210(a)

BILINGUAL EDUCATION PROGRAM MODELS

The bilingual education program shall be implemented with consideration for each English language learner's unique readiness level through one of the following program models:

1. Transitional bilingual/early exit;
2. Transitional bilingual/late exit;
3. Dual language immersion/two-way; or
4. Dual language immersion/one-way.

19 TAC 89.1210(d)

ESL PROGRAM MODELS

The ESL program shall be implemented with consideration for each English language learner's unique readiness level through one of the following program models:

1. ESL/content-based program model; or
2. ESL/pull-out program model.

19 TAC 89.1210(g)

DUAL LANGUAGE IMMERSION PROGRAM

"Dual language immersion" is an educational approach in which students learn two languages in an instructional setting that integrates subject content presented in English and another language. Models vary depending on the amount of each language used for instruction at each grade level. The program must be based upon

instruction that adds to the student's first language. The implementation of a dual language immersion program (DLIP) model is optional. *19 TAC 89.1203*

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

IMPLEMENTATION

Program implementation should:

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

19 TAC 89.1227

MINIMUM REQUIREMENTS

A DLIP must:

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 a minimum of 50 percent of instructional time in the language other than English.
4. Be developmentally appropriate and based on current best practices research.

19 TAC 89.1227

ENROLLMENT

Student enrollment in a DLIP is optional. The program must fully disclose candidate selection criteria and ensure that access to the program is not based on race, creed, color, religious affiliation, age, or handicapping condition. A district must obtain written parental approval for student participation in the program sequence and model established by the district.

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

1. Eligibility criteria;
2. Program purpose;

3. Grade levels in which the program will be implemented;
4. Support of program goals as stated in 19 Administrative Code 89.1210 (Program Content and Design); and
5. Expectations for students and parents.

19 TAC 89.1228

EVALUATION

A district implementing a DLIP must conduct annual formative and summative evaluations collecting a full range of data to determine program impact on student academic success.

The success of a DLIP is evident by students in the program demonstrating high levels of language proficiency in English and the other language and mastery of the Texas essential knowledge and skills for the foundation and enrichment areas. Indicators of success may include scores on statewide student assessments in English, statewide student assessments in Spanish (if appropriate), norm-referenced standardized achievement tests in both languages, and/or language proficiency tests in both languages.

19 TAC 89.1267

SCHOOL DISTRICT RECOGNITION

An exceptional DLIP may be recognized by the board using the following criteria:

1. The district must exceed the minimum requirements stated in 19 Administrative Code 89.1227.
2. The district must not receive the lowest performance rating in the state accountability system.
3. The district must not be identified for any stage of intervention for the district's bilingual and/or ESL program under the performance-based monitoring system.
4. The district must meet the adequate yearly progress participation and performance criteria in reading and mathematics for the English language learner student group under Elementary and Secondary Education Act (ESEA) regulations.

STUDENT RECOGNITION

A student participating in a DLIP may be recognized by the program and the board using the following criteria:

1. The student must meet or exceed statewide student assessment passing standards in all subject areas at the appropriate grade level.
2. The student must meet or exceed expected levels of language proficiency on a recognized language proficiency test from the list of tests approved by the Commissioner.

19 TAC 89.1269

FACILITIES

Bilingual education and special language programs shall be located in a district's regular schools rather than in separate facilities. A district may concentrate the programs at a limited number of schools, provided that the enrollment in those schools shall not exceed 60 percent LEP students. Recent immigrant English language learners enrolled in newcomer centers shall return to home campuses no later than two years after initial enrollment in a newcomer program. *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 and special education 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 program if the student's district of residence does not provide an appropriate program. The tuition for the student shall be paid by the district of residence.

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.

Education Code 29.059; 19 TAC 89.1220(l)

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 PROGRAM

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.

Neither the summer program nor the other programs may substitute for the program 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)*

If a district is unable to hire a sufficient number of teachers with bilingual teaching or ESL certificates, the district may file an application for exception with TEA, in accordance with 19 Administrative Code 89.1207. *Education Code 29.054; 19 TAC 89.1207*

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 notify parents of a student's reclassification as English proficient and his or her exit from the bilingual or ESL program. *19 TAC 89.1240(b)*

POST-EXIT MONITORING

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

PEIMS REPORTING REQUIREMENTS

A district that is required to offer bilingual education or special language programs shall include the following information in the district's Public Education Information Management System (PEIMS) report:

1. Demographic information on students enrolled in district bilingual education or special language programs;
2. The number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by the district; and
3. The number and percentage of students identified as LEP students who do not receive specialized instruction.

Education Code 29.066(a)

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.

EXEMPTION

A district may apply to the Commissioner for an exemption from the requirement that it provide a free prekindergarten program if the district would be required to construct classroom facilities in order to provide the program.

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, as defined by federal law [see FD(LEGAL)], 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; or
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.

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.

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.

HALF-DAY BASIS

A free prekindergarten class shall be operated on a half-day basis.

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

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; 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) (regarding 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)*

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)

REPORT

The district shall report annually to TEA, on a form prescribed by the Commissioner, the strategies implemented by the district to increase community awareness of prekindergarten programs offered by the district. The report may be combined, at the discretion of the Commissioner, with another report that the district submits to TEA. TEA shall post the report on the TEA website. *Education Code 29.1534*

HIGH-QUALITY PREKINDERGARTEN GRANT PROGRAM

From funds appropriated for that purpose, the Commissioner shall establish a grant funding program under which funds are awarded to districts to implement a prekindergarten grant program under Education Code Chapter 29, Subchapter E-1.

A district may participate in and receive funding under the program if the district meets all program standards required under Subchapter E-1. A program is subject to any other requirements imposed by law that apply to a prekindergarten program.

Education Code 29.165

FUNDING

A student qualifies for additional funding if the student satisfies eligibility requirements under Education Code 29.153(b) and is four years old on September 1 of the year the student begins the program.

A school district that receives the funding may use the funding only to improve the quality of the district's prekindergarten programs.

Education Code 29.166

CURRICULUM AND TEACHER REQUIREMENTS

A district shall select and implement a curriculum for a prekindergarten grant program that:

1. Includes the prekindergarten guidelines established by 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.

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. Be employed as a prekindergarten teacher in a district that has received approval from the Commissioner for the district's prekindergarten-specific instructional training plan that the teacher uses in the teacher's prekindergarten classroom; or
5. 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 school 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.

Education Code 29.167

FAMILY ENGAGEMENT PLAN

A district shall develop and implement a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education. The family engagement plan must be based on family engagement strategies established by TEA. *Education Code 29.168*

PROGRAM EVALUATION

A school district shall:

1. Select and implement appropriate methods for evaluating the district's program classes 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.

Education Code 29.169

ELIGIBLE PRIVATE PROVIDERS

A district participating in the grant 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 school 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 prekindergarten 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

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 prereading instruction for the purpose of directly improving prereading skills and for identifying cost-effective models for prereading intervention. Grants funds shall be used for:

1. Professional staff development in prereading instruction;
2. Prereading curriculum and materials;
3. Prereading skills assessment materials; and
4. Employment of prereading instructors.

Education Code 29.157

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 school 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)

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*

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)*

MANDATORY RECOGNITION DATES

A district shall regularly observe the following recognition days, weeks, and months by appropriate programs, celebrations, and activities:

WOMEN'S INDEPENDENCE DAY

August 26: Women's Independence Day, to commemorate the ratification in 1920 of the Nineteenth Amendment to the United States Constitution, which guaranteed women the right to vote. Women's Independence Day shall be regularly observed by appropriate programs in the public schools to inspire a greater appreciation of the importance of women's suffrage. *Gov't Code 662.051*

HYDROCEPHALUS AWARENESS MONTH

September: Hydrocephalus Awareness Month, to:

1. Increase public awareness of hydrocephalus, a serious neurological condition characterized by the abnormal buildup of cerebrospinal fluids in the ventricles of the brain; and

2. Encourage the development of partnerships between the federal government, health-care professionals, and patient advocacy groups to advance the public's understanding of the condition, improve the diagnosis and treatment of the condition, and support research for a cure.

Hydrocephalus Awareness Month shall be regularly observed by appropriate activities in public schools to increase awareness of hydrocephalus.

Gov't Code 662.106

TEXAS FIRST RESPONDERS DAY

September 11: Texas First Responders Day, in honor of the bravery, courage, and determination of Texas men and women who assist others in emergencies. Texas First Responders Day shall be regularly observed by appropriate ceremonies in the public schools to honor Texas first responders. A district may determine the appropriate ceremonies by which Texas observes Texas First Responders Day. *Gov't Code 662.050*

SEPTEMBER 11

September 11: To commemorate the events of September 11, 2001, in each year that date falls on a regular school day, each public elementary and secondary school shall provide for the observance of one minute of silence at the beginning of the first class period of that day. Immediately before the required period of observance, the class instructor shall make a statement of reference to the memory of individuals who died on September 11, 2001. The required period of observance may be held in conjunction with the minute of silence required by Education Code 25.082. [See EC] *Education Code 25.0821*

CONSTITUTION DAY

September 17: A district that receives federal funds for a fiscal year shall hold an educational program on the United States

Constitution for the students served by the district. *Pub. L. 108-447 (2004)*

CELEBRATE FREEDOM WEEK

Week of September 17: Celebrate Freedom Week, to educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded. *Education Code 29.907*

APPROPRIATE INSTRUCTION

Each social studies class shall include, during Celebrate Freedom Week or during another full school week as determined by the board, appropriate instruction concerning the intent, meaning, and importance of the Declaration of Independence and the United States Constitution, including the Bill of Rights, in their historical context.

The study of the Declaration of Independence must include the study of the relationship of the ideas expressed in that document to subsequent American history, including the relationship of its ideas to the rich diversity of our people as a nation of immigrants, the American Revolution, the formulation of the United States Constitution, and the abolitionist movement, which led to the Emancipation Proclamation and the women's suffrage movement.

19 TAC 74.33(a)

RECITATION

Each district shall require that, during Celebrate Freedom Week or other prescribed week of instruction, students in grades 3–12 study and recite the following text: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness — That to secure these Rights, Governments are instituted among Men, deriving their Just Powers from the Consent of the Governed."

EXCEPTION

Each district shall excuse from recitation a student:

1. Whose parent or guardian submits to the district a written request that the student be excused;
2. Who, as determined by the district, has a conscientious objection to the recitation; or
3. Who is the child of a representative of a foreign government to whom the United States government extends diplomatic immunity.

19 TAC 74.33(b), .36

AMERICAN INDIAN HERITAGE DAY

The last Friday in September is in recognition of the historic, cultural, and social contributions American Indian communities and leaders have made to Texas. American Indian Heritage Day shall

	be regularly observed by appropriate ceremonies, activities, and programs in public schools to honor American Indians in Texas and to celebrate the rich traditional and contemporary American Indian culture. *Gov't Code 662.057*
FATHER OF TEXAS DAY	November 3: Father of Texas Day, in memory of Stephen F. Austin, the great pioneer patriot and the real and true Father of Texas. Father of Texas Day shall be regularly observed by appropriate and patriotic programs in the public schools to properly commemorate the birthday of Stephen F. Austin and to inspire a greater love for this beloved state. *Gov't Code 662.045*
SAM RAYBURN DAY	January 6: Sam Rayburn Day, in memory of that great Texas and American statesman, Sam Rayburn. Sam Rayburn Day shall be regularly observed by appropriate programs in the public schools to commemorate the birthday of Sam Rayburn. *Gov't Code 662.041*
STATE OF TEXAS ANNIVERSARY REMEMBRANCE DAY	February 19: State of Texas Anniversary Remembrance Day (STAR Day), in honor of Texas joining the Union and the day that James Pinckney Henderson became the first governor of the state of Texas in 1846. STAR Day shall be regularly observed by appropriate and patriotic programs in the public schools to properly commemorate the annexation of this state and to inspire a greater appreciation for the history of this state. *Gov't Code 662.047*
TEXAS HISTORY MONTH	March: Texas History Month, in honor of those Texans who helped shape the history of the state of Texas and in recognition of events throughout Texas's history. Texas History Month shall be regularly observed by appropriate celebrations and activities in public schools to promote interest in and knowledge of Texas history. *Gov't Code 662.102*
PUBLIC SCHOOL PARAPROFESSIONAL DAY	The second Wednesday in May: Public School Paraprofessional Day, in recognition of education paraprofessionals including teacher assistants, instructional aides, educational trainers, library attendants, bilingual assistants, special education associates, mentors, and tutors. Public School Paraprofessional Day shall be regularly observed by appropriate ceremonies and activities in the public schools to properly recognize the paraprofessionals who have made tremendous contributions to the educational process. *Gov't Code 662.049*
GENERATION TEXAS WEEK	Each district offering middle school, junior high school, or high school grade levels shall designate one week during the school year as Generation Texas Week. During the designated week, each middle school, junior high school, and high school shall provide students with comprehensive grade-appropriate information about the pursuit of higher education, including:

1. Higher education options;
2. Standard admission requirements for institutions of higher education, including:
    a. Overall high school grade point average;
    b. Required curriculum;
    c. College readiness standards and expectations as determined under Education Code 28.008; and
    d. Scores necessary on generally recognized tests or assessment instruments used in admissions determinations, including the Scholastic Assessment Test and the American College Test;
3. Automatic admission of certain students to general academic teaching institutions under Education Code 51.803 [see EIC]; and
4. Financial aid availability and requirements, including the financial aid information provided by counselors under Education Code 33.007(b) [see EJ].

In addition, each middle school, junior high school, and high school shall provide to students at least one public speaker to promote the importance of higher education.

Education Code 29.911

OPTIONAL RECOGNITION DATES

In addition, a district may observe the following recognition days, weeks, or months, by appropriate celebrations and activities:

DR. HECTOR P. GARCIA DAY

Third Wednesday of September: Dr. Hector P. Garcia Day, in memory of the significant contributions to the Mexican American civil rights movement of Dr. Hector P. Garcia, a distinguished physician and a recipient of the Presidential Medal of Freedom and the founder of the American GI Forum, which promotes civil rights protection of Hispanic veterans and all Americans. Dr. Garcia, a World War II hero, was awarded a Bronze Star Medal with six battle stars in recognition of his meritorious service to the United States. Dr. Hector P. Garcia Day may be regularly observed by appropriate ceremonies and activities in the public schools to properly commemorate the importance of the contributions made by Dr. Garcia.
Gov't Code 662.055

PERSONS WITH DISABILITIES HISTORY AND AWARENESS MONTH	October: Persons with Disabilities History and Awareness Month, to increase public awareness of the many achievements of people with disabilities; encourage public understanding of the disability rights movement; and reaffirm the local, state, and federal commitment to providing equality and inclusion for people with disabilities. A district may elect to observe Persons with Disabilities History and Awareness Month and determine the appropriate activities by which the school observes Persons with Disabilities History and Awareness Month. *Gov't Code 662.109*
TEXAS NATIVE PLANT WEEK	Third week in October: Texas Native Plant Week, to celebrate the native plants of Texas. Texas Native Plant Week may be regularly observed in public schools with programs to appreciate, explore, and study Texas native plants. *Gov't Code 662.154*
LUNG CANCER AWARENESS MONTH	November: Lung Cancer Awareness Month, to increase awareness of lung cancer and encourage funding of research and more effective treatments. Lung Cancer Awareness Month may be regularly observed by appropriate activities in public schools to increase the awareness of lung cancer and support for lung cancer research. *Gov't Code 662.104*
HUMAN TRAFFICKING PREVENTION MONTH	January is Human Trafficking Prevention Month to increase awareness of human trafficking in an effort to encourage people to alert authorities to any suspected incidents involving human trafficking. Human Trafficking Prevention Month may be regularly observed through appropriate activities in public schools and other places to increase awareness and prevention of human trafficking. *Gov't Code 662.107*
IWO JIMA DAY	February 19 is Iwo Jima Day in memory of the heroism and courage of the men and women of the armed forces of the United States who participated in the successful capture of the island of Iwo Jima beginning February 19, 1945. Iwo Jima Day may be regularly observed through appropriate activities in public schools and other places. *Gov't Code 662.062*
CHILD SAFETY MONTH	April: Child Safety Month, in recognition of the children of this state as this state's most precious resource. Child Safety Month is meant to ensure that the children of this state grow up in a safe and supportive environment by promoting their protection and care through increased public awareness of ways to reduce accidental injury and death through the use of bicycle helmets, seat belts, safety and booster seats, and smoke alarms, and the dangers presented to children by unattended and unlocked vehicles and by being left in closed vehicles during hot or sunny weather. Child Safety Month may be regularly observed by appropriate celebrations and activities in public schools to promote the protection and care of children in this state. *Gov't Code 662.105*

CHARACTER EDUCATION

A district may provide a character education program, which must:

1. Stress positive character traits, such as:
    a. Courage;
    b. Trustworthiness, including honesty, reliability, punctuality, and loyalty;
    c. Integrity;
    d. Respect and courtesy;
    e. Responsibility, including accountability, diligence, perseverance, and self-control;
    f. Fairness, including justice and freedom from prejudice;
    g. Caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity;
    h. Good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law; and
    i. School pride;
2. Use integrated teaching strategies; and
3. Be age appropriate.

In developing or selecting a character education program under this section, a school 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

STUDENT ELECTIONS

An election for the participation of students in kindergarten through grade 12 may be held in conjunction with a general, special, or primary election. The student election may be ordered by:

1. The commissioners court, for a student election held in conjunction with an election ordered by the governor or a county authority;
2. The governing body of a political subdivision, for a student election held in conjunction with an election of the political subdivision; or

3. The county executive committee, for a student election held in conjunction with a primary election.

A student election may be held only on election day or the day before election day.

The authority ordering a student election shall specify in the order each grade that may participate in the election. A student in a specified grade may enter a precinct polling place for the purpose of casting an unofficial ballot in the student election on the same offices and measures that appear on the official ballot.

The election officers serving in the official election may not serve in the student election. The authority ordering a student election shall appoint a separate set of election officers to conduct the student election, supervise the participating students, and tabulate and report the results of that election. The authority ordering a student election shall make the results of that election available to the public but only after the polling places are closed on election day.

Expenses incurred in the conduct of a student election, including any personnel expenses, may be paid only from private grant funds or donations.

Election Code 276.007

The purpose of a High School Equivalency Program (HSEP) approved by the Commissioner is to prepare eligible students to take the high school equivalency examination. *19 TAC 89.1401*

AUTHORIZATION FOR PROGRAM

A district may apply for authorization to operate an HSEP. A board must hold a public hearing concerning the proposed application before applying to operate an HSEP. *Education Code 29.087(b), (k)(1); 19 TAC 89.1405(a), .1407*

A cooperative of districts may apply for permission to operate a cooperative HSEP if it operates pursuant to a written agreement. The fiscal agent of a cooperative HSEP is responsible for complying with the requirements of 19 Administrative Code Chapter 89, Subchapter DD. *19 TAC 89.1405(b)*

A district authorized by the Commissioner on or before August 31, 2003, to operate an HSEP may continue to operate the program. *Education Code 29.087(b-1); 19 TAC 89.1417(b), (e)*

OPERATION OF PROGRAM

A student enrolled in an HSEP must be offered, at a minimum, a seven-hour school day and a 180-day instructional year calendar. However, a student may attend the HSEP a maximum of 600 minutes, or ten hours of instruction per day. A student may be enrolled in only an HSEP or may be enrolled in an HSEP in combination with regular attendance and/or special program attendance during the school day. *Education Code 29.087(c); 19 TAC 89.1411(a), (d), .1417(d)*

Enrollment in an HSEP may not exceed by more than five percent the total number of students enrolled in a similar program operated by a district during the 2000–01 school year. *19 TAC 89.1417(c)*

ANNUAL REVIEW

A board must hold a public hearing annually to review the performance of the HSEP.

HSEPs shall be required to submit annually one progress report as instructed by the General Educational Development Testing Service (GEDTS) to TEA.

Education Code 29.087(k)(2); 19 TAC 89.1407, .1417(a)

STUDENT ELIGIBILITY

A student is eligible to participate in the HSEP if:

COURT-ORDERED

1. The student has been ordered by a court under Family Code 65.103, or by the Texas Juvenile Justice Department, to:

    a. Participate in a preparatory class for the high school equivalency examination; or

    b. Take the high school equivalency examination administered under Education Code 7.111; or

STUDENT AT RISK

2. The following conditions are satisfied:

   a. The student is at least 16 years of age at the beginning of the school year or semester;

   b. The student is a student at risk of dropping out of school [see EHBC];

   c. The student and the student's parent or guardian agree in writing to the student's participation; and

   d. At least two school years have elapsed since the student first enrolled in ninth grade and the student has accumulated less than one-third of the credits required to graduate under the minimum graduation requirements of a district.

Education Code 29.087(d); 19 TAC 89.1403

STATE ASSESSMENT

A student enrolling in an HSEP must take:

1. Prior to entering the program, the following assessments, as applicable:

   a. If the student first enters grade 9 prior to the 2011–12 school year, the student must take the grade 9 Texas Assessment of Knowledge and Skills (TAKS) assessment in reading and mathematics; or

   b. If the student first enters grade 9 during or after the 2011–12 school year, the student must take the end-of-course (EOC) assessments for Algebra I and English I. Released grade 9 TAKS assessments may be used until the applicable EOC has been released. The local school district shall be responsible for scoring the released assessment.

   If the student took a higher grade level assessment before enrollment, the student has met this requirement;

2. Each TAKS or EOC assessment instrument required to be administered during the student's enrollment in the HSEP; and

3. The assessments listed above before taking the high school equivalency examination.

A student entering an HSEP by order of the court or the Texas Juvenile Justice Department is exempt from these assessment requirements.

Education Code 29.087(f); 19 TAC 89.1409(a)–(b) [See EKB]

GED TESTING

A district must inform each student who has completed the program of the time and place at which the student may take the high school equivalency examination. A district wanting to serve as a General Education Development (GED) testing center must obtain authorization from TEA, pursuant to 19 Administrative Code 89.42.

A district must present to the GED testing center, on a form provided by the TEA, proof that a student has been administered the assessment instruments.

19 TAC 89.1409(c), (d)

EXTRACURRICULAR PARTICIPATION

A student enrolled in an HSEP may not participate in a competition or activity sanctioned by the University Interscholastic League. *Education Code 29.087(g); 19 TAC 89.1415*

With board approval, a district shall develop or purchase examinations for acceleration that thoroughly test the essential knowledge and skills for each primary school grade level and for credit for secondary school academic subjects.

KINDERGARTEN–GRADE 5

A district shall develop procedures for kindergarten acceleration that are approved by the board.

A district shall accelerate a student in grades 1–5 one grade level if the student meets the following requirements:

1. The student scores 80 percent or above on a criterion-referenced test for the grade level to be skipped in each of the following areas: language arts, mathematics, science, and social studies;
2. A district representative recommends that the student be accelerated; and
3. The student's parent or guardian gives written approval of the acceleration.

GRADES 6–12

A district shall give a student in grades 6–12 credit for an academic subject in which the student has received no prior instruction if the student scores:

1. A three or higher on a College Board advanced placement examination that has been approved by the board for the applicable course;
2. A scaled score of 50 or higher on an examination administered through the College-Level Examination Program (CLEP) and approved by the board for the applicable course; or
3. Eighty percent or above on any other criterion-referenced test approved by the board for the applicable course.

If a student is given credit in a subject on the basis of an examination on which the student scored 80 percent or higher, a district shall enter the examination score on the student's transcript and the student is not required to take an end-of-course (EOC) assessment instrument under Education Code 39.023(c) for the course.

BOARD-APPROVED EXAMINATIONS

The board shall approve for each high school course, to the extent available, at least four examinations that shall include College Board advanced placement examinations and examinations administered through CLEP.

The examinations may be developed by Texas Tech University, The University of Texas at Austin, the school district, or another entity.

If using a district-developed examination or an examination developed by another entity, prior to the first administration, a district must certify that the examination:

1. Covers all assessable Texas essential knowledge and skills for the course;
2. Has not been published and is not publicly available;
3. Will only be administered in a secure environment under standardized conditions by a school district or institution of higher education;
4. Has been externally validated;
5. Is equivalent to state level EOC assessment instruments in terms of content coverage, item difficulty, and technical quality;
6. Yields comparable results for all subgroups; and
7. If for a course that has a state level EOC assessment instrument, is validated against the applicable EOC assessment. For a course that is validated for this purpose, a school district must make public:
    a. The test development process; and
    b. The results of the validation efforts.

District-developed examinations for courses that do not have an EOC assessment shall meet all validation requirements at items 1–7 above no later than the 2018–19 school year for each examination offered for credit.

Examinations developed by Texas Tech University and The University of Texas at Austin for courses that do not have a state EOC assessment shall meet all requirements at items 1–7 above not later than the 2018–19 school year for each of its examinations offered for credit.

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination.

ANNUAL ADMINISTRATION

A district shall administer each exam approved by the board not fewer than four times each year. A district must provide windows to test between January 1 and March 31, April 1 and June 30, July 1 and September 30, and October 1 and December 31, unless the exam's administration date is established by an entity other than the district. The days need not be consecutive but shall be designed to meet the needs of all students. The dates must be publicized in the community.

A district may allow a student to accelerate at a time other than those described above by developing a cost-free option approved by the board that allows students to demonstrate academic achievement or proficiency in a subject or grade level.

LIMITATIONS ON TAKING EXAMINATIONS

A student may not attempt to earn credit by examination for a specific high school course more than two times.

If a student fails to earn credit by examination for a specific high school course before the beginning of the school year in which the student would ordinarily be required to enroll in that course in accordance with the district's prescribed course sequence, the student must satisfactorily complete the course to receive credit for the course.

FEES

A district shall not charge for examinations for acceleration. If a parent requests an alternative examination, the district may administer and recognize results of a test purchased by the parent or student from Texas Tech University or the University of Texas at Austin.

Education Code 28.023; 19 TAC 74.24, 101.3021(c)

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 (TxVSN), see EHDE and www.txvsn.org.

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 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; and

2. For which a student may earn credit concurrently toward both the student's high school diploma and postsecondary academic requirements.

A district is not required to pay a student's tuition or other associated costs for taking a course under this section.

Education Code 28.009

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
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 a public two-year associate degree–granting institution or a public university.

"Dual credit" means the process by which a high school student enrolls in a college course and receives simultaneous academic credit for the course from both the college and high school.

19 TAC 4.83(2), (4)

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. *Education Code 130.008(d)*

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 Texas Higher Education Coordinating Board.

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. [See FEB] *Education Code 42.005*

The Commissioner 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 42.0052(a)*

Time that a student participates in an off-campus instructional program approved by the Commissioner under Education Code 42.0052(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 42.005(h)*

PARTNERSHIP AGREEMENT

The board of a district and the governing board of a college must approve any dual credit partnership between the schools before offering such courses.

The partnership agreement must address:

1. Eligible courses;
2. Student eligibility;
3. Location of class;
4. Student composition of class;
5. Faculty selection, supervision, and evaluation;
6. Course curriculum, instruction, and gathering;
7. Academic policies and student support services;
8. Transcripting of credit; and
9. Funding.

19 TAC 4.84–.85

INSTRUCTIONAL PARTNERSHIPS WITH COMMUNITY COLLEGE DISTRICTS

Types of instructional partnerships between a district and a community college district include:

1. Award of High School Credit Only (see HIGH SCHOOL CREDIT-ONLY COURSES, below).
2. Award of Dual Credit (see DUAL CREDIT PROGRAMS, above).
3. Tech-Prep Programs (see TECH-PREP PROGRAMS, below).
4. Remedial or Developmental Instruction for High School Graduates (see REMEDIAL PROGRAMS, below).
5. College Preparatory Courses for High School Students (see COLLEGE PREPARATORY COURSES, below)

19 TAC 9.143

AGREEMENT

For any educational partnership between a district and a community college district, an agreement must be approved by the

board or designee of both the district and the college district. The partnership agreement must address the following:

1. Student eligibility requirements.
2. Faculty qualifications.
3. Location and student composition of classes.
4. Provision of student learning and support services.
5. Eligible courses.
6. Grading criteria.
7. Transcripting of credit.
8. Funding provisions.

19 TAC 9.144

HIGH SCHOOL CREDIT-ONLY COURSES

A district may contract with a community college district for the college district to provide coursework necessary for students to complete high school as described in 19 Administrative Code 9.125. The district and college district shall negotiate an agreed cost for instruction. *19 TAC 9.125, .143(a)*

TECH-PREP PROGRAMS

A district may partner with a college district to allow for the articulation of high school technical courses taught by the high school to high school students for immediate high school credit and later college credit, to be awarded upon enrollment of the students in the college district in an associate degree or certificate program. *19 TAC 9.143(c)*

REMEDIAL PROGRAMS

A board may contract, as outlined in 19 Administrative Code 9.125, with the board of the community college district in which a district is located for the college district to provide remedial programs for students enrolled in a district's secondary schools in preparation for graduation from secondary school and entrance into college.

Community colleges may provide instruction to high school students for either remedial course work to prepare students to pass the required State of Texas Assessments of Academic Readiness End-of-Course (STAAR EOC) assessments or developmental course work to prepare the students to pass an assessment instrument approved by the board under 19 Administrative Code 4.56 (relating to Assessment Instruments).

High school students who have passed all of the STAAR EOC assessments with the high school graduation standard may be permitted to enroll in state-funded developmental courses offered by a community college at the college's discretion if a need for such

course work is indicated by student performance on an assessment instrument approved by the board under 19 Administrative Code 4.56 (relating to Assessment Instruments).

The district and college district shall negotiate an agreed cost for instruction. Remedial and developmental courses may not be offered for dual credit.

Education Code 130.090; 19 TAC 9.125, .143(d), .146

COLLEGE PREPARATORY COURSES

College Preparatory Courses are locally developed through a memorandum of understanding created between school districts and community colleges. *19 TAC 9.147*

CERTAIN ACADEMIES

A district shall grant a student a maximum of two years' credit toward the academic course requirements for high school graduation for courses successfully completed at the Texas Academy of Leadership in the Humanities (at Lamar University—Beaumont), the Texas Academy of Mathematics and Science (at the University of Texas—Brownsville or University of North Texas—Denton), or the Texas Academy of International Studies (at Texas A&M University—Laredo). *Education Code 28.024*

DISTANCE LEARNING AND CORRESPONDENCE COURSES

Credit toward state graduation requirements may be granted for distance learning and correspondence courses only as follows:

1. The institution offering the correspondence course is The University of Texas at Austin, Texas Tech University, or another public institution of higher education approved by the Commissioner.
2. Students may earn course credit through distance learning technologies such as satellite, Internet, two-way videoconferencing, online courses, the Texas Virtual School Network (TxVSN), and instructional television.
3. The distance learning and correspondence courses must include the state-required essential knowledge and skills for such a course.

19 TAC 74.23

TEXAS VIRTUAL SCHOOL NETWORK

The TxVSN is a state-led initiative for online learning authorized by Education Code Chapter 30A. The TxVSN is a partnership network administered by TEA in coordination with regional education service centers (ESCs), Texas public school districts and charter schools, institutions of higher education, and other eligible entities.

The TxVSN is comprised of two components—the online school (OLS) program and the statewide course catalog.

19 TAC 70.1001(4)

"ONLINE SCHOOL (OLS) PROGRAM"

"Online School (OLS) program" is a full-time, virtual instructional program that is made available through an approved course provider and is designed to serve students in grades 3–12 who are not physically present at school. *19 TAC 70.1001(7)*

A TxVSN OLS may serve students in grades 3–12 but may not serve students in kindergarten–grade 2.

A school district that operates a TxVSN OLS that serves students in full-time virtual instruction shall, prior to the start of each academic year, notify TEA of grade levels to be served and the total number of students to be served during that academic year. A school district may not add grade levels after the start of the school year.

A TxVSN OLS or a school district wishing to add additional grade levels to its online program shall certify that the OLS has courses sufficient to comprise a full instructional program for each additional grade level to be served by the OLS prior to serving that grade level.

School districts approved to serve as TxVSN OLSs shall follow the TEA procedures related to obtaining a campus number for the virtual campus through which they serve their TxVSN OLS students.

School districts serving as TxVSN OLSs must follow all requirements in 19 Administrative Code 70.1011.

19 TAC 70.1011

"STATEWIDE COURSE CATALOG" "Statewide course catalog" is a supplemental online high school instructional program available through approved providers. *19 TAC 70.1001(10)*

COURSE PROVIDERS A TxVSN course provider is an entity that provides an electronic course through the TxVSN. Course providers include TxVSN OLSs and providers in the statewide course catalog. *19 TAC 70.1001(8)*

ELECTRONIC COURSE "Electronic course" means an educational course in which:

1. Instruction and content are delivered primarily over the Internet;
2. A student and teacher are in different locations for a majority of the student's instructional period;
3. Most instructional activities take place in an online environment;
4. The online instructional activities are integral to the academic program;
5. Extensive communication between a student and a teacher and among students is emphasized; and
6. A student is not required to be located on the physical premises of a school district or open-enrollment charter school.

An electronic course is the equivalent of what would typically be taught in one semester. For example: English IA is treated as a single electronic course and English IB is treated as a single electronic course.

Education Code 30A.001(4); 19 TAC 70.1001(1)

OLS ELIGIBILITY To be eligible to serve as a TxVSN OLS, a school district shall:

1. Have a current accreditation status of Accredited under 19 Administrative Code 97.1055 (relating to Accreditation Status);
2. Be rated acceptable under Education Code 39.054;

3. Be rated at the Standard Achievement level or higher under the state financial accountability rating system under 19 Administrative Code 109.1003 (relating to Types of Financial Accountability Ratings);

4. Have met statutory requirements for timely submission of annual audit and compliance reports, Public Education Information Management System (PEIMS) reports, and timely deposits with the Teacher Retirement System, with all records and reports reflecting satisfactory performance;

5. Be in good standing with other programs, grants, and projects administered through TEA; and

6. Have been approved to operate a TxVSN OLS as of January 1, 2013.

19 TAC 70.1009(a)

STATEWIDE COURSE CATALOG PROVIDER ELIGIBILITY

To be eligible to serve as a course provider in the TxVSN statewide course catalog, a district must be rated acceptable under Education Code 39.054. A Texas school district may provide an electronic course through the TxVSN to a student enrolled in that district or school, a student enrolled in another school district or school in the state, or a student who resides in Texas who is enrolled in a school other than a public school district or charter school. *19 TAC 70.1007(a)*

GENERAL REQUIREMENTS

TxVSN course providers shall:

1. Provide the TxVSN receiver district in which each TxVSN student is enrolled with written notice of a student's performance in the course at least once every 12 weeks;

2. Provide the TxVSN receiver district in which each TxVSN student is enrolled with written notice of a student's performance at least once every three weeks if the student's performance in the course is consistently unsatisfactory, as determined by the TxVSN course provider;

3. Notify students in writing upon enrollment to participate in the TxVSN course with specific dates and details regarding enrollment;

4. Meet all federal and state requirements for educating students with disabilities;

5. Provide a contingency plan for the continuation of instructional services to all TxVSN students allowing them to complete their TxVSN courses in the event that the contract or agreement through which the electronic courses are provided are

terminated or the TxVSN courses become unavailable to students;

6. Ensure a maximum class size limit of 40 students in a single section of a course and ensure that the class size does not exceed the maximum allowed by law, as applicable, whichever is less; and

7. Meet all reporting requirements established by TxVSN central operations, including timely submission of student performance reports, course completion results, catalog data, data required to verify instructor qualifications, and all data necessary for the TxVSN Informed Choice Report required under 19 Administrative Code 70.1031 (relating to Informed Choice Reports).

19 TAC 70.1007(c)

RECEIVER DISTRICT REQUIREMENTS

A district is eligible to serve as a receiver district in the TxVSN statewide course catalog. Each TxVSN receiver district shall:

1. Register as a receiver district with TxVSN central operations;

2. Assign a qualified staff member to serve as the TxVSN coordinator;

3. Enroll a student who resides in Texas and who is enrolled in a school other than a public school district or charter school upon request by the student and/or parent or guardian; and

4. In accordance with 19 Administrative Code 74.26 (relating to Award of Credit), award credit to a student enrolled in the district who has successfully completed all state and local requirements and received a grade that is the equivalent of 70 on a scale of 100, based upon the essential knowledge and skills for a course offered through the TxVSN statewide course catalog.

19 TAC 70.1008

COURSES

All electronic courses to be made available through the TxVSN shall be reviewed and approved prior to being offered in accordance with the course requirements at 19 Administrative Code 70.1005. *19 TAC 70.1005(a)*

An electronic course or program that was offered or could have been offered during the 2008–09 school year under former Education Code 29.909, as that section existed on January 1, 2009, may be offered during a subsequent school year through the TxVSN. *Education Code 30A.006*

STUDENT ELIGIBILITY

GENERALLY

A student is eligible to enroll in a TxVSN course only if the student:

1. On September 1 of the school year is younger than 21 years of age or is younger than 26 years of age and entitled to the benefits of the Foundation School Program under Education Code 42.003;
2. Has not graduated from high school; and
3. Is otherwise eligible to enroll in a public school in this state.

A student is eligible to enroll full-time in courses provided through the TxVSN only if:

1. The student was enrolled in a public school in this state in the preceding school year; or
2. The student has been placed in substitute care in this state, regardless of whether the student was enrolled in a public school in this state in the preceding school year.

EXCEPTION FOR MILITARY DEPENDENTS

A student is eligible to enroll in one or more TxVSN courses or enroll full-time in courses provided through the network if the student:

1. Is a dependent of a member of the United States military;
2. Was previously enrolled in high school in this state; and
3. No longer resides in this state as a result of a military deployment or transfer.

PROVISIONAL ENROLLMENT

If a student has not provided required evidence of eligibility to enroll, a TxVSN OLS may enroll a student provisionally for ten school days and withdraw the student from the OLS if the student does not provide the required evidence of eligibility within ten school days of the provisional enrollment.

Upon enrolling a student provisionally, the TxVSN OLS shall notify the student and the student's parents or guardians that the student will be withdrawn if documentation is not provided within the required timeframe.

Education Code 30A.002; 19 TAC 70.1013

ENROLLED STUDENTS

A student who is enrolled in the district as a full-time student may take one or more electronic courses through the TxVSN. *Education Code 30A.107(b)*

UNENROLLED STUDENTS

A student who resides in this state but who is not enrolled in a school district or open-enrollment charter school in this state as a full-time student may, subject to Education Code 30A.155, enroll in electronic courses through the TxVSN. The student:

1. May not in any semester enroll in more than two electronic courses offered through the TxVSN;
2. Is not considered to be a public school student;
3. Must obtain access to a course provided through the network through the school district or open-enrollment charter school attendance zone in which the student resides;
4. Is not entitled to enroll in a course offered by a school district or open-enrollment charter school other than an electronic course provided through the network; and
5. Is not entitled to any right, privilege, activities, or services available to a student enrolled in a public school, other than the right to receive the appropriate unit of credit for completing an electronic course.

Education Code 30A.107(c)

ENROLLMENT, ADVANCEMENT, AND WITHDRAWAL

A student taking a course through the TxVSN statewide course catalog or a TxVSN OLS program is considered to:

1. Be enrolled in a TxVSN course when he or she begins receiving instruction and actively engages in instructional activities in a TxVSN subject area or course;
2. Have successfully completed a course if the student demonstrates academic proficiency and earns credit for the course, as determined by the TxVSN teacher; and
3. Be, and must be reported as, withdrawn from the TxVSN when the student is no longer actively participating in the TxVSN course or program.

A student taking a course through the TxVSN statewide course catalog:

1. Shall enroll in each TxVSN course through the TxVSN online registration system;
2. Shall be assigned a grade by the TxVSN teacher after the drop period established by TxVSN central operations;
3. May withdraw from a course taken through the TxVSN after the instructional start date without academic or financial penalty within the drop period established by TxVSN central operations; and
4. Shall have the grade assigned by the TxVSN teacher added to the student's transcript by the student's home district.

A student enrolled full time in grades 3–8 must demonstrate academic proficiency sufficient to earn promotion to the next grade, as determined by the TxVSN teacher for the educational program.

19 TAC 70.1015

COMPULSORY ATTENDANCE

Texas public school students are not required to be in physical attendance while participating in courses through a TxVSN OLS or the TxVSN course catalog.

Based upon successful completion of a TxVSN course for students in grades 9–12 or a TxVSN OLS instructional program for students in grades 3–8, students are considered to have met attendance requirements for that course or program. A student who has successfully completed the grade level or course is eligible to receive any weighted funding for which the student is eligible.

For audit purposes, TxVSN course providers and TxVSN receiver districts shall maintain documentation to support the students' successful completion and to support verification of compulsory attendance.

"TxVSN receiver district" means a Texas public school district that has students enrolled in the school district who take one or more online courses through the TxVSN statewide course catalog.

19 TAC 70.1001(9), .1017

LOCAL POLICY

A district shall adopt a written policy that provides students enrolled in the district with the opportunity to enroll in electronic courses provided through the TxVSN statewide course catalog. The policy must be consistent with the requirements regarding notice, enrollment requests, and students with disabilities as described below.

A district shall, at least once per school year, send to a parent of each district student enrolled at the middle or high school level a copy of the policy. A district may send the policy with any other information that the district sends to a parent.

Education Code 30A.007; 19 TAC 70.1033

NOTICE

At the time and in the manner that a district informs students and parents about courses that are offered in the district's traditional classroom setting, the district shall notify parents and students of the option to enroll in an electronic course offered through the TxVSN.

REQUESTS TO ENROLL

Except as provided below, a district may not deny the request of a parent of a full-time student to enroll the student in an electronic course offered through the TxVSN.

A district may deny a request to enroll a student in an electronic course if:

1. A student attempts to enroll in a course load that is inconsistent with the student's high school graduation plan or requirements for college admission or earning an industry certification;

2. The student requests permission to enroll in an electronic course at a time that is not consistent with the enrollment period established by the district providing the course; or

3. The district offers a substantially similar course.

The course provider shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.

If a parent of a student requests permission to enroll the student in a TxVSN course, a district has discretion to select a course provider approved by TEA for the course in which the student will enroll based on factors including the informed choice report required by Education Code 30A.108(b).

APPEALS

A parent may appeal to the Commissioner a district's decision to deny a request to enroll a student in an electronic course offered through the TxVSN. The Commissioner's decision under this subsection is final and may not be appealed.

Education Code 26.0031; 19 TAC 70.1008, .1035

STUDENTS WITH DISABILITIES

For purposes of the policy, the determination of whether or not an electronic course will meet the needs of a student with a disability shall be made by the student's admission, review, and dismissal (ARD) committee in a manner consistent with state and federal law, including the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794. *Education Code 30A.007(b)*

REQUIRED ENROLLMENT PROHIBITED

A school district or open-enrollment charter school may not require a student to enroll in an electronic course. *Education Code 30A.107(d)*

INDUCEMENTS FOR ENROLLMENT PROHIBITED

A course provider may not promise or provide equipment or any other thing of value to a student or a student's parent as an inducement for the student to enroll in an electronic course offered through the TxVSN. The Commissioner shall revoke approval of electronic courses offered by a course provider that violates this prohibition. The Commissioner's action under this section is final and may not be appealed. *Education Code 30A.1052*

COURSE PORTABILITY

A student who transfers from one educational setting to another after beginning enrollment in an electronic course is entitled to continue enrollment in the course. *Education Code 30A.1051; 19 TAC 10.1015(d)*

STUDENT ASSESSMENT

All Texas public school students enrolled in the TxVSN are required to take the statewide assessments as required in Education Code 39.023 [see EKB]. The administration of the assessment instrument to the student enrolled in the electronic course must be supervised by a proctor.

A district shall report to the Commissioner through the Public Education Information Management System (PEIMS) the results of assessment instruments administered to students enrolled in an electronic course offered through the TxVSN separately from the results of assessment instruments administered to other students.

All districts participating in the TxVSN OLS program are included in the state's academic accountability system.

Education Code 30A.110; 19 TAC 70.1023

FUNDING

A district in which a student is enrolled is entitled to funding under Education Code Chapter 42 for the student's enrollment in a TxVSN course in the same manner that the district is entitled to funding for the student's enrollment in courses provided in a traditional classroom setting, provided that the student successfully completes the electronic course.

Funding is limited to a student's enrollment in not more than three electronic courses during any school year, unless the student is enrolled in a full-time online program that was operating on January 1, 2013.

Education Code 30A.153

A district may decline to pay the cost for a student of more than three yearlong electronic courses, or the equivalent, during any school year unless the student is enrolled in a full-time online program that was operating on January 1, 2013. If the district declines to pay the cost, a student is able to enroll in additional electronic courses at the student's cost. *Education Code 26.0031(c-1)*

COURSE COST

A district may charge the course cost for enrollment in a TxVSN course to a student who resides in this state and:

1. Is enrolled in the district as a full-time student with a course load greater than that normally taken by students in the equivalent grade level in other school districts; or

2. Elects to enroll in a TxVSN course for which the district in which the student is enrolled as a full-time student declines to pay the cost as authorized by Education Code 26.0031(c-1).

A district may charge the course cost for enrollment in a TxVSN course during the summer.

A district shall charge the course cost for enrollment in a TxVSN course to a student who resides in this state and is not enrolled in a school district or open-enrollment charter school as a full-time student.

A TxVSN course cost may not exceed the lesser of the cost of providing the course or $400.

A district may decline to pay the course costs for a student who chooses to enroll in more than three year-long electronic courses, or the equivalent, during any school year. This does not limit the ability of the student to enroll in additional electronic courses offered through the TxVSN at the student's expense.

A district that is not the course provider may charge a student enrolled in the district a nominal fee, not to exceed $50, if the student enrolls in a TxVSN course that exceeds the course load normally taken by students in the equivalent grade level.

A course provider in the TxVSN statewide course catalog shall receive:

1. No more than 70 percent of the catalog course cost prior to a student successfully completing the course; and

2. The remaining 30 percent of the catalog course cost when the student successfully completes the course.

Education Code 30A.155(a)–(c-1); 19 TAC 70.1025

EDUCATORS OF ELECTRONIC COURSES

Each instructor of an electronic course, including a dual credit course, offered through the TxVSN by a course provider must be certified under Education Code Chapter 21, Subchapter B, to teach that course and grade level or meet the credentialing requirements of the institution of higher education with which they are affiliated and that is serving as a course provider.

In addition, each instructor must successfully complete one continuing professional development course specific to online learning every three years, and:

1. Successfully complete a professional development course or program approved by TxVSN central operations before teaching an electronic course offered through the TxVSN; or

2. Have a graduate degree in online or distance learning and have demonstrated mastery of the International Association for K–12 Learning (iNACOL) National Standards for Quality Online Teaching; or

3. Have two or more years of documented experience teaching online courses for students in grades 3–12 and have demonstrated mastery of the iNACOL National Standards for Quality Online Teaching.

Each instructor of an electronic course, including a dual credit course, offered through the TxVSN by a course provider must meet highly qualified teacher requirements under the Elementary and Secondary Education Act, as applicable.

TxVSN course providers shall affirm the preparedness of teachers of TxVSN electronic courses to teach public school-age students in a highly interactive online classroom and shall:

1. Maintain records documenting:

   a. Valid Texas educator certification credentials appropriate for the instructor's TxVSN assignment;

   b. Successful initial completion of TxVSN-approved professional development, evidence of prior online teaching, or a graduate degree in online or distance learning; and

   c. Instructors' demonstrated mastery of the iNACOL National Standards for Quality Online Teaching prior to teaching through the TxVSN;

2. Conduct and maintain records for background checks;

3. Maintain records of successful completion of continuing professional development;

4. Maintain records documenting successful completion of TxVSN-approved professional development before the end of the school year for any instructor who is hired after the school year has begun; and

5. Make the records specified in this subsection available to TEA and TxVSN central operations upon request.

19 TAC 70.1027

REVOCATION

The Commissioner may revoke the right to participation in the TxVSN based on any of the following factors:

1. Noncompliance with relevant state or federal laws;

2. Noncompliance with requirements and assurances outlined in the contractual agreements with TxVSN central operations and/or these provisions and Education Code Chapter 30A; or

3. Consistently poor student performance rates as evidenced by results on statewide student assessments, student withdrawal rates, student completion rates, successful completion rates, or campus accountability ratings.

19 TAC 70.1029

APPLICABILITY

Unless a district chooses to participate in providing an electronic course or an electronic diagnostic assessment under Education Code Chapter 30A to a student who is located on the physical premises of a school district or open-enrollment charter school, Chapter 30A does not affect the provision of a course to such a student.

Requirements imposed by or under Education Code Chapter 30A do not apply to a virtual course provided by a district only to district students if the course is not provided as part of the TxVSN.

Education Code 30A.004

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 one semester of a two-semester course can be awarded credit proportionately. *19 TAC 74.26(d)*

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*

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, a district shall use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned.

The academic achievement record (transcript) shall serve as the academic record for each student and shall be maintained permanently by a district.

Any credit earned by a student must be recorded on the academic achievement record (transcript), regardless of when the credit was earned.

A student's performance on a state assessment, including an end-of-course assessment instrument required under Education Code 39.023(c) [see EKB], must be included in the student's academic achievement record (transcript).

Copies of the record shall be made available to students transferring to another district. A district shall respond promptly to all requests for student records from receiving districts. [See also FD, FDA, and FL]

Education Code 28.025(e), 39.023(c-5); 19 TAC 74.5(b)–(d)

TRANSCRIPT SEALS — Students who complete high school graduation requirements shall have attached to the academic achievement record (transcript) a seal approved by the State Board of Education. *19 TAC 74.5(e)*

ENDORSEMENT — Students who complete the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record (transcript).

PERFORMANCE ACKNOWLEDGMENT — Students who earn a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record (transcript).

DISTINGUISHED LEVEL OF ACHIEVEMENT — Students who earn the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record (transcript).

Education Code 28.025(e-1); 19 TAC 74.5(f)–(h), .11(b)

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 graduation ceremony] *19 TAC 74.5(i)*

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)*

GRADING POLICY

A district shall adopt a grading policy, including provisions for the assignment of grades on class assignments and examinations, before each school year. A district grading policy:

1. Must require a classroom teacher to assign a grade that reflects the student's relative mastery of an assignment;
2. May not require a classroom teacher to assign a minimum grade for an assignment without regard to the student's quality of work; and
3. May allow a student a reasonable opportunity to make up or redo a class assignment or examination for which the student received a failing grade.

Education Code 28.0216

FINALITY OF GRADE

An examination or course grade issued by a classroom teacher is final and may not be changed unless the grade is arbitrary, erroneous, or not consistent with the district grading policy applicable to the grade, as determined by the board.

A determination by the board is not subject to appeal.

This subsection does not prohibit an appeal related to a student's eligibility to participate in extracurricular activities under Education Code 33.081.

Education Code 28.0214

STUDENT ELECTION CLERKS

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:

1. A requirement for a school project at the discretion of the teacher who assigned the project; or
2. A service requirement for participation in an advanced academic course program at the discretion of the program sponsor or a school-sponsored extracurricular activity at the discretion of the school sponsor.

Education Code 33.092

PROGRESS REPORTS

A board shall adopt a policy that:

1. Provides for a conference between parents and teachers;
2. Requires a district, at least once every 12 weeks, to give written notice to a parent of a student's performance in each class or subject; and

3. Requires a district, at least once every three weeks, or during the fourth week of each nine-week grading period, to give written notice to a parent if a student's performance in a foundation curriculum subject [see EHAA] is consistently unsatisfactory, as determined by the district.

The notice required by items 2 and 3 must provide for the signature of the student's parent and must be returned to the district.

A district that uses an electronic platform for communicating student grade and performance information to parents may permit a parent to sign a required notice electronically, so long as the district retains a record verifying the parent's acknowledgment of the required notice. A district that accepts electronic signatures must offer parents the option to provide a handwritten signature.

"Parent" includes a guardian, conservator, or other person having lawful control of a student.

EXCEPTIONS

These requirements do not apply to a student who:

1. Is 18 or older and living in a different residence than the student's parents;

2. Is married; or

3. Has had the disabilities of minority removed for general purposes.

Education Code 28.022

NOTICE OF PERFORMANCE RATING

The first written notice of a student's performance that a district gives during a school year under Education Code 28.022(a)(2) [see PROGRESS REPORTS, item 2, above] must include a statement of whether the campus at which the student is enrolled has been awarded a distinction designation under Education Code Chapter 39, Subchapter G or has been identified as an unacceptable campus under Education Code Chapter 39, Subchapter E and an explanation of the information's significance. [See AIB] *Education Code 39.361*

NOTICE OF STUDENT PERFORMANCE

The district shall provide a record of the comparisons of student performance made under Education Code 39.034 and provided to the district under Education Code 39.302 in a written notice to the student's parent or other person standing in parental relationship.

For a student who failed to perform satisfactorily as determined under either performance standard under Education Code 39.0241 on an assessment instrument administered under Education Code 39.023(a), (c), or (l), the district shall include in the notice specific information relating to access to educational resources at the

appropriate assessment instrument content level, including assessment instrument questions and answers released under Education Code 39.023(e).

Education Code 39.303

This introductory page outlines the contents of the graduation policy. See the following sections for statutory provisions on:

SECTION I — High School Diploma — pages 2–4
1. Individual Graduation Committee (IGC)
2. Special Education
3. Posthumous Diploma
4. Diplomas for Veterans

SECTION II — Personal Graduation Plan (PGP) — pages 5–6
1. Junior High or Middle School PGP
2. High School PGP

SECTION III — Early Graduation — page 6

SECTION IV — State Graduation Requirements — pages 6–16
1. Students Entering Grade 9 in the 2014–15 School Year
2. Performance Acknowledgements
3. Transition to the Foundation High School Program
4. Students Who Entered Grade 9 Before the 2014–15 School Year

SECTION V — Transfers from Out-of-State or Nonpublic Schools — pages 16–17

SECTION VI — Graduation of Students Receiving Special Education Services — pages 17–21
1. Definitions
2. Summary of Academic Achievement and Evaluation

SECTION VII — Graduation of Military Dependents — page 21
1. Course Waiver
2. Transfers During Senior Year
3. Substitute Passing Standard

SECTION VIII — Graduation of Student Who Is Homeless or in Conservatorship of DFPS — pages 21–22

SECTION I: HIGH SCHOOL DIPLOMA

A student may graduate and receive a diploma only if the student successfully completes:

1. The curriculum requirements identified by the State Board of Education (SBOE) [see STATE GRADUATION REQUIREMENTS, below] and has performed satisfactorily on applicable state assessments [see EKB]; or
2. An individualized education program (IEP) developed under Education Code 29.005. [See EHBAB]

Education Code 28.025(c)

Note: Education Code 28.0258 related to individual graduation committees expires September 1, 2017.

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)*

For each 11th or 12th grade student who has failed to comply with the end-of-course (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 before the student's 12th grade year.

The committee 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)

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 e-mail; 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 SECTION IV, below] *Education Code 28.0258(e)*

ADDITIONAL REQUIREMENTS TO GRADUATE

A student's IGC shall recommend additional requirements by which the student may qualify to graduate, including additional remediation; and for each EOC assessment instrument on which the student failed to perform satisfactorily:

1. The completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or
2. The preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area.

A student may submit to the IGC coursework previously completed to satisfy a recommended additional requirement.

Education Code 28.0258(f), (g)

In determining whether a student is qualified to graduate, the committee shall consider the criteria at Education Code 28.0258(h) and any other academic information designated for consideration by the board. After considering the criteria, the committee may determine that the student is qualified to graduate. A student may graduate and receive a high school diploma on the basis of the committee's decision only if the student successfully completes all additional requirements recommended by the committee, the student meets applicable curriculum requirements, and the committee's vote is unanimous. The decision of a committee is final and may not be appealed. *Education Code 28.0258(i)*

ENGLISH LANGUAGE LEARNERS

For provisions related to an IGC and English language learners (ELL), see EKB(LEGAL).

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 admission, review, and dismissal (ARD) committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. [See SECTION VI: GRADUATION OF STUDENTS RECEIVING SPECIAL EDUCATION SERVICES, below, and EKB] *19 TAC 101.3023(a)*

POSTHUMOUS DIPLOMA

Beginning with students enrolled in grade 12 during the 2005–06 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to a student who died while enrolled in the district at grade level 12, provided that the student was academically on track at the time of death to receive a diploma at the end of the school year in which the student died. "School year" includes any summer session following the spring semester.

EXCEPTION

A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under Title 5 or 6, Penal Code, or adjudicated as having engaged in conduct constituting a felony offense under Title 5 or 6, Penal Code.

Education Code 28.0254

DIPLOMAS FOR VETERANS

Notwithstanding any other provision of this policy, a district may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in:

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or
2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

Education Code 28.0251

SECTION II: 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.

Education Code 28.02121

SECTION III: 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), 26.003(b)* [See FMH, FNG]

SECTION IV: 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 IN THE 2014–15 SCHOOL YEAR

To receive a high school diploma, a student entering grade 9 in the 2014–15 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see FOUNDATION HIGH SCHOOL PROGRAM, below];

2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and

3. Demonstrated proficiency, as determined by the district, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement.

Education Code 28.025(c); 19 TAC 74.11(a), (c)

FOUNDATION HIGH SCHOOL PROGRAM

A student must earn at least 22 credits to complete the foundation high school program and must demonstrate proficiency in the following core courses:

1. English language arts—4 credits;
2. Mathematics—3 credits;
3. Science—3 credits;
4. Social Studies—3 credits;
5. Languages other than English—2 credits;
6. Physical Education—1 credit;
7. Fine Arts—1 credit; and
8. Elective courses—5 credits.

19 TAC 74.12

ENDORSEMENTS

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.

A district must make at least one endorsement available to students. A district that offers only one endorsement curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;

2. An additional credit in science; and

3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under the foundation high school program, including an elective requirement.

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)*

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(j), (k)

COLLEGE COURSES

Courses offered for dual credit at or in conjunction with an institution of higher education 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(i)*

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 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;
    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

TRANSITION TO FOUNDATION HIGH SCHOOL PROGRAM

A district shall allow a student who entered grade 9 prior to the 2014–15 school year to complete the curriculum requirements for high school graduation:

1. By satisfying the requirements in place when the student entered grade 9 for the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program [see 19 Administrative Code Chapter 74] if the student was participating in the program before the 2014–15 school year; or
2. Under the foundation high school program by satisfying the requirements adopted by the SBOE, if the student chooses during the 2014–15 school year to take courses under the program.

A student who entered grade 9 prior to the 2014–15 school year may, at any time prior to graduation and upon request, choose to complete the curriculum requirements required for high school graduation under a different program than that selected by the student during the 2014–15 school year.

19 TAC 74.1021

STUDENTS WHO ENTERED GRADE 9 BEFORE THE 2014–15 SCHOOL YEAR

All credit for graduation must be earned no later than grade 12. *19 TAC 74.61(b), .71(b)*

MINIMUM HIGH SCHOOL PROGRAM

A student entering grade 9 prior to the 2014–15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;
2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or
3. Has failed to be promoted to the tenth grade one or more times as determined by the school district.

STUDENTS WITH DISABILITIES

If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

APPLICABILITY

A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program.

19 TAC 74.61(c), (d), .71(c), (d)

REQUIREMENTS

A student must earn at least 22 credits to complete the Minimum High School Program. A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.62.

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.

Education Code 28.025; 19 TAC 74.62, .72

RECOMMENDED HIGH SCHOOL PROGRAM

A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 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 74.63.

A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73.

Education Code 28.025; 19 TAC 74.63, .73

ADVANCED / DISTINGUISHED ACHIEVEMENT HIGH SCHOOL PROGRAM

A student who entered grade 9 in the 2007–08, 2008–09, 2009–10, 2010–11, or 2011–12 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 74.64.

A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74.

Education Code 28.025; 19 TAC 74.64, .74

SUBSTITUTIONS

No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. *19 TAC 74.63(d), .64(e), .73(d), .74(e)*

AP OR IB COURSES

College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. *19 TAC 74.61(k), .71(i)*

READING

A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district:

1. Adopts policies to identify students in need of additional reading instruction;
2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and
3. Monitors instructional activities to ensure that student needs are addressed.

Reading credits may be selected from Reading I, II, or III.

19 TAC 74.61(e), .71(f)

COLLEGE COURSES

A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully com-

pleting appropriate courses in the core curriculum of an institution of higher education. *Education Code 28.002(b-7); 19 TAC 74.61(l), .71(j)*

PHYSICAL EDUCATION SUBSTITUTIONS

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

OTHER PHYSICAL ACTIVITY

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the Commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
    a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
    b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

RESTRICTIONS

All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.

No more than four substitution credits may be earned through any combination of substitutions listed above.

STUDENT WITH DISABILITY OR ILLNESS

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

STUDENT WITH PHYSICAL LIMITATIONS

If a student entering grade 9 during the 2007–08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)

SECTION V: TRANSFERS FROM OUT-OF-STATE OR NONPUBLIC SCHOOLS

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before en-

rollment 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]

SECTION VI: GRADUATION OF STUDENTS RECEIVING SPECIAL EDUCATION SERVICES

DEFINITIONS

MODIFIED CURRICULUM AND CONTENT

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.

EMPLOYABILITY AND SELF-HELP SKILLS

Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment.

SUMMARY OF ACADEMIC ACHIEVEMENT AND EVALUATION

All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070 (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated.

STUDENTS ENTERING GRADE 9 IN OR AFTER THE 2014–15 SCHOOL YEAR

A student entering grade 9 in the 2014–15 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110-118, 126-128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education as well as satisfactory performance on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation.

2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:

    a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.

    b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.

    c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.

    d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

ENDORSEMENTS

A student receiving special education services may earn an endorsement if the student:

1. Satisfactorily completes the requirements for graduation under the foundation high school program as well as the additional credit requirements in mathematics, science, and elective courses with or without modified curriculum;

2. Satisfactorily completes the courses required for the endorsement without any modified curriculum; and

3. Performs satisfactorily on the required state assessments.

A student in grade 11 or 12 receiving special education services during the 2014–15, 2015–16, or 2016–17 school year who has taken each of the state assessments required by 19 Administrative Code Chapter 101, Subchapter CC (relating to Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD (relating to Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve satisfactory performance on no more than two of the assessments is eligible to receive an endorsement if the student has met the requirements of items 1 and 2 above.

In order for a student receiving special education services to use a course to satisfy both a requirement under the foundation high school program and a requirement for an endorsement, the student must satisfactorily complete the course without any modified curriculum.

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 during the 2014–15, 2015–16, or 2016–17 school year 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]

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 Recommend or Advanced/Distinguished Achievement Programs, including satisfactory performance on the required state assessments.

2. The student is in grade 11 or 12 during the 2014–15, 2015–16, or 2016–17 school year and has taken each of the state

assessments required by 19 Administrative Code Chapter 101, Subchapter CC (relating to Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD (relating to 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(b)–(k)

SECTION VII: 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]

SECTION VIII: 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. “Student who is homeless” has the meaning assigned to the term “homeless children and youths” under 42 U.S.C. Section 11434a. *Education Code 28.025(i)*

LOCAL ACHIEVEMENT TESTING

In addition to the state-administered assessment instruments, a district may adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level. A locally adopted norm-referenced assessment instrument must be economical, nationally recognized, and state-approved.

For purposes of this provision, "assessment instrument" means a district-commissioned achievement test, either nationally normed or criterion-referenced, that is group administered and reported publicly (such as to a board) in the aggregate.

A company or organization scoring an assessment instrument shall send test results to a district for verification. A district shall have 90 days to verify the accuracy of test data and report the results to the board.

A district shall follow procedures for test security and confidentiality set forth in 19 Administrative Code Chapter 101, Subchapter C. [See EKB]

Education Code 39.026, 39.032; 19 TAC 101.101

In any subject area for which a state assessment is administered, a district may not administer locally required assessments designed to prepare students for state assessments to any student on more than ten percent of the instructional days in any school year. A campus-level planning and decision-making committee may limit the administration of locally required assessments to ten percent or a lower percentage of the instructional days in any school year. This prohibition does not apply to the administration of college preparation assessments, advanced placement tests, international baccalaureate examinations, or state assessments. *Education Code 39.0262*

BENCHMARK ASSESSMENT INSTRUMENTS

"Benchmark assessment instrument" means a district-required assessment instrument designed to prepare students for a corresponding state-administered assessment instrument.

A district may not administer to any student more than two benchmark assessment instruments to prepare the student for a corresponding state-administered assessment instrument.

This prohibition does not apply to the administration of a college preparation assessment instrument, including the PSAT, the ACT-Plan, the SAT, or the ACT, an advanced placement test, an international baccalaureate examination, or an independent classroom examination designed or adopted and administered by a classroom teacher.

A parent of or person standing in parental relation to a student who has special needs, as determined in accordance with Commissioner rule, may request administration to the student of additional benchmark assessment instruments.

Education Code 39.0263

COLLEGE PREPARATION ASSESSMENTS

The following provisions apply only if the legislature appropriates funds for these purposes.

Each school year, and at state cost, a district shall administer an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument:

1. To students in the spring of the eighth grade, for the purpose of diagnosing the academic strengths and deficiencies of students before entrance into high school; and

2. To students in the tenth grade, for the purpose of measuring a student's progress toward readiness for college and the workplace.

High school students, in the spring of the eleventh grade or during the twelfth grade, may select and take once, at state cost, one of the valid, reliable, and nationally norm-referenced assessment instruments used by colleges and universities as part of their undergraduate admissions processes. A high school student is not prohibited from taking a test more than once, at the student's own expense.

TEA shall:

1. Select and approve vendors of the specific assessment instruments administered under this section; and

2. Provide reimbursement to a district for all fees associated with the administration of the assessment instrument, from funds appropriated for that purpose.

TEA shall ensure that a school district is not reimbursed for the administration of an assessment instrument to a student to whom the assessment instrument is not actually administered.

Education Code 39.0261

HOMESCHOOLED STUDENTS

The following provisions apply to a homeschooled student entitled under Education Code 25.001 to attend school in a district.

A district shall permit a homeschooled student to participate in an administration of the PSAT/NMSQT or a college advanced placement test offered by the district.

"Homeschooled student" means a student who predominantly receives instruction in a general elementary or secondary education program that is provided by the parent, or a person standing in parental authority, in or through the child's home.

FEES

A district shall require a homeschooled student to pay the same fee to participate in such a test that a student enrolled in the district is required to pay.

NOTICE

A district shall post on an Internet website maintained by the district the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered. The notice must state that the PSAT/NMSQT or the advanced placement test is available for homeschooled students eligible to attend school in the district and describe the procedures for a homeschooled student to register for the test.

A district that does not maintain an Internet website must publish the notice in a newspaper in the district. If a newspaper is not published in the district, the district shall provide for the publication of notice in at least one newspaper in the county in which the district's central administrative office is located.

The required notice must be posted or published at the same time and with the same frequency with which the information is provided to a student who attends a district school.

Education Code 29.916

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's rules at 19 Administrative Code Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)* [See EKBA]

SPECIAL EDUCATION

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 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 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 a Commissioner's substitute passing standard 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 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, §§ B–C [See FDD]

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)(1) and (2), 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:

GRADE ADVANCEMENT TESTING

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.

GRADUATION TESTING

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 through 7 without the aid of technology and in grade 8 with the aid of technology on any assessment instrument that includes algebra;
2. Reading, annually in grades 3 through 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

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)*

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

A student may use certain assessments as substitute assessments in place of an EOC assessment, to meet the student's assessment graduation requirements in accordance with the Commissioner's chart at 19 Administrative Code 101.4002(b). An approved substitute assessment may be used in place of only one specific EOC assessment.

A student is eligible to use a substitute assessment if the student:

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled; and
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).

A student electing to substitute an assessment for graduation purposes must still take the required EOC assessment if the student does not meet the eligibility requirements above.

A student who fails to perform satisfactorily on the PSAT or the ACT-PLAN as indicated in the chart at 19 Administrative Code 101.4002(b) must take the appropriate EOC assessment to meet the assessment graduation requirements for that subject.

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 101.4002, .4005

SATISFACTORY PERFORMANCE

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the Commissioner on each

EOC assessment instrument administered to the student. *Education Code 39.025(a)*

INDIVIDUAL GRADUATION COMMITTEE

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). [See EIF]

Starting with the 2014-15 school year, a student who has taken but failed to achieve the EOC assessment graduation requirements for no more than two courses may receive a Texas high school diploma if the student has qualified to graduate by means of an IGC under Education Code 28.0258.

A student may not graduate under an IGC if the student did not take each required EOC assessment or an approved substitute assessment for each course in which the student was enrolled in a Texas public school for which there is an EOC assessment. A district shall determine whether the student took each required EOC assessment or an approved substitute assessment. Under this provision, a student who does not make an attempt to take all required EOC assessments may not qualify to graduate by means of an IGC.

ENGLISH LANGUAGE LEARNERS

A student who is an English language learner (ELL) and qualifies for the English I special provision in 19 Administrative Code 101.1007 [see EKBA] may graduate without an IGC if the student achieves satisfactory performance on the remaining EOC assessments that the student is required to take.

The qualifying ELL becomes eligible for IGC review by failing to achieve satisfactory performance on the English I EOC assessment and one other EOC assessment or by failing to achieve satisfactory performance on no more than two of the remaining EOC assessments if the student achieved satisfactory performance on the English I EOC assessment.

If a qualifying ELL does graduate by means of an IGC, the student is required to complete IGC requirements for each course in which the student did not achieve satisfactory performance on the EOC assessment for that course.

RETAKES

Notwithstanding any action taken by a student's IGC, a district must provide a student an opportunity to retake an EOC assessment under Education Code 39.023(c), if the student has not previously achieved satisfactory performance on an assessment for that course. A student is not required to retake a course in order to be administered a retest of an EOC assessment.

APPLICATION AND EXPIRATION

This provision only applies to a student classified by the district as an 11th or 12th grade student in the 2014–15, 2015–16, or 2016–17 school year.

This provision expires September 1, 2017. A student may graduate by means of an IGC if the student has qualified for an IGC under Education Code 28.0258 and that IGC convened prior to September 1, 2017.

Education Code 28.0258, 39.025(a-2); 19 TAC 101.3022(e)

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 (relating to Graduation Requirements) and 19 Administrative Code 101.3023 (relating to Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to retake and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above. [See INDIVIDUAL GRADUATION COMMITTEE, above]

19 TAC 101.3022(f)

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student’s ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

Beginning with the 2011–12 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an al-

ternate 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).

A student who is receiving special education services and who is first enrolled in grade 9 or below in the 2011–12 school year shall be administered an EOC assessment instrument upon completion of the corresponding course as required by the student's IEP.

19 TAC 101.3023

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,

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; No Child Left Behind Act, 20 U.S.C. 6311(h)(6)

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)*

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)*

FURTHER INSTRUCTION

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.

ACCELERATED INSTRUCTION

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 twelfth grade 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 51.3062(c) 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 — To ensure that each assessment instrument is reliable and valid and meets applicable federal requirements for measurement of student progress, districts must comply with all of the applicable requirements specified in the test administration materials, which include general testing program information, requirements for ensuring test security and confidentiality described in the annual Test Security Supplement, procedures for test administration, responsibilities of personnel involved in test administration, and procedures for materials control.

Test coordinators and administrators must receive all applicable training as required in the test administration materials and districts must maintain records related to the security of assessment instruments for a minimum of five years.

19 TAC 101.3031

CONFIDENTIALITY

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]

PENALTIES

Violation of security or confidentiality of any test is prohibited. A person who engages in conduct prohibited by the Test Security Supplement may be subject to sanction of credentials.

Procedures for maintaining the security and confidentiality of state assessments are specified in the Test Security Supplement and in the appropriate test administration materials. Conduct that violates the security and confidentiality of a test is defined as any departure from the test administration procedures established in the Test Security Supplement and other test administration materials. Conduct of this nature may include the following acts and omissions:

1. Viewing a test before, during, or after an assessment unless specifically authorized to do so;
2. Duplicating secure examination materials;
3. Disclosing the contents of any portion of a secure test;
4. Providing, suggesting, or indicating to an examinee a response or answer to a secure test item or prompt;
5. Changing or altering a response or answer of an examinee to a secure test item or prompt;
6. Aiding or assisting an examinee with a response or answer to a secure test item or prompt;
7. Encouraging or assisting an individual to engage in the conduct described in the items listed above; or
8. Failing to report to an appropriate authority that an individual has engaged in conduct outlined in the items listed above.

Any person who violates, assists in the violation of, or solicits another to violate or assist in the violation of test security or confidentiality, as well as any person who fails to report such a violation is subject to the following penalties:

1. Placement of restrictions on the issuance, renewal, or holding of a Texas teacher certificate, either indefinitely or for a set term;

2. Issuance of an inscribed or non-inscribed reprimand;

3. Suspension of a Texas teacher certificate for a set term; or

4. Revocation or cancellation of a Texas teacher certificate without opportunity for reapplication either for a set term or permanently.

Release or disclosure of confidential test content could result in criminal prosecution under Education Code 39.0303, Government Code 552.352, and Penal Code 37.10. The State Board for Educator Certification may take any of the above actions based on satisfactory evidence that an educator has failed to cooperate with TEA in an investigation.

Any irregularities in test security or confidentiality may also result in the invalidation of student results.

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 101.3031(b)(2), 249.15

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)*

GENERAL ELIGIBILITY

A board or its designee shall admit into the public schools of a district free of tuition all persons who are over five and younger than 21 years of age on September 1 of any school year in which admission is sought, and may admit a person who is at least 21 and under 26 for the purpose of completing the requirements for a high school diploma, if any of the following conditions exist:

STUDENT AND PARENT

1. The person and either parent reside in the district.

CONSERVATOR

2. The person does not reside in the district, but one of the parents resides in the district and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the person.

GUARDIAN OR PERSON HAVING LAWFUL CONTROL

3. The person and his or her guardian or other person having lawful control under an order of a court reside in the district.

STUDENTS LIVING SEPARATE AND APART

4. The person is under the age of 18 and has established a separate residence in the district apart from his or her parent, guardian, or other person having lawful control under an order of a court and has established that the person's presence in the district is not for the primary purpose of participation in extracurricular activities. A board is not required to admit such person, however, if the person has:

   a. Engaged in conduct that resulted in removal to a disciplinary alternative education program or expulsion within the preceding year;

   b. Engaged in delinquent conduct or "conduct in need of supervision" and is on probation or other conditional release for that conduct; or

   c. Been convicted of a criminal offense and is on probation or other conditional release.

Education Code 25.001(a)–(b), (d)

HOMELESS STUDENTS

5. The person is a homeless child. [See also FDC]

   a. A child is "homeless," under the McKinney-Vento Homeless Education Act, if the child lacks a fixed, regular, and adequate nighttime residence. This includes:

      (1) Children who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in

emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(2) Children who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(4) Migratory children living in circumstances described above.

"Migratory child'' means a child who is, or whose parent, spouse, or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent, spouse, or guardian in order to obtain, temporary or seasonal employment in agricultural or fishing work:

(a) Has moved from one school district to another; or

(b) Resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

b. A child is homeless, under state law, regardless of the residence of the child, either parent, or the child's guardian or other person having lawful control, if:

(1) The child lacks a fixed, regular, and adequate nighttime residence; or

(2) The child has a primary nighttime residence in a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

Education Code 25.001(b); 20 U.S.C. 6399; 42 U.S.C. 11434a

FOREIGN EXCHANGE STUDENTS

6. The person is a foreign exchange student placed with a host family that resides in the district by a nationally recognized foreign exchange program, unless the district has applied for and been granted a waiver by the Commissioner because:

   a. This requirement would impose a financial or staffing hardship on the district;

   b. The admission would diminish the district's ability to provide high-quality education services for the district's domestic students; or

   c. The admission would require domestic students to compete with foreign exchange students for educational resources.

   Education Code 25.001(b)(6), (e)

STUDENTS IN RESIDENTIAL FACILITY

7. The person resides at a residential facility, as defined in Education Code 5.001, located in the district. For purposes of enrollment, a person who resides in a residential facility is considered a resident of the district in which the facility is located. *Education Code 25.001(b)(7), 29.012(c)*

STUDENTS OVER 18

8. The person resides in the district and is 18 or older or the person's disabilities of minority have been removed. *Education Code 25.001(b)(8)*

RESIDENT GRANDPARENT

9. The person does not reside in the district but the grandparent of the person:

   a. Resides in the district; and

   b. Provides a substantial amount of after-school care for the person as determined by the board.

   Education Code 25.001(b)(9)

PROOF OF ELIGIBILITY

A district may require evidence that a person is eligible to attend the public schools of the district at the time it considers an application for admission of the person. A board or its designee shall establish minimum proof of residency acceptable to a district. A board or its designee may make reasonable inquiries to verify a person's eligibility for admission. When admission is sought under item 4 above, a board shall determine whether an applicant qualifies as a resident of a district and may adopt reasonable guidelines for making that determination as necessary to protect the best interest of students. *Education Code 25.001(c), (d)*

A district may withdraw any student who ceases to be a resident. *Daniels v. Morris, 746 F.2d 271 (5th Cir. 1984)*

IMMIGRATION STATUS

Denying enrollment based upon immigration status to children who are not legally admitted into the United States violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. *Plyler v. Doe, 457 U.S. 202 (1982)*

HIGH SCHOOL EQUIVALENCY CERTIFICATE

A student who has received a high school equivalency certificate is entitled to enroll in a public school in the same manner as any other student who has not received a high school diploma. *Education Code 29.087(h)*

SUBSTITUTE FOR PARENT OR GUARDIAN

A board by policy may allow a person showing evidence of legal responsibility for a child other than an order of a court to substitute for a guardian or other person having lawful control of the child under court order. *Education Code 25.001(j)*

AUTHORIZATION AGREEMENT

A parent, as defined in Family Code 101.024, or both parents of a child may enter into an authorization agreement with the child's grandparent, adult sibling, or adult aunt or uncle to authorize the relative to perform acts described in Family Code 34.002 in regard to the child, such as:

1. Authorizing medical, dental, psychological, or surgical treatment and immunization of the child, including executing any consents or authorizations for the release of information as required by law relating to the treatment or immunization;
2. Enrolling the child in the district; and
3. Authorizing the child to participate in age-appropriate extracurricular, civic, social, or recreational activities, including athletic activities.

A parent may also enter into an authorization agreement with a relative or other person with whom a child is placed under a parental child safety placement agreement approved by the Department of Family and Protective Services (DFPS) to allow the person to perform the acts described above with regard to the child during an investigation of abuse or neglect or while DFPS is providing services to the parent.

The authorization agreement must conform to the requirements of Family Code Chapter 34.

Only one authorization agreement may be in effect for a child at any time. Execution of a subsequent authorization agreement does not by itself supersede, invalidate, or terminate a prior authorization agreement. An authorization agreement is void if it is executed while a prior authorization agreement remains in effect.

IMMUNITY

A person who is not a party to the authorization agreement who relies in good faith on the authorization agreement, without actual knowledge that the authorization agreement is void, revoked, or invalid, is not subject to civil or criminal liability to any person, and is not subject to professional disciplinary action, for that reliance if the agreement is completed as required by Family Code Chapter 34.

Family Code 34.001–.009

Note: The Authorization Agreement for Nonparent Relative is available at http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2638.pdf.

STUDENTS IN FOSTER CARE

A student placed in foster care by an agency of the state or a political subdivision, and whose foster parents reside in a district, shall be permitted to attend district schools free of any charge to the foster parents or to the agency. No durational residency requirement shall be used to prohibit such a student from fully participating in all activities sponsored by a district. *Education Code 25.001(f)*

A student who was enrolled in a primary or secondary public school before the student entered the conservatorship of DFPS and who is placed at a residence outside the attendance area for a school or outside a district is entitled to continue to attend the school in which the student was enrolled immediately before entering conservatorship until the student successfully completes the highest grade level offered by the school at the time of placement without payment of tuition. The student is entitled to continue to attend the school regardless of whether the student remains in the conservatorship of DFPS for the duration of the student's enrollment in the school. *Education Code 25.001(g)*

If a student who is in the conservatorship of DFPS is enrolled in a primary or secondary public school, other than the school in which the student was enrolled at the time the student was placed in the conservatorship of DFPS, the student is entitled to continue to attend that school without payment of tuition until the student successfully completes the highest grade level offered by the school at the time of enrollment in the school, even if the child's placement is changed to a residence outside the attendance area for that school or outside the district. The student is entitled to continue to attend the school regardless of whether the student remains in the conservatorship of DFPS for the duration of the student's enrollment in the school. *Education Code 25.001(g-1)*

The appropriate state agency shall coordinate with the district to ensure that the case plan for a student placed in foster care con-

tains a plan for ensuring the educational stability of the child while in foster care, including ensuring that the child remains in the school in which the child is enrolled at the time of each placement, or if remaining in that school is not in the best interests of the child, providing immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school. *42 U.S.C. 675(1)(G)*

TRANSFERS FROM OTHER STATES

A district shall charge tuition for a student who resides in a residential facility and whose maintenance or expenses are paid in whole or in part by another state or the United States. Any such tuition charge must be submitted to the Commissioner for approval. The attendance of students admitted under this provision shall not be counted for purposes of allocating state funds to a district. *Education Code 25.003*

STUDENTS HOLDING F1 STUDENT VISAS

If a student is required, as a condition of obtaining or holding the appropriate United States student visa, to pay tuition to the district that the student attends to cover the cost of the student's education provided by the district, the district shall accept tuition for the student in an amount equal to the full unsubsidized per capita cost of providing the student's education for the period of the student's attendance at school in the district.

The Commissioner shall develop guidelines for determining the amount of the full unsubsidized per capita cost of providing a student's education. A district may not accept tuition in an amount greater than the amount computed under the Commissioner's guidelines unless the Commissioner approves a greater amount as a more accurate reflection of the cost of education to be provided by the district.

The attendance of a student for whom a school district accepts tuition is not counted for purposes of allocating state funds to the district.

Education Code 25.0031

Note: Enrolling students with F-1 visas is optional. If the district is interested in enrolling students with F-1 visas, it must comply with the federal Student and Exchange Visitor Program (SEVP) under the Department of Homeland Security. Detailed information regarding SEVP can be found at http://www.ice.gov/sevis/.

TEXAS JUVENILE JUSTICE DEPARTMENT

A school-age child of an employee of the Texas Juvenile Justice Department (TJJD) residing in an adjacent district may attend school in a district free of charge to his or her parents or guardian.

Any tuition required by the admitting district shall be paid by the district from which the student transfers out of any funds appropriated to the TJJD facility. *Education Code 25.042*

ENROLLMENT

A child must be enrolled by the child's parent, guardian, or other person with legal control under a court order. A district shall record the name, address, and date of birth of the person enrolling the child. *Education Code 25.002(f)*

LEGAL SURNAME

A student must be identified by the student's legal surname as it appears on the student's birth certificate or other document suitable as proof of the student's identity, or in a court order changing the student's name. *Education Code 25.0021*

REQUIRED DOCUMENTATION

If a parent or other person with legal control of a child enrolls the child in a district school, the parent or other person, or the school district in which the child most recently attended school, shall furnish to the district all of the following:

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

   Students shall not be denied enrollment or be removed solely because they fail to provide the documentation required in items 1 and 2, above.
3. A record showing that the child has the immunizations required by Education Code 38.001, proof that the child is not required to be immunized, or proof that the child is entitled to provisional admission. [See FFAB]

Education Code 25.002(a); 19 TAC 129.1(a)–(b)

A district must furnish information under items 1 and 2 not later than the tenth working day after the date the district receives a request for the information.

A parent or other person with legal control of a child under a court order must furnish information under items 1 and 2 not later than the 30th day after the date a child is enrolled in a public school.

If a parent or other person with legal control of a child under a court order requests that a district transfer a child's student records, the district to which the request is made shall notify the parent or other person as soon as practicable that the parent or other person may

request and receive an unofficial copy of the records for delivery in person to a school in another district.

Education Code 25.002(a-1)

SUMMER SCHOOL ENROLLMENT

A district shall permit a person who is eligible under Education Code 25.001 [see GENERAL ELIGIBILITY, above] to attend school in the district but who is not enrolled in school in the district to enroll in a district summer school course on the same basis as a district student, including satisfaction of any course eligibility requirement and payment of any fee authorized under Education Code 11.158 [see FP] that is charged in connection with the course.

This requirement does not apply to enrollment in a Summer Intensive Mathematics Instruction Program under Education Code 29.088, a Summer Intensive Science Instruction Program under Education Code 29.090, or an Intensive Summer Program under Education Code 29.098 or in a similar intensive program.

Education Code 25.008

FOOD ALLERGY INFORMATION

On enrollment, a district shall request, by providing a form or otherwise, that a parent or other person with legal control of the child under a court order disclose whether the child has a food allergy or a severe food allergy that, in the judgment of the parent or other person with legal control, should be disclosed to the district to enable the district to take any necessary precautions regarding the child's safety [see FB and FFAF]; and specify the food to which the child is allergic and the nature of the allergic reaction.

The district shall maintain the confidentiality of the provided information, and may disclose the information to teachers, school counselors, school nurses, and other appropriate school personnel only to the extent consistent with district policy under Education Code 38.009 and permissible under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g. [See FL]

"Severe food allergy" means a dangerous or life-threatening reaction of the human body to a food-borne allergen introduced by inhalation, ingestion, or skin contact that requires immediate medical attention.

Education Code 25.0022(a)–(c)

CHILD IN DFPS POSSESSION

A district shall enroll a child without the required documentation if DFPS has taken possession of the child. DFPS shall ensure that the required documentation is furnished to a district not later than the 30th day after the date the child is enrolled. *Education Code 25.002(g)*

INCONSISTENT DOCUMENTATION

If a child is enrolled under a name other than the name that appears in the identifying documents or records, a district shall notify the missing children and missing persons information clearinghouse of the child's name as shown on the identifying records and the name under which the child is enrolled.

MISSING DOCUMENTATION

If the required documents and other records are not furnished to a district within 30 days after enrollment, the district shall notify the police department of the city or the sheriff's department of the county in which the district is located and request a determination of whether the child has been reported as missing.

Education Code 25.002(b)–(c)

STUDENTS UNDER 11

On enrollment of a child under 11 years of age in a school for the first time at the school, the school shall:

1. Request from the person enrolling the child the name of each previous school attended by the child;
2. Request from each school identified in item 1 the school records for the child and, if the person enrolling the child provides copies of previous school records, request verification from the school of the child's name, address, date, and grades and dates attended; and
3. Notify the person enrolling the student that not later than the 30th day after enrollment, or the 90th day if the child was not born in the United States, the person must provide:
    a. A certified copy of the child's birth certificate; or
    b. Other reliable proof of the child's identity and age and a signed statement explaining the person's inability to produce a copy of the child's birth certificate.

If a person enrolls a child under 11 years of age in school and does not provide the valid prior school information or documentation required, the school shall notify the appropriate law enforcement agency before the 31st day after the person fails to comply.

Code of Criminal Procedure 63.019

FALSE INFORMATION

When accepting a child for enrollment, a district shall inform the parent or other person enrolling the child that presenting a false document or false records in connection with enrollment is a criminal offense under Penal Code 37.10 (Tampering with Governmental Records) and that enrolling the child under false documents makes the person liable for tuition or other costs as provided below. *Education Code 25.002(d)*

In addition to the penalty under Penal Code 37.10, a person who knowingly falsifies information on a form required for a student's enrollment in a district is liable to the district if the student is not eligible for enrollment, but is enrolled on the basis of false information. For the period during which the ineligible student is enrolled, the person is liable for the maximum tuition fee a district may charge [see FDA] or the amount a district has budgeted per student as maintenance and operating expense, whichever is greater. *Education Code 25.001(h)*

A district may include on its enrollment form notice of the legal penalties and liability for falsifying information on the form. *Education Code 25.001(i)*

PLACEMENT OF TRANSFERS

A district shall accept all credits earned toward state graduation requirements by students in accredited Texas school districts, including credits earned in accredited summer school programs. Credits earned in local credit courses may be transferred at a district's discretion. Transfer students shall not be prohibited from attending school pending receipt of transcripts or academic records from the district the student previously attended. *19 TAC 74.26(a)(1)*

CREDITS AND RECORDS

A district shall grant a student credit toward the academic course requirements for high school graduation for courses the student successfully completes in TJJD educational programs. *Education Code 30.104*

Each district shall consider course credit earned by a student while in a juvenile justice alternative education program as credit earned in a district school. *Education Code 37.011(d)*

NONPUBLIC SCHOOLS

Records and transcripts of students from Texas nonpublic schools or from out of state or out of the country (including foreign exchange students) shall be evaluated, and students shall be placed promptly in appropriate classes. A district may use a wide variety of methods to verify the content of courses for which a transfer student has earned credit. *19 TAC 74.26(a)(2)*

FOUNDATION SCHOOL PROGRAM

A person is entitled to the benefits of the available school fund for a school year if:

1. On September 1 of the year, the person:

    a. Is at least five years of age and under 21 years of age, and has not graduated from high school;

    b. Is at least 21 years of age and under 26 years of age and is admitted by a school district to complete the requirements for a high school diploma; or

c. Is at least 19 years of age and under 26 years of age and is enrolled in an adult high school diploma and industry certification charter school pilot program under Education Code 29.259.

2. The person is enrolled in prekindergarten under Education Code 29.153 or Subchapter E-1, Chapter 29 [see EHBG].

3. The person is younger than five years of age and performs satisfactorily on the state assessment instrument administered to third graders and a district has adopted a policy to admit students younger than five years of age.

4. The person is enrolled in the first grade and is at least six years of age at the beginning of the current school year or has been enrolled in the first grade, or has completed kindergarten, in the public schools of another state before transferring to a Texas public school.

Education Code 25.001(a), 42.003

SCREENING

The principal of each district school shall ensure that each student admitted to that school has complied with requirements for screening of special senses and communication disorders, spinal screening, and a risk assessment for Type 2 diabetes, or has submitted an affidavit of exemption. *Health and Safety Code 36.005, 37.002, 95.003(c)* [See FFAA]

PEST CONTROL INFORMATION

At the time a student is registered, district personnel shall inform parents, guardians, or managing conservators that the school periodically applies pesticides indoors and that information on the application of pesticides is available on request. *Occupations Code 1951.455* [See CLB]

HOMELESS CHILDREN

As a condition of receiving funds under the McKinney-Vento Homeless Education Assistance Improvements Act, a district shall serve homeless children according to their best interests. [See FD for the definition of homeless students.]

DEFINITIONS

In determining the "best interest" of a child, a district shall:

"BEST INTEREST"

1. To the extent feasible, keep a homeless child in the school of origin, except when doing so is contrary to the wishes of the child's parent or guardian;
2. Provide a written explanation to the homeless child's parent or guardian, including a statement of appeal rights, if the district sends the child to a school other than the school of origin or a school requested by the parent or guardian; and
3. In the case of an unaccompanied youth, consider the views of the child and provide the notice required in the event of an enrollment dispute.

"ENROLLMENT"

"Enroll" and "enrollment" include attending classes and participating fully in school activities.

"HOMELESS CHILDREN" OR "UNACCOMPANIED YOUTH"

"Homeless child" means a child or youth. "Unaccompanied youth" includes a child not in the physical custody or a parent or guardian."

"SCHOOL OF ORIGIN"

"School of origin" means the school that the child attended when permanently housed or the school in which the child was last enrolled.

CONTACT INFORMATION

A district may require the parent or guardian of a homeless child to submit contact information.

ENROLLMENT

The school selected in accordance with the McKinney-Vento Homeless Education Assistance Improvements Act shall immediately enroll a homeless child even if the child is unable to produce records normally required for enrollment. The school shall immediately contact the last school attended to obtain relevant academic and other records. If the child needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the child's parent or guardian to a district's homeless liaison for assistance. [See FFC]

ENROLLMENT DISPUTES

If a dispute arises over school selection or enrollment in a school, the child shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. A district shall provide the child's parent or guardian with a written explanation of the decision regarding school selection or enrollment, including the right to appeal the decision. A district shall refer the child, parent,

or guardian to the homeless liaison, who shall carry out the dispute resolution process as expeditiously as possible.

SCHOOL PLACEMENT

A district shall not segregate homeless children. A district shall, according to the child's best interest:

1. Continue the child's education in the school of origin for the duration of homelessness, if the child's family becomes homeless between academic years or during an academic year;
2. Continue the child's education in the school of origin for the duration of the academic year, if the child becomes permanently housed during an academic year; or
3. Enroll the child in any school that non-homeless students who live in the attendance area in which the child is actually living are eligible to attend.

The district shall make the choice regarding placement without regard to whether the child lives with the homeless parents or has been temporarily placed elsewhere.

COMPARABLE SERVICES

The district shall provide a homeless child with services that are comparable to services offered to other students in the school in which the child is enrolled, including:

1. Transportation services;
2. Educational services for which the child meets the eligibility criteria;
3. Programs in vocational and technical education;
4. Programs for gifted and talented students; and
5. School nutrition programs.

COORDINATION

A district shall coordinate the provision of services to homeless children with:

1. Local social services agencies and other agencies or programs providing services to homeless children and their families;
2. Other local educational agencies, on interdistrict issues such as transportation or transfer of school records; and
3. As applicable, state and local housing agencies responsible for developing the comprehensive housing affordability strategy described in the Cranston-Gonzalez National Affordable

Housing Act (42 U.S.C. 12705), to minimize educational disruption for homeless children.

The coordination shall be designed to ensure that homeless children have access and reasonable proximity to available education and related support services and to raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

BARRIERS TO ENROLLMENT

A district shall review and revise any policies that may act as barriers to the enrollment of homeless children. A district shall give consideration to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship. A district shall give special attention to ensuring the enrollment and attendance of homeless children who are not currently attending school.

In addition, a district shall adopt policies and practices to ensure that homeless children are not stigmatized or segregated on the basis of their homeless status.

McKinney-Vento Homeless Education Assistance Improvements Act of 2001, part of No Child Left Behind Act of 2001, 42 U.S.C. 11432, 11434a

WEBSITE INFORMATION ON LOCAL PROGRAMS

Each campus within a district with 3,000 or more students and located in a county with a population of at least 50,000 that maintains an Internet website shall post on the campus website information regarding local programs and services, including charitable programs and services, available to assist homeless students.

A campus shall make a good faith effort to compile information and shall post the information compiled in a format and style that is easily understandable by students or parents, as appropriate based on the grade levels the campus offers.

A representative of a local program or service available to assist homeless students may request to have information concerning the program or service posted on a campus website. A campus may determine the information that is posted on its website and is not required to post information as requested by the representative.

The district is not liable for any harm to a student that results in connection with a local program or service referred to on the website of a campus.

Education Code 33.906

Other Related Policies:

AID — FEDERAL ACCOUNTABILITY STANDARDS

CNA — STUDENT TRANSPORTATION

EHBD — FEDERAL TITLE I PROGRAMS

FB — EQUAL EDUCATIONAL OPPORTUNITIES

FD — ADMISSIONS

FFAB — IMMUNIZATIONS

FL — STUDENT RECORDS

FP — STUDENT FEES, FINES, AND CHARGES

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. Students enrolled in prekindergarten or kindergarten shall attend school.

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.

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).

A board may adopt a policy requiring the student to attend school until the end of the school year.

ACCELERATED / COMPENSATORY PROGRAMS

A student must also attend:

1. An extended-year program for which the student is eligible that is provided by a district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Education Code 29.084 [see EHBC];
2. An accelerated reading instruction program to which the student has been assigned under Education Code 28.006(g) [see EKC];
3. An accelerated instruction program to which the student is assigned under Education Code 28.0211 [see EIE];
4. A basic skills program to which the student is assigned under Education Code 29.086 [see EHBC]; or

5. A summer program provided:

   a. To a student placed in in-school suspension or other alternative setting, other than a disciplinary alternative education program (DAEP), who has been offered the opportunity to complete each course in which the student was enrolled at the time of removal. [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. [See FOCA]

Education Code 25.085

EXEMPTIONS

Students who meet one or more of the following conditions shall be exempt from compulsory attendance requirements:

EQUIVALENCY DIPLOMA

1. The student is at least 17 years of age and has been issued a high school equivalency certificate or diploma.

PRIVATE OR HOME SCHOOL

2. 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

3. The student is eligible to participate in a district's special education program under Education Code 29.003 and cannot be appropriately served by the resident district.

MEDICAL CONDITION

4. The student has a temporary and remediable physical or mental condition that renders attendance infeasible and the student has a certificate from a qualified physician that specifies the condition, indicates the prescribed treatment, and covers the anticipated time of absence needed for receiving and recuperating from remedial treatment.

EXPULSION — NO JJAEP

5. The student has been 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

6. The student is at least 17 years old, is attending a course of instruction to prepare for the high school equivalency examinations, and:

   a. Has the permission of the student's parent or guardian to attend the course;

   b. Is required by court order to attend the course;

   c. Has established a residence separate and apart from the student's parent, guardian, or other person having lawful control of the student; or

   d. Is homeless as defined by 42 U.S.C. 11302.

HIGH SCHOOL REPLACEMENT PROGRAMS

7. 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

8. The student is at least 16 years old and is attending a course of instruction to prepare for the high school equivalency examinations, if:

   a. 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

   b. The student is enrolled in a Job Corps training program under the Workforce Investment Act of 1998, 29 U.S.C. 2801.

OTHER EXEMPTION

9. The student is specifically exempted under another law.

Education Code 25.086

EXCUSED ABSENCES FOR COMPULSORY ATTENDANCE DETERMINATIONS

A district shall excuse a student from attending school for the following purposes:

RELIGIOUS HOLY DAYS

1. 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

2. 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

3. 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.

4. 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

5. 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

6. If the student is in the conservatorship of the Department of Family and Protective Services (DFPS), participating, as determined and documented by DFPS, in an activity:

   a. 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

   b. Required under a service plan under Family Code Chapter 263, Subchapter B.

HEALTH-CARE APPOINTMENTS

7. 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 should 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), (b-3); 19 TAC 129.21(j) [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), (d)*

MILITARY DEPENDENTS

A district shall excuse a student whose parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. A district may not excuse a student under this provision more than five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment. *Education Code 25.087(b-4)* [See FDD]

TAPS AT MILITARY FUNERAL

In addition, a district may excuse a student in grades 6 through 12 for the purpose of sounding "Taps" at a military honors funeral held in this state for a deceased veteran. *Education Code 25.087(c)*

NO PENALTY

A student whose absence is excused for a reason described beginning at EXCUSED ABSENCES FOR COMPULSORY ATTENDANCE DETERMINATIONS, above, may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the district.

MAKE-UP WORK

The student shall be allowed a reasonable time to make up school work missed on the days described above. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance.

Education Code 25.087(d)

OTHER EXCUSED ABSENCES

A person required to attend school may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the person is enrolled. *Education Code 25.087(a)*

NOTICES TO PARENTS

WARNING NOTICE

A district shall notify a student's parent in writing at the beginning of the school year that, if the student is absent from school on ten or more days or parts of days within a six-month period in the same school year, the student's parent is subject to prosecution under Education Code 25.093, and the student is subject to referral to a truancy court for truant conduct under Family Code 65.003(a).

NOTICE OF ABSENCES

A district shall notify a student's parent if the student has been absent from school, without excuse under Education Code 25.087, on three days or parts of days within a four-week period. The notice must:

1. Inform the parent that:
    a. It is the parent's duty to monitor the student's school attendance and require the student to attend school;
    b. The student is subject to truancy prevention measures under Education Code 25.0915; and
2. Request a conference between school officials and the parent to discuss the absences.

The fact that a parent did not receive the notices described above is not a defense for the parent's failure to require a child to attend school nor for the student's failure to attend school.

Education Code 25.095

NON-ATTENDANCE

PARENT LIABILITY

A parent or person standing in parental relation commits an offense if:

1. A warning notice is issued;
2. The parent with criminal negligence fails to require the child to attend school as required by law; and
3. The child has absences for the amount of time specified under Family Code 65.003(a).

The attendance officer [see FED] or other appropriate school official shall file a complaint against the parent in an appropriate court, as permitted under Education Code 25.093.

AFFIRMATIVE DEFENSE — PARENT

It is an affirmative defense to prosecution that one or more of the absences required to be proven was excused by a school official or should be excused by the court. A decision by the court to excuse

an absence for this purpose does not affect the ability of a district to determine whether to excuse the absence for another purpose.

Education Code 25.093

STUDENT LIABILITY

A child engages in truant conduct if the child is required to attend school under the compulsory attendance laws, and fails to attend school on ten or more days or parts of days within a six-month period in the same school year. Truant conduct may be prosecuted only as a civil case in a truancy court. *Family Code 65.003(a), (b)*

"Child" means a person who is 12 years of age or older and younger than 19 years of age. *Family Code 65.002(1)*

TRUANCY COURTS

The following are designated as truancy courts:

1. The constitutional county court in a county with a population of 1.75 million or more;
2. Justice courts; and
3. Municipal courts.

A truancy court has exclusive original jurisdiction over cases involving allegations of truant conduct.

Family Code 65.004(a), (b)

AFFIRMATIVE DEFENSE — STUDENT

It is an affirmative defense to an allegation of truant conduct that one or more of the absences required to be proven have been excused by a school official or by the court or that one or more of the absences were involuntary, but only if there is an insufficient number of unexcused or voluntary absences remaining to constitute truant conduct. The burden is on the child to show by a preponderance of the evidence that the absence has been or should be excused or that the absence was involuntary. A decision by the court to excuse an absence does not affect the ability of the district to determine whether to excuse the absence for another purpose. *Family Code 65.003(c)*

TRUANCY PREVENTION MEASURES

If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described below, the district shall initiate truancy prevention measures on the student. [See FED] *Education Code 25.0915(a-4)*

DISTRICT COMPLAINT OR REFERRAL

If a student fails to attend school without excuse on ten or more days or parts of days within a six-month period in the same school year, a district shall within ten school days of the student's tenth absencerefer the student to a truancy court for truant conduct under Family Code 65.003(a). [See FED]

Education Code 25.0951

Students in violation of the compulsory attendance law shall be reported to the District attendance officer, who may institute court action as provided by law.

EXCUSED ABSENCES

In addition to excused absences required by law, the District shall excuse absences for the following purposes.

HIGHER EDUCATION VISITS

The District shall excuse a student for up to two days during the student's junior year and up to two days during the student's senior year to visit an accredited institution of higher education. A student shall be required to submit verification of such visits in accordance with administrative regulations.

EARLY VOTING OR ELECTION CLERK

The District shall excuse a student for up to two days per school year to serve as an early voting or election clerk. A student shall be required to submit verification of service in accordance with administrative regulations.

[For extracurricular activity absences, see FM.]

WITHDRAWAL FOR NONATTENDANCE

The District may initiate withdrawal of a student under the age of 19 for nonattendance under the following conditions:

1. The student has been absent ten consecutive school days; and
2. Repeated efforts by the attendance officer and/or principal to locate the student have been unsuccessful.

[For District-initiated withdrawal of students 19 or older, see FEA(LEGAL).]

STUDENTS IN HOMESCHOOLS

When the District becomes aware that a student is being or will be homeschooled, the Superintendent or designee may request in writing a letter of notification from the parents of their intention to homeschool using a curriculum designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship.

If the parents refuse to submit a letter of notification or if the District has evidence that the school-age child is not being homeschooled within legal requirements, the District may investigate further and, if warranted, shall pursue legal action to enforce the compulsory attendance law.

RECORDS

A district shall maintain records to reflect the average daily attendance (ADA) for the allocation of Foundation School Program (FSP) funds and other funds allocated by the Commissioner. The district must maintain records and make reports concerning student attendance and participation in special programs as required by the Commissioner. 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. 19 TAC 129.1025*

A superintendent is responsible for the safekeeping of all attendance records and reports. A 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 shall 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 in the second or fifth instructional hour of the 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 during the daily period selected by a district for taking attendance shall be 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 attendance is taken shall be 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 in a disciplinary alternative education program shall be 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)*

EXCEPTIONS

A student not actually on campus when attendance is taken may be considered in attendance for FSP purposes if:

BOARD-APPROVED ACTIVITIES

1. The student is participating in a board-approved activity under the direction of a member of a district's professional staff, or an adjunct staff member who has a bachelor's degree and is eligible for participation in TRS. [See FM]

MENTORSHIPS

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 Advanced/Distinguished Achievement Program outlined in 19 Administrative Code Chapter 74.

RELIGIOUS HOLY DAYS

3. The student is observing religious holy days, including days of travel to or from a site where the student will observe 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. [See FEA]

COURT APPEARANCE

4. The student is attending a required court appearance, including travel for that purpose. 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. [See FEA]

CITIZENSHIP PROCEEDINGS

5. The student is 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. [See FEA]

6. The student is 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. [See FEA]

ELECTION CLERKS

7. The student is 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 FEA]

EARLY VOTING CLERKS

8. The student is serving as a student early voting clerk in an election. A district may excuse a student for serving as an early voting clerk for a maximum of two days in a school year. [See FEA]

CHILDREN IN CONSERVATORSHIP OF DFPS

9. The student is in the conservatorship of DFPS, and is participating, as determined and documented by DFPS, in an activity 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 required under a service plan under Family Code Chapter 263, Subchapter B. [See FEA]

HEALTH-CARE APPOINTMENTS

10. The student is temporarily absent as a result of a documented appointment with a health-care professional for the student or the student's child during regular school hours, if the student commences classes or returns to school on the same day of the appointment. The appointment should 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. [See FEA]

HIGHER EDUCATION VISITS

11. The student is visiting 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:

a. 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

b. The district adopts:

(1) A policy to determine when an absence will be excused for this purpose; and

(2) A procedure to verify the student's visit at the institution of higher education. [See FEA]

DROPOUT RECOVERY EDUCATION PROGRAM

12. The student is in attendance at a dropout recovery education program, including a program operated by a public junior college under Education Code 29.402. [See GNC]

TAPS AT MILITARY FUNERAL

13. The student is sounding "Taps" at a military honors funeral held in this state for a deceased veteran, provided that the student is enrolled in grade 6 or higher.

OFF-CAMPUS INSTRUCTION

14. The student's absence is permitted by other conditions related to off-campus instruction described in the *Student Attendance Accounting Handbook*.

MILITARY DEPENDENTS

15. The student's parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. A district may not excuse a student under this provision more than five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment.

Education Code 25.087, 29.081(e); 19 TAC 129.21(i)–(k)

DISASTERS

The Commissioner shall 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 shall make the adjustment required by 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 42.0051

PARENTAL CONSENT TO LEAVE CAMPUS

Before a district may count a student in attendance under this section or in attendance when the student was allowed to leave campus during any part of the school day, the board shall 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)*

This policy shall apply to a student who has not been in attendance for 90 percent of the days the class is offered.

CONSIDERATION OF ALL ABSENCES

All absences shall be considered in determining whether a student has attended the required percentage of days under this policy.

ATTENDANCE COMMITTEES

The Board shall establish an attendance committee or as many committees as necessary for efficient implementation of Education Code 25.092.

The Superintendent or designee shall make the specific appointments in accordance with legal requirements.

PARENTAL NOTICE OF EXCESSIVE ABSENCES

A student and the student's parent or guardian shall be given written notice prior to and at such time when a student's attendance in any class drops below 90 percent of the days the class is offered.

METHODS FOR REGAINING CREDIT OR AWARDING A FINAL GRADE

When a student's attendance drops below 90 percent but remains at least at 75 percent of the days the class is offered, the student may earn credit for the class or a final grade by completing a plan approved by the principal. This plan must provide for the student to meet the instructional requirements of the class as determined by the principal.

If the student fails to successfully complete the plan, or when a student's attendance drops below 75 percent of the days the class is offered, the student, parent, or representative may request award of credit or a final grade by submitting a written petition to the appropriate attendance committee.

Petitions for credit or a final grade may be filed at any time the student receives notice but, in any event, no later than 30 days after the last day of classes.

The attendance committee shall review the student's entire attendance record and the reasons for absences and shall determine whether to award credit or a final grade. The attendance committee may also, whether a petition is filed or not, review the records of all students whose attendance drops below 90 percent of the days the class is offered.

Students who have lost credit or have not received a final grade because of excessive absences may regain credit or be awarded a final grade by fulfilling the requirements established by the attendance committee.

PERSONAL ILLNESS

When a student's absence for personal illness exceeds three consecutive days, the principal or attendance committee may require that the student present a statement from a physician or health clinic verifying the illness or condition that caused the student's ex-

tended absence from school as a condition of classifying the absence as one for which there are extenuating circumstances.

If a student has established a questionable pattern of absences, the principal or attendance committee may require that a student present a physician's or clinic's statement of illness after a single day's absence as a condition of classifying the absence as one for which there are extenuating circumstances.

GUIDELINES ON EXTENUATING CIRCUMSTANCES

The attendance committee shall adhere to the following guidelines to determine attendance for award of credit or a final grade:

DAYS OF ATTENDANCE

1. If makeup work is completed satisfactorily, excused absences that are allowed under compulsory attendance requirements shall be considered days of attendance for award of credit or final grade. [See FEA(LEGAL) at EXCUSED ABSENCES FOR COMPULSORY ATTENDANCE DETERMINATIONS.]

TRANSFERS / MIGRANT STUDENTS

2. A transfer or migrant student incurs absences only after his or her enrollment in the District.

DOCUMENTATION

3. The committee shall consider the acceptability and authenticity of documented reasons for the student's absences.

CONSIDERATION OF CONTROL

4. The committee shall consider whether the absences were for reasons out of the student's or parent's control.

STUDENT'S ACADEMIC RECORD

5. The committee shall consider whether or not the student has completed assignments, mastered the essential knowledge and skills, and maintained passing grades in the course or subject.

INFORMATION FROM STUDENT OR PARENT

6. The student or parent shall be given an opportunity to present any information to the committee about the absences and to discuss ways to earn or regain credit or be awarded a final grade.

BEST INTEREST STANDARD

In reaching consensus regarding a student's absences, the committee shall attempt to ensure that its decision is in the best interest of the student. The Superintendent or designee shall develop administrative regulations addressing the committee's documentation of the decision.

IMPOSING CONDITIONS FOR AWARDING CREDIT OR A FINAL GRADE

The committee may impose any of the following conditions for students with excessive absences to regain credit or be awarded a final grade:

1. Completing additional assignments, as specified by the committee or teacher.

2. Attending tutorial sessions as scheduled, which may include Saturday classes or before- and after-school programs.
3. Maintaining the attendance standards for the rest of the semester.
4. Taking an examination to earn credit. [See EHDB]
5. Attending a flexible school day program.
6. Attending summer school.

In all cases, the student must also earn a passing grade in order to receive credit.

APPEAL PROCESS

A parent or student may appeal the decision of the attendance committee in accordance with FNG(LOCAL).

DISTRICT COMPLAINT OR REFERRAL

AGAINST STUDENT

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 FEA]

AGAINST PARENT

The district may file a complaint against the student's parent in a county, justice, or municipal court for an offense under Education Code 25.093 if the district provides evidence of the parent's criminal negligence.

A court shall dismiss a complaint made by a district against a parent that does not comply with Education Code 25.0951; does not allege the elements required for the offense; is not timely filed, unless the district delayed the referral as provided below; or is otherwise substantively defective.

DELAYING A REFERRAL

A district may delay a referral of a student for truant conduct, or may choose to not refer a student for truant conduct, if the district:

1. Is applying truancy prevention measures to the student under Education Code 25.0915; and

2. Determines that the truancy prevention measures are succeeding and it is in the best interest of the student that a referral be delayed or not be made.

Education Code 25.0951

REFERRAL PROHIBITED

A district may not refer a student to truancy court if the school determines that the student's truancy is the result of pregnancy, being in the state foster program, homelessness, or being the principal income earner for the student's family. [See TRUANCY PREVENTION MEASURES, below] *Education Code 25.0915(a-3)*

FILING REQUIREMENTS

Each referral to truancy court for conduct described by Family Code 65.003(a) must:

1. Be accompanied by a statement from the student's school certifying that the school applied the truancy prevention measures to the student, and the measures failed to meaningfully address the student's school attendance; and

2. Specify whether the student is eligible for or receives special education services under Education Code Chapter 29, Subchapter A.

A truancy court shall dismiss a petition filed by a truant conduct prosecutor under Family Code 65.054, if the court determines that the district's referral:

1. Does not comply with the requirement above;
2. Does not satisfy the elements required for truant conduct;
3. Is not timely filed, unless the school district delayed the referral as provided above [see DELAYING A REFERRAL, above]; or
4. Is otherwise substantively defective.

Education Code 25.0915(b), (c)

EXPUNCTION OF RECORDS

An individual who was convicted of a truancy offense under former Education Code 25.094 or has had a complaint for a truancy offense dismissed is entitled to have the conviction or complaint and records relating to the conviction or complaint expunged.

Regardless of whether the individual has filed a petition for expunction, the court in which the individual was convicted or a complaint for a truancy offense was filed shall order the conviction, complaints, verdicts, sentences, and other documents relating to the offense, including any documents in the possession of a district or law enforcement agency, to be expunged from the individual's record. After entry of the order, the individual is released from all disabilities resulting from the conviction or complaint, and the conviction or complaint may not be shown or made known for any purpose.

Code of Crim. Proc. 45.0541

ATTENDANCE OFFICER

A board may select a school attendance officer. A school attendance officer also may be selected by two or more boards to serve their districts jointly. *Education Code 25.088*

In districts where no attendance officer has been selected, the superintendent and the peace officers in a district shall perform the duties of attendance officer, but no additional compensation shall be paid for the services. *Education Code 25.090* [See PEACE OFFICERS, below]

POWERS AND DUTIES

An attendance officer employed by a district who is not commissioned as a peace officer has the following powers and duties with respect to enforcement of compulsory school attendance requirements:

1. To investigate each case of a violation of the compulsory school attendance requirements referred to the attendance officer;
2. To enforce compulsory school attendance requirements by applying truancy prevention measures adopted under Educa-

tion Code 25.0915 to the student and if the measures fail to meaningfully address the student's conduct:

a. Referring the student to a truancy court if the student has unexcused absences for the amount of time specified under Family Code 65.003(a); and

b. Filing a complaint in a county, justice, or municipal court against a parent who violates Education Code 25.093;

3. To monitor school attendance compliance by each student investigated by the officer;

4. To maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board, or the Commissioner, to provide a record to the individual or entity requesting the record;

5. To make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that the attendance officer may not enter a residence without permission of the parent or of the owner or tenant of the residence; and

6. At the request of a parent, to escort a student from any location to a school campus to ensure the student's compliance with compulsory school attendance requirements.

Education Code 25.091(b)

PEACE OFFICERS

A peace officer serving as an attendance officer has the following powers and duties concerning enforcement of compulsory school attendance requirements:

1. To investigate each case of a violation of compulsory school attendance requirements referred to the peace officer;

2. To enforce compulsory school attendance requirements by applying truancy prevention measures adopted under Education Code 25.0915 to the student and if the measures fail to meaningfully address the student's conduct:

a. Referring the student to a truancy court if the student has unexcused absences for the amount of time specified under Family Code 65.003(a); or

b. Filing a complaint in a county, justice, or municipal court against a parent who violates Education Code 25.093;

3. To serve court-ordered legal process;

4. To review school attendance records for compliance by each student investigated by the officer;

5. To maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board, or the Commissioner, to provide a record to the individual or entity requesting the record; and

6. To make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that a peace officer may not enter a residence without the permission of the parent of a student required to attend school or of the tenant or owner of the residence except to lawfully serve court-ordered legal process on the parent.

A peace officer who has probable cause to believe that a child is in violation of the compulsory attendance law may take the child into custody for the purpose of returning the child to the school campus of the child to ensure the child's compliance with compulsory attendance requirements.

Education Code 25.091(a), (b-1)

TRUANCY PREVENTION MEASURES

A district shall adopt truancy prevention measures designed to address student conduct related to truancy in the school setting before the student engages in conduct described by Family Code 65.003, and minimize the need for referrals to truancy court for conduct described by Family Code 65.003(a). *Education Code 25.0915(a)*

A district shall take one or more of the following actions as a truancy prevention measure:

1. Impose:

   a. A behavior improvement plan on the student that must be signed by an employee of the school, that the district has made a good faith effort to have signed by the student and the student's parent or guardian, and that includes:

      (1) A specific description of the behavior that is required or prohibited for the student;

      (2) The period for which the plan will be effective, not to exceed 45 school days after the date the contract becomes effective; or

(3) The penalties for additional absences, including additional disciplinary action or the referral of the student to a truancy court; or

b. School-based community service; or

2. Refer the student to counseling, mediation, mentoring, a teen court program, community-based services, or other in-school or out-of-school services aimed at addressing the student's truancy. A referral may include participation by the child's parent or guardian if necessary.

A school district shall offer additional counseling to a student and may not refer the student to truancy court if the school determines that the student's truancy is the result of:

1. Pregnancy;

2. Being in the state foster program;

3. Homelessness; or

4. Being the principal income earner for the student's family.

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 by Education Code 25.0951(a), the district shall initiate truancy prevention measures on the student.

Education Code 25.0915

TRUANCY PREVENTION FACILITATOR OR JUVENILE CASE MANAGER

A district shall employ a truancy prevention facilitator or juvenile case manager to implement the truancy prevention measures required by Education Code 25.0915 and any other effective truancy prevention measures as determined by the district or campus. At least annually, the truancy prevention facilitator shall meet to discuss effective truancy prevention measures with a case manager or other individual designated by a truancy court to provide services to students of the district in truancy cases.

Instead of employing a truancy prevention facilitator, a school district may designate an existing district employee or juvenile case manager to implement the truancy prevention measures and any other effective truancy prevention measures as determined by the district or campus.

Education Code 25.0915(d), (e)

On approval of the board, a district may employ or agree in accordance with Government Code Chapter 791, with any appropri-

ate governmental entity to jointly employ or to jointly contribute to the costs of another entity employing:

1. A case manager to provide services in cases involving juvenile offenders who are before a court consistent with the court's statutory powers or referred to a court by a school administrator or designee for misconduct that would otherwise be within the court's statutory powers prior to a case being filed, with the consent of the juvenile and the juvenile's parents or guardians; or

2. One or more juvenile case managers who shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases, and may provide prevention services to a child considered at risk of entering the juvenile justice system, and intervention services to juveniles engaged in misconduct before cases are filed, excluding traffic offenses.

FUNDING

A district may apply to the criminal justice division of the governor's office for reimbursements of the costs of employing a juvenile case manager. Pursuant to Code of Criminal Procedure 102.0174, the district may pay the salary and benefits of a juvenile case manager and the costs of training, travel, office supplies, and other necessary expenses relating to the position of the juvenile case manager from the juvenile case manager fund.

RULES

The board of a district that employs a juvenile case manager shall adopt and implement reasonable rules for juvenile case managers that provide a code of ethics, and for the enforcement of the code of ethics; appropriate educational preservice and in-service training standards for juvenile case managers; and training in:

1. The role of the juvenile case manager;
2. Case planning and management;
3. Applicable procedural and substantive law;
4. Courtroom proceedings and presentation;
5. Services to at-risk youth under Family Code Chapter 264, Subchapter D;
6. Local programs and services for juveniles and methods by which juveniles may access those programs and services; and
7. Detecting and preventing abuse, exploitation, and neglect of juveniles.

Code of Criminal Procedure 45.056

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, including all reportable diseases under Health and Safety Code 81.041;

3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or

4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

Family Code 32.003; Planned Parenthood of Cent. Mo. v. Danforth, 428 U.S. 52 (1976); Bellotti v. Baird, 443 U.S. 622 (1979)

ADMINISTERING MEDICATION

Upon adoption of policies concerning the administration of medication to students by school district employees, a district, a board, and a district's employees are immune as described below, provided:

1. The district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.

2. When administering prescription medication, the medication is administered either:

   a. From a container that appears to be the original container and to be properly labeled; or

   b. From a properly labeled unit dosage container filled by a registered nurse or another qualified district employee, as determined by district policy, from a container that appears to be the original container and to be properly labeled.

BY VOLUNTEER PROFESSIONALS

If a district provides liability insurance for a licensed physician or registered nurse who provides volunteer services to the district, a board may allow the physician or nurse to administer to any student nonprescription medication or medication currently prescribed for the student by the student's personal physician.

IMMUNITY FROM CIVIL LIABILITY

A district, a board, and its employees shall be immune from civil liability for damages or injuries resulting from the administration of medication to a student in accordance with this policy.

Education Code 22.052(a), (b)

[See DG regarding protection of nurses for refusal to perform acts.]

SELF-ADMINISTRATION OF ASTHMA OR ANAPHYLAXIS MEDICINE

A student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if:

1. The medicine has been prescribed for that student as indicated by the prescription label on the medicine;

2. The student has demonstrated to the student's physician or other licensed health-care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including the use of any device required to administer the medication;

3. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health-care provider; and

4. A parent of the student provides to the school:

   a. Written authorization, signed by the parent, for the student to self-administer the prescription medicine while on school property or at a school-related event or activity; and

   b. A written statement, signed by the student's physician or other licensed health-care provider, that states:

      (1) That the student has asthma or anaphylaxis and is capable of self-administering the medicine;

      (2) The name and purpose of the medicine;

      (3) The prescribed dosage for the medicine;

      (4) The times at which or circumstances under which the medicine may be administered; and

      (5) The period for which the medicine is prescribed.

The physician's statement must be kept on file in the school nurse's office, or, if there is no school nurse, in the office of the principal of the school the student attends.

[See FFAF for care of students with diagnosed food allergies at risk for anaphylaxis.]

NO WAIVER OF IMMUNITY

The provisions above neither waive any liability or immunity nor create any liability for or a cause of action against a district, a board, or its employees.

Education Code 38.015

SUNSCREEN PRODUCTS

A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use. This provision does not waive any immunity from liability of a district, its board, or its

employees; or create any liability for or a cause of action against a district, its board, or its employees. *Education Code 38.021*

DIETARY SUPPLEMENTS

A school 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)

PSYCHOTROPICS AND PSYCHIATRIC EVALUATIONS

A school 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 who is a registered nurse, advanced nurse practitioner, physician, or certified or appropriately credentialed mental health professional from recommending that a child be evaluated by an appropriate medical practitioner; 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.

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.

Education Code 38.016

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

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; the Commissioner; and the commissioner of state health services.

The report must include the following information:

1. The age of the person who received the administration of the epinephrine auto-injector;
2. Whether the person who received the administration of the epinephrine auto-injector was a student, a school personnel member or school volunteer, or a visitor;
3. The physical location where the epinephrine auto-injector was administered;
4. The number of doses of epinephrine auto-injector administered;
5. The title of the person who administered the epinephrine auto-injector; and
6. Any other information required by the Commissioner.

Education Code 38.209

TRAINING

A district that adopts a policy is responsible for training school personnel and school volunteers in the administration of an epinephrine auto-injector.

Training must be completed annually; provided in a formal training session or through online education; and include information on recognizing the signs and symptoms of anaphylaxis, administering an epinephrine auto-injector, 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

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 school district in accordance with law. *Education Code 38.211*

NOTICE TO PARENTS

If a school district implements a policy for the maintenance, administration, and disposal of epinephrine auto-injectors, the district shall provide written notice to a parent or guardian of each student enrolled in the district or school. Notice must be provided before

the policy is implemented by the district or school and before the start of each school year. *Education Code 38.212*

GIFTS, GRANTS, AND DONATIONS

A district may accept gifts, grants, donations, and federal and local funds to implement its policy. *Education Code 38.213*

IMMUNITY FROM LIABILITY

A person who in good faith takes, or fails to take, any action related to the administration of epinephrine auto-injectors 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;
2. Supervising or delegating the administration of an epinephrine auto-injector;
3. Possessing, maintaining, storing, or disposing of an epinephrine auto-injector;
4. Prescribing an epinephrine auto-injector;
5. Dispensing an epinephrine auto-injector;
6. Administering, or assisting in administering, an epinephrine auto-injector;
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 school 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 or open-enrollment charter school.

Education Code 38.215

DIABETES MANAGEMENT AND TREATMENT PLAN

The parent or guardian of a student who will seek care for diabetes while at school or while participating in a school activity, and the physician responsible for the student's diabetes treatment, shall develop a diabetes management and treatment plan (DMTP).

REQUIRED ELEMENTS

The DMTP must:

1. Identify the health-care services the student may receive at school;
2. Evaluate the student's ability to manage and level of understanding of the student's diabetes; and
3. Be signed by the parent or guardian and the physician.

SUBMISSION TO SCHOOL

The parent or guardian must submit the DMTP to the school, and the school must review the plan:

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

Health and Safety Code 168.002

INDIVIDUALIZED HEALTH PLAN

Upon receiving the student's DMTP, the school principal, or designee, and the school nurse, if a school nurse is assigned to the school, shall develop an individualized health plan (IHP) for the student. The IHP shall be developed in collaboration with the student's parent or guardian and, to the extent practicable, the physician responsible for the student's diabetes treatment and one or more of the student's teachers.

A student's IHP must incorporate components of the student's DMTP, including the information required under Health and Safety Code 168.002(b) [see REQUIRED ELEMENTS, above].

Health and Safety Code 168.001(3), .003

INDEPENDENT MONITORING AND TREATMENT

In accordance with the student's IHP, a school shall permit the student to attend to the management and care of the student's diabetes, which may include:

1. Performing blood glucose level checks;
2. Administering insulin through the insulin delivery system the student uses;
3. Treating hypoglycemia and hyperglycemia;

4. Possessing on the student's person at any time any supplies or equipment necessary to monitor and care for the student's diabetes; and

5. Otherwise attending to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school-related activity.

Health and Safety Code 168.008

REQUIRED CARE

Each school shall adopt a procedure to ensure that a school nurse or at least one unlicensed diabetes care assistant (UDCA) is present and available to provide the required care to a student with diabetes during the regular school day. A district may not restrict the assignment of a student with diabetes to a particular campus on the basis that the campus does not have the required UDCAs.

Health and Safety Code 168.007(c)–(d)

If a school nurse is assigned to a campus and the nurse is available, the nurse shall perform the tasks necessary to assist a student with diabetes in accordance with the student's IHP.

SCHOOL NURSE NOT AVAILABLE

If a school nurse is not assigned to the campus or a school nurse is not available, a UDCA shall perform the tasks necessary to assist the student in accordance with the student's IHP and in compliance with any guidelines provided during UDCA training. A UDCA may perform these tasks only if the parent or guardian of the student signs an agreement that:

1. Authorizes a UDCA to assist the student; and

2. States that the parent or guardian understands that a UDCA is not liable for civil damages [see IMMUNITY FROM LIABILITY, below].

Health and Safety Code 168.007(a)

If a school nurse is not assigned to a campus:

1. A UDCA must have access to an individual with expertise in the care of persons with diabetes, such as a physician, a registered nurse, a certified diabetes educator, or a licensed dietitian; or

2. The principal must have access to the physician responsible for the student's diabetes treatment.

Health and Safety Code 168.007(b)

UNLICENSED DIABETES CARE ASSISTANTS

At each school in which a student with diabetes is enrolled, the principal, or designee, shall:

1. Seek school employees who are not health-care professionals to serve as UDCAs and to care for students with diabetes; and

2. Make efforts to ensure the school has:

    a. At least one UDCA if a full-time nurse is assigned to the school; and

    b. At least three UDCAs if a full-time nurse is not assigned to the school.

"School employee" means a person employed by a school, a local health department that assists the school under Health and Safety Code Chapter 168 (Care of Students with Diabetes), or another entity with whom the school has contracted to perform its duties under that chapter.

"Unlicensed diabetes care assistant" means a school employee who has successfully completed the required training [see UDCA TRAINING, below].

A school employee may not be subject to any penalty or disciplinary action for refusing to serve as a UDCA.

A UDCA shall serve under the supervision of the principal.

Health and Safety Code 168.001(5)–(6), .003–.004

UDCA TRAINING

If a school nurse is assigned to a campus, the nurse shall coordinate the training of school employees acting as UDCAs. Training for UDCAs must be provided by a health-care professional with expertise in the care of persons with diabetes or by a school nurse. The training must include instruction in the elements set forth at Health and Safety Code 168.005(d).

Training must be provided before the beginning of the school year or as soon as practicable following:

1. The enrollment of a student with diabetes at a campus that previously had no students with diabetes; or

2. A diagnosis of diabetes for a student at a campus that previously had no students with diabetes.

The school nurse or principal shall maintain a copy of the training guidelines and any records associated with the training.

Health and Safety Code 168.005

Note: Guidelines for training school employees who are not licensed health-care professionals to care for students with diabetes are available at http://www.dshs.state.tx.us/diabetes/PDF/HB984.pdf.

INFORMATION TO EMPLOYEES

A district shall provide to each district employee who is responsible for providing transportation for a student with diabetes or supervising a student with diabetes during an off-campus activity a one-page information sheet that:

1. Identifies the student who has diabetes;
2. Identifies potential emergencies that may occur as a result of the student's diabetes and the appropriate responses to such emergencies; and
3. Provide the telephone number of a contact person in case of an emergency involving the student with diabetes.

Health and Safety Code 168.006

IMMUNITY FROM LIABILITY

A school employee may not be subject to any disciplinary proceeding, as defined by Education Code 22.0512(b), resulting from any action taken in compliance with Health and Safety Code Chapter 168. The requirements of Chapter 168 are considered to involve the employee's judgment and discretion and are not considered ministerial acts for purposes of immunity under Education Code 22.0511. *Health and Safety Code 168.009(a)* [See DG]

A school nurse is not responsible for and may not be subject to disciplinary action under Occupations Code Chapter 301 for actions performed by a UDCA. *Health and Safety Code 168.009(b)*

A UDCA who assists a student as provided above [see REQUIRED CARE, above] in compliance with the student's IHP:

1. Is not considered to be engaging in the practice of professional or vocational nursing under Occupations Code Chapter 301 or other state law; and
2. Is exempt from any applicable state law or rule that restricts the activities that may be performed by a person who is not a health-care provider.

A UDCA may exercise reasonable judgment in deciding whether to contact a health-care provider in the event of a medical emergency involving a student with diabetes.

Health and Safety Code 168.007(e)–(f)

STUDENTS AT RISK FOR ANAPHYLAXIS

The board shall adopt and administer a policy for the care of students with a diagnosed food allergy at risk for anaphylaxis based on guidelines developed by the commissioner of state health services. A district that implements a policy for the care of students with a diagnosed food allergy at risk for anaphylaxis before the development of the commissioner's guidelines shall review the policy and revise the policy as necessary to ensure the policy is consistent with the guidelines.

The commissioner's guidelines may not:

1. Require a district to purchase prescription anaphylaxis medication, such as epinephrine, or require any other expenditure that would result in a negative fiscal impact on the district; or

2. Require the personnel of a district to administer anaphylaxis medication, such as epinephrine, to a student unless the anaphylaxis medication is prescribed for that student.

This section does not waive any liability or immunity of the district or its officers or employees, or create any liability for or a cause of action against the district or its officers or employees.

Education Code 38.0151(a)–(d)

A district that provides for the maintenance, administration, and disposal of epinephrine auto-injectors under Education Code Chapter 38, Subchapter E [see FFAC] is not required to comply with Education Code 38.0151. *Education Code 38.0151(f)*

Note: See FB for the application of Section 504 of the Rehabilitation Act to students who qualify for individualized health plans.

PURCHASING INSURANCE

A board may purchase insurance against bodily injury sustained by students while training for or engaging in interscholastic athletic competition or while engaging in school-sponsored activities. Such insurance shall be purchased from a reliable insurance company authorized to do business in Texas and shall be on forms approved by the commissioner of insurance. The amount shall be in keeping with the financial condition of the district and shall not exceed the amount that the board considers reasonably necessary to afford adequate medical treatment of students so injured.

PAYMENT OF PREMIUMS

The cost of student insurance shall constitute a legitimate part of the total cost of operating a district.

NO LIABILITY FOR FAILURE TO PURCHASE

The failure of a board to purchase student insurance shall not be construed as placing any legal liability upon the district or its officers, agents, or employees, for any injury that may result.

Education Code 38.024

OTHER COVERAGE

A district is not authorized to spend public funds on insurance to benefit persons to whom it owes no legal duty and shall not expend public funds for that purpose. Unauthorized insurance includes no-fault personal injury protection and uninsured motorist coverage. *Tex. Const., Art. 3, Secs. 50–52; Atty. Gen. Op. H-602 (1975)*

ANTIVICTIMIZATION PROGRAM

A district shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004*

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 who is over the age of 18 or who has had the disabilities of minority removed is in a state of abuse, neglect, or exploitation shall report the information immediately to the Texas Department of Family and Protective Services (DFPS).

A person 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 FFAC]

CONTENTS OF REPORT

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Family Code 261.103, .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 3, 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(a)(1)

JJAEPS

Any report of alleged abuse, neglect, or exploitation 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)(2)(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, a professional who makes a good faith report of abuse or neglect. *Family Code 261.110* [See DG]

CRIMINAL OFFENSES

FAILURE TO REPORT

A person commits a Class A misdemeanor if he or she is required to make a report under Family Code 261.101(a) [see DUTY TO REPORT, above] and knowingly fails to make a report as provided by law.

A person who is a professional commits a Class A misdemeanor if the person is required to make a report under Family Code 261.101(b) [see DUTY TO REPORT] and knowingly fails to make a report as provided by law. The professional commits a state jail felony if he or she intended to conceal the abuse or neglect.

Family Code 261.109

Failure to report child abuse or neglect violates the Educator's Code of Ethics and may result in sanctions against an educator's certificate, as addressed in 19 Administrative Code Chapter 249. *19 TAC 61.1051(a)(2)(A)*

FALSE REPORT

A person commits an offense if, with the intent to deceive, the person knowingly makes a report of abuse and neglect that is false. The offense is a state jail felony, except that it is a felony of the third degree if the person has previously been convicted of the offense. *Family Code 261.107(a)*

COERCION

A public servant, including as a school administrator, who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense. *Penal Code 39.06*

CONFIDENTIALITY OF REPORT

A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information

Act). Such information may be disclosed only for purposes consistent with federal or state law or under rules adopted by an investigating agency. *Family Code 261.201*

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

INVESTIGATIONS

REPORTS TO DISTRICT

If DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public elementary or secondary school, and that the child is a student at the school, the department shall orally notify the superintendent of the district in which the employee is employed. *Family Code 261.105(d)*

On request, DFPS shall provide a copy of the completed report of its investigation to the board, the superintendent, and the school principal, unless the principal is alleged to have committed the abuse or neglect. The report shall be edited to protect the identity of the person who made the report. *Family Code 261.406(b)*

INTERVIEW OF STUDENT

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

INTERFERENCE WITH INVESTIGATION

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

CONFIDENTIALITY

A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Texas Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. *Human Resources Code 42.004*

REPORTING POLICY

A board shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261.

The policies must require every school employee, agent, or contractor who suspects child 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.

The policies must be consistent with the Family Code, Chapter 261, and 40 Administrative Code Chapter 700 (relating to CPS) regarding investigations by DFPS, including regulations governing

investigation of abuse by school personnel and volunteers. [See GRA]

The policies 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. Prohibitions against interference with an investigation of a report of child abuse or neglect, including:

   a. The prohibition, under Family Code 261.302 and 261.303, against denying an investigator's request to interview a student at school; and

   b. The prohibition, under Family Code 261.302, against 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;

6. The prohibition under Education Code 26.0091 [see PSYCHOTROPIC DRUGS AND PSYCHOLOGICAL TESTING, above]; and

7. The current toll-free number for DFPS.

The policies must 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.

19 TAC 61.1051(a)

ANNUAL DISTRIBUTION AND STAFF DEVELOPMENT

The policies shall be distributed to all personnel at the beginning of each school year and shall be addressed in staff development programs at regular intervals determined by a board. *19 TAC 61.1051(b)*

Each school year, a district shall provide training as required by Education Code 38.0041 to all new district employees as a part of

new employee orientation. [See DH and DMA] *Education Code 38.0041; 19 TAC 61.1051(c)*

REQUIRED POSTER

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

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

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

USE OR POSSESSION BY STUDENTS

A board shall prohibit students from smoking, using, or possessing e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property.

"E-cigarette" means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term does not include a prescription medical device unrelated to the cessation of smoking. The term includes:

1. A device regardless of whether it is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description; and

2. A component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

Health and Safety Code 161.081(1-a)

ENFORCEMENT

The board shall ensure that district personnel enforce the policies on school property. *Education Code 38.006* [See DH and GKA]

POSSESSION OF WEAPONS

EXPULSION OFFENSE

A student shall be expelled from school if the student engages in conduct that contains the elements of the offense of unlawfully carrying weapons under Penal Code 46.02, or elements of an offense relating to prohibited weapons under Penal Code 46.05, on school property or while attending a school-sponsored or school-related activity on or off school property. *Education Code 37.007(a)(1)* [See also FOD]

EXCEPTION

A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs:

1. At an approved target range facility that is not located on a school campus; and
2. While participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.

This section does not authorize a student to bring a firearm on school property to participate in or prepare for a school-sponsored shooting sports competition or a shooting sports educational activity.

Education Code 37.007(k)

FEDERAL FIREARMS PROVISION

EXPULSION OFFENSE

In accordance with the Gun-Free Schools Act, a district shall expel from the student's regular program, for a period of one year, any student who is determined to have brought a firearm, as defined by federal law, to any district school. *20 U.S.C. 7151; Education Code 37.007(e)* [See FOD]

UNLAWFUL CARRYING OF WEAPONS

Under Penal Code 46.02, a person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun, illegal knife, or club if the person is not on the person's own premises or premises under the person's control; or inside of or directly en route to a motor vehicle that is owned by the person or under the person's control. *Penal Code 46.02(a)*

DEFINITIONS

"FIREARM"

For purposes of state law, "handgun" means any firearm that is designed, made, or adapted to be fired with one hand. A "firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. *Penal Code 46.01(3),(5)*

"ILLEGAL KNIFE"

"Illegal knife" means a knife with a blade over 5-1/2 inches; hand instrument designed to cut or stab another by being thrown;

dagger, including a dirk, stiletto, and poniard; bowie knife; sword; or spear. *Penal Code 46.01(6)*

"CLUB" A "club" is an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk. *Penal Code 46.01(1)*

PROHIBITED WEAPONS Under Penal Code 46.05, a person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

1. An explosive weapon (any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon). *Penal Code 46.01(2)*

2. A machine gun (any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger). *Penal Code 46.01(9)*

3. A short-barrel firearm (rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches). *Penal Code 46.01(10)*

4. A firearm silencer (any device designed, made, or adapted to muffle the report of a firearm). *Penal Code 46.01(4)*

5. Knuckles (any instrument consisting of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles). *Penal Code 46.01(8)*

6. Armor-piercing ammunition (handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers). *Penal Code 46.01(12)*

7. A chemical dispensing device (a device, other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of dispensing a chemical capable of causing an adverse

psychological or physiological effect on a human being). *Penal Code 46.01(14)*

8. A zip gun (a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance). *Penal Code 46.01(16)*

9. A tire deflation device (a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires; it does not include a traffic control device that is designed to puncture one or more of a vehicle's tires when driven over in a specific direction, and has a clearly visible sign posted in close proximity to the traffic control device that prohibits entry or warns motor vehicle operators of the traffic control device). *Penal Code 46.01(17)*

A person does not commit an offense if an item is listed at items 1–4, above, and is registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives or classified as a curio or relic by the United States Department of Justice. *Penal Code 46.05(a)*

SEARCHES OF STUDENTS

Students shall be free from unreasonable searches and seizures by school officials. School officials may search a student's outer clothing, pockets, or property by establishing reasonable cause or securing the student's voluntary consent. Coercion, either expressed or implied, such as threatening to contact parents or police, invalidates apparent consent. *U.S. Const., Amend. 4.; New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733 (1985); Jones v. Latexo Indep. Sch. Dist., 499 F.Supp. 223 (1980)*

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

1. The action is justified at the inception; i.e., the school official has reasonable grounds for suspecting that the search will uncover evidence of a rule violation or a criminal violation.
2. The scope of the search is reasonably related to the circumstances that justified the search in the first place; i.e., the measures adopted are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733 (1985)

RANDOM DRUG TESTING

Whether a particular search is reasonable is judged by balancing its intrusion on the individual's Fourth Amendment interests against its promotion of legitimate governmental interests. Thus, the reasonableness of a random student drug-testing policy is determined by balancing the following factors:

1. The nature of the privacy interest compromised by the drug-testing policy.
2. The character of the intrusion imposed by the drug-testing policy.
3. The nature and immediacy of the governmental interests involved and the efficacy of the drug-testing policy for meeting them.

Vernonia Sch. Dist. 47J v. Acton, 515 U.S. 646, 115 S.Ct. 2386 (1995) (upholding a policy requiring urinalysis drug testing as a condition of participating in athletics); Bd. of Educ. of Indep. Sch. Dist. No. 92 of Pottawatomie County v. Earls, 122 S.Ct. 2559 (2002) (upholding a policy requiring urinalysis drug testing as a condition of participating in competitive extracurricular activities)

SEARCHES OF TELECOMMUNICATIONS / ELECTRONIC DEVICES

A person is prohibited from obtaining, altering, or preventing authorized access to a wire or electronic communication while it is in electronic storage by:

1. Intentionally accessing without authorization a facility through which an electronic communication service is provided; or

2. Intentionally exceeding an authorization to access that facility.

EXCEPTIONS

This section does not apply with respect to conduct authorized:

1. By the person or entity providing a wire or electronic communications service;

2. By a user of that service with respect to a communication of or intended for that user; or

3. By sections 18 U.S.C. 2703, 2704, or 2518.

18 U.S.C. 2701(a), (c)

ELECTRONIC COMMUNICATION

"Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system that affects interstate or foreign commerce. *18 U.S.C. 2510(12)*

ELECTRONIC STORAGE

"Electronic storage" means:

1. Any temporary, intermediate storage of a wire or electronic communication incidental to the electronic transmission thereof; and

2. Any storage of such communication by an electronic communication service for purposes of backup protection of such communication.

18 U.S.C. 2510(17)

Messages that have been sent to a person, but not yet opened, are in temporary, intermediate storage and are considered to be in electronic storage. *See* Steve Jackson Games, Inc. v. United States Secret Service, 36 F.3d 457 (5th Cir. 1994). Electronic communications that are opened and stored separately from the provider are considered to be in post-transmission storage, not electronic storage. *See* Fraser v. Nationwide Mut. Ins. Co., 352 F.3d 107 (3d Cir. 2004).

BY LAW ENFORCEMENT

A peace officer may not search a person's cellular telephone or other wireless communications device, pursuant to a lawful arrest of the person, without obtaining a warrant under Code of Criminal Procedure 18.0215.

A peace officer may search a cellular telephone or other wireless communications device without a warrant if:

1. The owner or possessor of the telephone or device consents to the search;

2. The telephone or device is reported stolen by the owner or possessor; or

3. The officer reasonably believes that:

   a. The telephone or device is in the possession of a fugitive from justice for whom an arrest warrant has been issued for committing a felony offense; or

   b. There exists an immediate life-threatening situation, as defined by Code of Criminal Procedure 18.20.

Code of Crim. Proc. 18.0215

USE OF TRAINED DOGS

Trained dogs' sniffing of cars and lockers does not constitute a search under the Fourth Amendment. The alert of a trained dog to a locker or car provides reasonable cause for a search of the locker or car if the dog is reasonably reliable in indicating that contraband is currently present. A district need not show that the dog is infallible or even that it is reliable enough to give probable cause.

Trained dogs' sniffing of students does constitute a search and requires individualized reasonable suspicion.

Horton v. Goose Creek Indep. Sch. Dist., 690 F.2d 470 (5th Cir. 1982)

STUDENT CODE OF CONDUCT

The board shall adopt a Student Code of Conduct for a district, with the advice of its district-level committee. The Student Code of Conduct must:

1. Specify the circumstances, consistent with Education Code Chapter 37, Subchapter A, under which a student may be removed from a classroom, campus, disciplinary alternative education program (DAEP), school bus, or vehicle owned or operated by the district.

2. Specify the conditions that authorize or require a principal or other appropriate administrator to transfer a student to a DAEP.

3. Outline conditions under which a student may be suspended, as provided by Education Code 37.005 [see FOB], or expelled, as provided by Education Code 37.007 [see FOD].

4. Specify that consideration will be given, as a factor in each decision concerning suspension, removal to a DAEP, expulsion, or placement in a juvenile justice alternative education program (JJAEP), regardless of whether the decision concerns a mandatory or discretionary action, to:

   a. Self-defense;

   b. Intent or lack of intent at the time the student engaged in the conduct;

   c. A student's disciplinary history; or

   d. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

5. Provide guidelines for setting the length of removal to a DAEP or of expulsion. Except as provided by Education Code 37.007(e) (Gun-Free Schools Act [see FOD]), a district is not required to specify a minimum term of removal or expulsion.

6. Address the notification of the parent or guardian of a student's violation of the Student Code of Conduct that results in suspension, removal to a DAEP, or expulsion.

7. Prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions.

   "Bullying" has the meaning provided by Education Code 37.0832. [See FFI]

   "Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating

conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.

"Hit list" means a list of people targeted to be harmed using a firearm, as defined by Penal Code 46.01(3) [see FNCG]; a knife, as defined by Penal Code 46.01(7) (any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument); or any other object to be used with intent to cause bodily harm.

8. Provide, as appropriate for students at each grade level, methods, including options, for:

   a. Managing students in the classroom, on school grounds, and on a vehicle owned or operated by the district;

   b. Disciplining students; and

   c. Preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.

   The methods adopted must provide that a student who is enrolled in a special education program under Education Code Chapter 29, Subchapter A, may not be disciplined for bullying, harassment, or making of hit lists until an admission, review, and dismissal (ARD) committee meeting has been held to review the conduct. [See FOF]

CHANGES IN SCOC

Once a Student Code of Conduct is promulgated, any change or amendment shall be approved by a board.

POSTING

The Student Code of Conduct shall be posted and prominently displayed at each school campus or made available for review at the office of the campus principal.

Education Code 37.001

NOTICE TO PARENTS

Each school year, a district shall provide parents with notice of and information regarding the Student Code of Conduct. *Education Code 37.001(d)*

NONCUSTODIAL PARENT

A noncustodial parent may request in writing that, for the remainder of the school year in which the request is received, a district provide that parent with a copy of any written notification that is generally provided to a student's parent or guardian, relating to student misconduct under Education Code 37.006 or 37.007. A district may not unreasonably deny the request. Notwithstanding

this requirement, a district shall comply with any applicable court order of which the district has knowledge. *Education Code 37.0091(a)*

COPIES TO STAFF

The district shall provide each teacher and administrator with a copy of Education Code Chapter 37, Subchapter A regarding student discipline and with a copy of the related local policy. *Education Code 37.018*

CAMPUS BEHAVIOR COORDINATOR

A person at each campus must be designated to serve as the campus behavior coordinator (CBC). The person may be the campus principal or any other campus administrator selected by the principal.

The CBC is primarily responsible for maintaining student discipline and the implementation of Education Code Chapter 37.

DUTIES

The specific duties of the CBC may be established by campus or district policy. Unless the policy provides otherwise, duties imposed on a campus principal or other campus administrator by Education Code Chapter 37 must be performed by the CBC and a power granted to a campus principal may be exercised by the CBC.

NOTICE TO PARENTS

The CBC shall promptly notify a student's parent or guardian if the student is placed into in-school or out-of-school suspension, placed in a DAEP, expelled, or placed in a JJAEP or is taken into custody by a law enforcement officer.

A CBC must provide notice by promptly contacting the parent or guardian by telephone or in person; and making a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian.

If a parent or guardian entitled to notice has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a CBC shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

If a CBC is unable or not available to promptly provide notice, the principal or other designee shall provide the notice.

Education Code 37.0012

NO UNSUPERVISED SETTING

Except for students who are suspended or expelled, no student may be placed in an unsupervised setting as a result of conduct for which a student may be placed in a DAEP. *Education Code 37.008(h)*

CONTINUATION OF DISCIPLINARY ACTION

If a district takes disciplinary action against a student and the student subsequently enrolls in another district or school before the expiration of the period of disciplinary action, the district or school taking the disciplinary action shall provide to the district or school in which the student enrolls, at the same time other records of the student are provided, a copy of the order of disciplinary action.

"Disciplinary action" means a suspension, expulsion, placement in an alternative education program, or other limitation in enrollment eligibility of a student.

"District or school" includes an independent school district, a home-rule school district, a campus or campus program charter holder, or an open-enrollment charter school.

Education Code 37.022

OPPORTUNITY TO COMPLETE COURSES

If a student is placed in in-school suspension or other alternative setting other than a DAEP, a district shall offer the student 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. A district may provide the opportunity by any method available, including a correspondence course, distance learning, or summer school. *Education Code 37.021* [For DAEP notice requirements, see FOCA.]

SECLUSION

A district employee or volunteer or an independent contractor of a district may not place a student in seclusion. *Education Code 37.0021(c)*

"Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

1. Is designed solely to seclude a person; and
2. Contains less than 50 square feet of space.

Education Code 37.0021(b)(2)

This section and any rules or procedures adopted under this section apply to a peace officer only if the peace officer:

1. Is employed or commissioned by a school district; or
2. Provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the district and a local law enforcement agency.

Education Code 37.0021(h)

EXCEPTIONS

This prohibition on seclusion does not apply to:

1. A peace officer performing law enforcement duties; or
2. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

"LAW ENFORCEMENT DUTIES"

"Law enforcement duties" means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.

Education Code 37.0021(b)(4), (g)

RESTRAINT REPORTS

A district shall report electronically to TEA, in accordance with standards provided by Commissioner rule, information relating to the use of restraint by a peace officer performing law enforcement duties [see LAW ENFORCEMENT DUTIES, above] on school property or during a school-sponsored or school-related activity. The report must be consistent with the requirements adopted by Commissioner rule for reporting the use of restraint involving students with disabilities [see FOF]. *Education Code 37.0021(i)*

"Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body. *Education Code 37.0021(b)(1)*

CORPORAL PUNISHMENT

If the board adopts a policy under Education Code 37.001(a)(8) under which corporal punishment is permitted as a method of student discipline, a district educator may use corporal punishment to discipline a student unless the student's parent or guardian or other person having lawful control over the student has previously provided a written, signed statement prohibiting the use of corporal punishment as a method of student discipline. *Education Code 37.0011(b)*

PARENT STATEMENT

To prohibit the use of corporal punishment as a method of student discipline, each school year a student's parent or guardian or other person having lawful control over the student must provide a separate written, signed statement to the board in the manner established by the board. The student's parent or guardian or other person having lawful control over the student may revoke the statement provided to the board at any time during the school year by submitting a written, signed revocation to the board in the manner established by the board. *Education Code 37.0011(c)–(d)*

DEFINITION

"Corporal punishment" means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline. The term does not include physical pain caused by reasonable physical activities associated

with athletic training, competition, or physical education or the use of restraint as authorized under Education Code 37.0021 [see FOF]. *Education Code 37.0011(a*)

USE OF FORCE TO MAINTAIN DISCIPLINE

The use of force, but not deadly force, against a student is justified if the teacher or administrator is entrusted with the care, supervision, or administration of the student when, and to the degree the teacher or administrator reasonably believes the force is necessary, to further the purpose of education or to maintain discipline in a group. *Penal Code 9.62*

VIDEOTAPES AND RECORDINGS

A district employee may, without consent of a child's parent, make a videotape or recording of the child if the videotape or recording is to be used only for purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses. *Education Code 26.009(b)(1)* [See FNG]

REPORTS

A district shall annually report to the Commissioner:

DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS (DAEPS)

1. For each placement in a DAEP:

   a. Information identifying the student, including the student's race, sex, and date of birth, that will enable TEA to compare placement data with information collected through other reports;

   b. Information indicating whether the placement was based on:

      (1) Conduct violating the Student Code of Conduct;

      (2) Conduct for which a student may be removed from class by a teacher [see FOA and the Student Code of Conduct];

      (3) Conduct for which placement in a DAEP is required [see FOC and the Student Code of Conduct]; or

      (4) Conduct occurring while a student was enrolled in another district and for which placement in a DAEP is permitted by Education Code 37.008(j);

   c. The number of full or partial days the student was assigned to the program and the number of full or partial days the student attended the program; and

   d. The number of placements that were inconsistent with the guidelines on length of placement in the Student Code of Conduct.

EXPULSIONS

2. For each expulsion:

a. Information identifying the student, including the student's race, sex, and date of birth, that will enable TEA to compare placement data with information collected through other reports;

b. Information indicating whether the expulsion was based on:

(1) Conduct for which expulsion is required, including information specifically indicating whether a student was expelled for bringing a firearm to school; or

(2) Conduct for which expulsion is permitted;

c. The number of full or partial days the student was expelled;

d. Information indicating whether:

(1) The student was placed in a JJAEP;

(2) The student was placed in a DAEP; or

(3) The student was not placed in a JJAEP or other alternative education program; and

e. The number of expulsions that were inconsistent with the guidelines on length of expulsion in the Student Code of Conduct.

Education Code 37.020

INFORMAL REMOVAL

A teacher may send a student to the campus behavior coordinator's (CBC) office to maintain effective discipline in the classroom. The CBC shall respond by employing appropriate discipline management techniques, consistent with the Student Code of Conduct that can reasonably be expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the CBC shall employ alternative discipline management techniques, including any progressive interventions designated as the responsibility of the CBC in the Student Code of Conduct. *Education Code 37.002(a)* [See FO]

DISCRETIONARY REMOVAL

A teacher may remove from class a student:

1. Who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or
2. Whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

Education Code 37.002(b)

PLACEMENT OF STUDENT

If a teacher removes a student from class under the provisions above, the principal may place the student in another appropriate classroom, in-school suspension, or a disciplinary alternative education program (DAEP). *Education Code 37.002(c)*

MITIGATING FACTORS

Before ordering suspension or removal to a DAEP, the CBC must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action. *Education Code 37.009(a)*

PROHIBITIONS ON ACTIVITIES

The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.002(c)*

Note: A power granted to a campus principal under Education Code Chapter 37, Subchapter A may be exercised by the CBC.

MANDATORY REMOVAL BY A TEACHER

A teacher shall remove from class and send to the principal for placement in a DAEP or expulsion, as appropriate, a student who engages in conduct described in Education Code 37.006 (removal) or 37.007 (expulsion). [See FOC and FOD] *Education Code 37.002(d)*

The student may not be returned to the regular class pending the required conference [see FOC]. *Education Code 37.009(a)*

RETURN TO CLASS

The principal may not return the student to the class of the teacher who removed the student without the teacher's consent, unless the placement review committee determines that such placement is the best or only alternative available.

If the teacher removed the student from class because the student engaged in the elements of an offense listed in Education Code 37.006(a)(2)(B) or 37.007(a)(2)(A) or (b)(2)(C) (assault, sexual assault, attempted murder) against the teacher, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent.

Education Code 37.002(c), (d)

PLACEMENT REVIEW COMMITTEE

Each school shall establish a three-member committee to determine the placement of a student when a teacher refuses the return of a student to the teacher's class. The committee shall make recommendations to the district regarding readmission of expelled students.

COMPOSITION

Committee members shall be appointed as follows:

1. Campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member; and
2. The principal shall choose one member from the professional staff of a campus.

The teacher refusing to readmit the student may not serve on the committee.

Education Code 37.003

REMOVAL BY SCHOOL BUS DRIVER

The driver of a school bus transporting students to or from school or a school-sponsored or school-related activity may send a student to the principal's office to maintain effective discipline on the school bus.

The principal shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct.

Education Code 37.0022

Note: See FOF for provisions concerning students with disabilities.

REMOVAL UNDER STUDENT CODE OF CONDUCT

The Student Code of Conduct must specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program (DAEP). *Education Code 37.001(a)(2)*

MANDATORY PLACEMENT IN DAEP

A student shall be removed from class and placed in a DAEP if the student engages in conduct described in Education Code 37.006 that requires placement. *Education Code 37.006*

SCHOOL-RELATED MISCONDUCT

A student shall be removed from class and placed in a DAEP if the student engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code 42.06, or terroristic threat under Penal Code 22.07.

A student shall also be removed from class and placed in a DAEP if the student commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

1. Engages in conduct punishable as a felony.
2. Engages in conduct that contains the elements of assault, under Penal Code 22.01(a)(1).
3. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of:
    a. Marijuana or a controlled substance, as defined by the Texas Controlled Substances Act, Health and Safety Code Chapter 481, or by 21 U.S.C. 801, et seq.;
    b. A dangerous drug, as defined by the Texas Dangerous Drug Act, Health and Safety Code Chapter 483.
4. Sells, gives, or delivers to another person an alcoholic beverage, as defined by Alcoholic Beverage Code 1.04, or commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage.
5. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Health and Safety Code 485.031 through 485.034.
6. Engages in conduct that contains the elements of the offense of public lewdness under Penal Code 21.07.
7. Engages in conduct that contains the elements of the offense of indecent exposure under Penal Code 21.08.

Education Code 37.006(a)

EXCEPTION

Removal to a DAEP for school-related misconduct is not required if the student is expelled for the same conduct. *Education Code 37.006(m)*

RETALIATION

Except where a student engages in retaliatory acts against a district employee for which expulsion is mandatory [see FOD], a student shall be removed from class and placed in a DAEP if the student engages in conduct on or off school property containing the elements of retaliation, as defined in Penal Code 36.06, against any school employee. *Education Code 37.006(b)*

CONDUCT UNRELATED TO SCHOOL

In addition to the circumstances listed above, a student shall be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

1. The student receives deferred prosecution under Family Code 53.03 for conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03;

2. A court or jury finds that the student has engaged in delinquent conduct under Family Code 54.03 for conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03; or

3. The superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03.

   [See FOC(EXHIBIT) for a list of Title 5 felonies.]

Education Code 37.006(c)

REASONABLE BELIEF

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense, a superintendent or a superintendent's designee may consider all available information and must consider the information furnished under Code of Criminal Procedure Article 15.27(a). *Education Code 37.006(e); Code of Criminal Procedure 15.27(a)* [See GRAA]

SEXUAL ASSAULT OF ANOTHER STUDENT

A student shall be removed from class and placed in a DAEP or juvenile justice alternative education program (JJAEP) if:

1. The student was convicted of, received adjudication for, or was placed on probation for sexual assault of another student while the students were assigned to the same campus, re-

gardless of whether the assault occurred on or off school property;

2. The parent of the victim of the assault has requested that the student be transferred to a campus other than that to which the victim is assigned; and

3. There is only one campus in a district serving the grade level in which the student is enrolled.

Education Code 25.0341, 37.0051(a) [See FDE at SEXUAL ASSAULT TRANSFER, TRANSFER OF ASSAILANT]

A limitation imposed by Education Code Chapter 37 on the length of placement in a DAEP or a JJAEP does not apply to a placement under this provision. *Education Code 37.0051(b)*

PERMISSIVE REMOVAL

A student may be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

NON-TITLE 5 FELONY

1. The superintendent or designee has a reasonable belief [see REASONABLE BELIEF, above] that the student has engaged in conduct defined as a felony offense other than aggravated robbery under Penal Code 29.03, or those offenses listed in Penal Code Title 5 [see FOC(EXHIBIT)]; and

2. The continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

Education Code 37.006(d)–(e)

ONE YEAR AFTER CONDUCT

A principal or other appropriate administrator may, but is not required to, remove a student to a DAEP for off-campus conduct, for which removal would otherwise be required, if the principal or other appropriate administrator did not have knowledge of the conduct before the first anniversary of the date the conduct occurred. *Education Code 37.006(n)*

CERTAIN ORGANIZATION AND GANG MEMBERSHIP AND SOLICITATION

A board or an educator shall recommend placing in DAEP any student who commits the misdemeanor offenses described in Education Code 37.121(a) and (c), regarding membership in or solicitation to join a public school fraternity, sorority, secret society, or gang [see FNCC]. *Education Code 37.121(b)*

OLDER STUDENTS

A person who is 21 years of age or older and is admitted by a district for the purpose of completing the requirements for a diploma is not eligible for placement in a DAEP if the person engages in conduct that would require or authorize such placement for a student under the age of 21. If the student engages in such conduct, the

district shall revoke the student's admission. *Education Code 25.001(b-1)*

PLACEMENT OF YOUNGER STUDENTS

A student who is younger than ten shall be removed from class and placed in a DAEP if the student engages in conduct for which expulsion would be required by Section 37.007. *Education Code 37.006(f), .007(e)* [See FOD]

STUDENTS YOUNGER THAN SIX

Notwithstanding any other provision of the Education Code, a student who is younger than six years of age may not be removed from class and placed in a DAEP, except that a student younger than six years of age who has been expelled pursuant to the Gun Free Schools Act [see FOD] may be provided educational services in a DAEP. *Education Code 37.006(l)*

PROCESS FOR REMOVAL

CONFERENCE

Not later than the third class day after a student is removed by a teacher or by the school principal or other appropriate administrator, the campus behavior coordinator (CBC) or other appropriate administrator shall schedule a conference among the CBC or other appropriate administrator, the student's parent or guardian, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular class pending the conference.

MITIGATING FACTORS

Before ordering removal to a DAEP, the CBC must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action.

ORDER

Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the CBC, after considering any mitigating factors under Education Code 37.001(a)(4) [see FO], shall order the placement of the student for a period consistent with the Student Code of Conduct.

APPEAL

If district policy allows a student to appeal to the board or the board's designee a decision of the CBC or other appropriate administrator, the decision of the board or the board's designee is final and may not be appealed.

Education Code 37.009(a) [See Student Code of Conduct]

TERM OF REMOVAL

A board or designee shall set a term for a student's placement in a DAEP. If the period of placement is inconsistent with the guidelines in the Student Code of Conduct, the order must give notice of the inconsistency. The period of the placement may not exceed one year unless, after a review, a district determines that the student is a threat to the safety of other students or to district employees; or extended placement is in the best interest of the student. *Education Code 37.009(d)*

BEYOND GRADING PERIOD OR 60 DAYS

If placement in a DAEP is to extend beyond 60 days or the end of the next grading period, whichever is earlier, the student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before a board or designee.

NO APPEAL

Any decision of a board or designee concerning placement beyond 60 days or the end of the next grading period is final and cannot be appealed.

Education Code 37.009(b)

BEYOND END OF SCHOOL YEAR

Before a student may be placed in a DAEP for a period that extends beyond the end of the school year, a board or designee must determine that:

1. The student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or another individual; or
2. The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct.

Education Code 37.009(c)

ORDER OF REMOVAL

A board or designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a DAEP. *Education Code 37.009(g)*

Not later than the second business day after the date of the removal conference, a board or designee shall deliver a copy of the order placing the student in a DAEP and any information required under Family Code 52.04 to the authorized officer of the juvenile court in the county in which the juvenile resides. *Education Code 37.010(a)*

ACTIVITIES

The terms of a placement under Education Code 37.006 must prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.006(g)*

In addition to any notice required under Code of Criminal Procedure 15.27 [see GRAA], a principal or designee shall inform each educator who has responsibility for, or is under the direction

and supervision of an educator who has responsibility for, the instruction of a student who has engaged in conduct for which DAEP placement must or may be ordered.

Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law. An educator's certificate may be suspended or revoked for intentional failure to keep such information confidential.

Education Code 37.006(o)

COMPLETION OF PROCEEDINGS UPON WITHDRAWAL

If a student withdraws from a district before an order for placement in a DAEP is entered, the principal or board, as appropriate, may complete the proceedings and enter an order. If the student re-enrolls in the district the same or subsequent school year, the district may enforce the order at that time except for any period of the placement that has been served by the student in another district that honored the order. If the principal or board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order. *Education Code 37.009(i)*

ENROLLMENT IN ANOTHER DISTRICT

If a student placed in a DAEP enrolls in another district before the expiration of the placement, a board shall provide to the district in which the student enrolls a copy of the placement order at the same time it provides other records. The district in which the student enrolls shall inform each educator who will have responsibility for, or will be under the direction and supervision of an educator who will have responsibility for, the instruction of the student of the contents of the placement order. Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law.

The district in which the student enrolls may continue the placement or allow the student to attend regular classes. [See FO] The district in which the student enrolls may take any of these actions if:

1. The student was placed in a DAEP by an open-enrollment charter school and the charter school provides the district a copy of the placement order; or
2. The student was placed in a DAEP by a district in another state and:
    a. The out-of-state district provides a copy of the placement order; and

b. The grounds for placement are the same as grounds for placement in the enrolling district.

Education Code 37.008(j)

OUT-OF-STATE PLACEMENT

If a student was placed in a DAEP in another state for more than one year and the enrolling district continues the placement under Education Code 37.008(j), the enrolling district shall reduce the period of placement so that the aggregate period does not exceed one year unless the enrolling district determines that:

1. The student is a threat to the safety of other students or to district employees; or

2. Extended placement is in the best interest of the student.

Education Code 37.008(j-1)

COURT-ORDERED PLACEMENT

Unless a board and the juvenile board for the county in which a district's central administrative office is located have entered into a memorandum of understanding concerning the juvenile probation department's role in supervising and providing other support services for students in DAEP programs:

EXPELLED STUDENT

1. A court may not order a student expelled under Section 37.007 to attend a school district DAEP as a condition of probation;

MULTIPLE REFERRALS

2. A court may not order a student to attend a DAEP without a district's consent, until the student has successfully completed any sentencing requirements, if the court has ordered the student to attend a DAEP as a condition of probation once during a school year and the student is referred to juvenile court again during that school year.

Education Code 37.010(c)–(d)

SCHOOL ACTIVITIES

Any court placement in a DAEP must prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.010(d)*

PLACEMENT AFTER COURT DISPOSITION

After the student has successfully completed any court disposition requirements, including conditions of deferred prosecution or conditions required by the prosecutor or probation department, a district may not refuse to admit the student if the student meets the requirements for admission into the public schools. A district may place the student in the DAEP.

Notwithstanding Education Code 37.002(d) [see FOA], the student may not be returned to the classroom of the teacher under whose

supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.

Education Code 37.010(f)

NOT GUILTY / INSUFFICIENT EVIDENCE / CHARGES DROPPED

The office of the prosecuting attorney or the office or official designated by the juvenile board shall, within two working days, notify the school district that removed a student to a DAEP under Education Code 37.006 if:

1. Prosecution of a student was refused for lack of prosecutorial merit or insufficient evidence, and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or

2. A court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice.

On receipt of the notice, the superintendent or designee shall review the student's placement in the DAEP. The student may not be returned to the regular classroom pending the review. The superintendent or designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the superintendent or designee receives notice from the office or official designated by the court.

After reviewing the notice and receiving information from the student's parent or guardian, the superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

Education Code 37.006(h); Code of Criminal Procedure 15.27(g)

APPEAL AFTER PLACEMENT UPHELD

The student or the student's parent or guardian may appeal a superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. A board shall, at the next scheduled meeting, review the notice provided by the office of the prosecuting attorney or the office or official designated by the juvenile board; receive information from the student, the student's parent or guardian, and the superintendent or designee; and confirm or reverse the superintendent's decision. The board shall make a record of the proceedings.

If a board confirms the decision, the board shall inform the student and the student's parent or guardian of the right to appeal to the Commissioner. The student may not be returned to the regular classroom pending the appeal to the Commissioner.

Education Code 37.006(i)–(j)

120-DAY REVIEW OF STATUS

A student placed in a DAEP shall be provided a review of the student's status, including a review of the student's academic status, by a board's designee at intervals not to exceed 120 days. In the case of a high school student, the board's designee, with the student's parent or guardian, shall review the student's progress toward meeting high school graduation requirements and shall establish a specific graduation plan for the student. This requirement does not, however, obligate a district to provide in the DAEP a course, except as required by Education Code 37.008(l). [See FOCA] At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher that removed the student without that teacher's consent. The teacher cannot be coerced to consent. *Education Code 37.009(e)*

ADDITIONAL PROCEEDINGS

If, during the term of placement, a student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted and the principal or board, as appropriate, may enter an additional order. *Education Code 37.009(j)*

REPORTING

A district may include the number of students removed to a DAEP in its annual performance report. *Education Code 39.306(e)(5)* [See AIB]

Note: See FOF for provisions concerning students with disabilities.

STUDENTS YOUNGER THAN TEN

A student younger than ten years of age shall not be expelled but shall be placed in a disciplinary alternative education program (DAEP). *Education Code 37.007(e)(2), (h)*

OVERAGE STUDENTS

A person who is 21 years of age or older and is admitted by a district for the purpose of completing the requirements for a diploma, is not eligible for placement in a juvenile justice alternative education program (JJAEP) if the person engages in conduct that would require or authorize such placement for a student under the age of 21. If the student engages in such conduct, a district shall revoke the student's admission. *Education Code 25.001(b-1)*

MANDATORY EXPULSION

SCHOOL RELATED

A student shall be expelled if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property:

1. Engages in conduct that contains the elements of the offense of unlawfully carrying weapons under Penal Code 46.02, or elements of an offense relating to prohibited weapons under Penal Code 46.05 [see FNCG];

2. Engages in conduct that contains the elements of the offense of aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit murder or capital murder, indecency with a child, aggravated kidnapping, aggravated robbery, manslaughter, criminally negligent homicide, or continuous sexual abuse of a young child or children, as those offenses are defined in the Penal Code; or

3. Commits a drug- or alcohol-related offense described at Education Code 37.006(a)(2)(C) or (D), if that conduct is punishable as a felony.

Education Code 37.007(a)

EXCEPTION

A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs:

1. At an approved target range facility that is not located on a school campus; and

2. While participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.

This section does not authorize a student to bring a firearm on school property to participate in or prepare for a school-sponsored

shooting sports competition or a shooting sports educational activity.

Education Code 37.007(k)

RETALIATION

A district shall expel a student who engages in conduct that contains the elements of any offense listed above against any district employee or volunteer in retaliation for or as a result of the person's employment or association with a district, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off of school property. *Education Code 37.007(d)*

FEDERAL FIREARM PROVISION

In accordance with the Gun-Free Schools Act, a district shall expel from the student's regular program, for a period of one year, any student who is determined to have brought a firearm, as defined by federal law, to any district school. This restriction shall not apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the district and the district adopts appropriate safeguards to ensure student safety. A superintendent may modify the term of expulsion for a student or assess another comparable penalty that results in the student's exclusion from the regular school program, on a case-by-case basis. A district or other local educational agency shall provide educational services to an expelled student in a DAEP if the student is younger than ten years of age. A district or other local educational agency may provide educational services to an expelled student who is ten years of age or older in a DAEP.
20 U.S.C. 7151; Education Code 37.007(e) [See also GKA]

For the purposes of this provision, "firearm" means:

1. Any weapon (including a starter gun), which will or is designed to or which may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer; or
4. Any destructive device. "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the preceding described devices. It also means any type of weapon (other than a shotgun shell or a shotgun that is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other

propellant, and which has any barrel with a bore of more than one-half inch in diameter; and any combination of parts either designed or intended for use in converting any device into a destructive device as described in this item, and from which a destructive device may be readily assembled.

18 U.S.C. 921

DISCRETIONARY EXPULSION

A student may be expelled if the student engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code 42.06, or terroristic threat under Penal Code 22.07.

THREATS

SCHOOL- RELATED CONDUCT

A student may be expelled if the student, while on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:

ALCOHOL OR DRUGS

1. Sells, gives, or delivers to another person, or possesses, uses, or is under the influence of any amount of:
   a. Marijuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. section 801 et seq.; or
   b. A dangerous drug, as defined by Chapter 483, Health and Safety Code; or
   c. An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

VOLATILE CHEMICALS

2. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Health and Safety Code 485.031–485.034.

ASSAULT ON AN EMPLOYEE OR VOLUNTEER

3. Engages in conduct that contains the elements of an offense under Penal Code 22.01(a)(1) against a school district employee, or a volunteer as defined by Education Code 22.053. [See FOC(EXHIBIT)]

DEADLY CONDUCT

4. Engages in conduct that contains the elements of the offense of deadly conduct under Penal Code 22.05.

Education Code 37.007(b)(1)–(2)

CONDUCT WITHIN 300 FEET OF SCHOOL

Subject to the mandatory expulsion requirement for retaliation, a student may be expelled if the student, while within 300 feet of school property, as measured from any point on the school's real property boundary line, engages in the following conduct:

1. Any conduct for which expulsion would have been mandatory under Education Code 37.007(a) [see MANDATORY EXPULSION — SCHOOL RELATED, above]; or

2. Possession of a firearm, as defined by 18 U.S.C. sec. 921 [see FEDERAL FIREARM PROVISION, above].

Education Code 37.007(b)(3)

RETALIATION AGAINST SCHOOL EMPLOYEE OR VOLUNTEER

A student may be expelled if the student engages in an assault, under Penal Code 22.01(a)(1), on an employee or volunteer in retaliation for or as a result of the person's employment or association with a district, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property. *Education Code 37.007(d)*

CONDUCT AGAINST ANOTHER STUDENT

A student may be expelled if the student engages in conduct against another student that contains the elements of the offenses of aggravated assault, sexual assault, aggravated sexual assault, arson, murder, capital murder, criminal attempt to commit capital murder, or aggravated robbery, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property. *Education Code 37.007(b)(4)*

CRIMINAL MISCHIEF

A district may use its discretion to expel a student who has engaged in conduct that contains the elements of criminal mischief, as defined in the Penal Code, if the conduct is punishable as a felony. Regardless of whether the student is expelled, a district shall refer the student to the authorized officer of the juvenile court. *Education Code 37.007(f)*

BREACH OF COMPUTER SECURITY

A student may be expelled if the student engages in conduct that contains the elements of the offense of breach of computer security under Penal Code 33.02 if:

1. The conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district; and

2. The student knowingly alters, damages, or deletes school district property or information; or commits a breach of any other computer, computer network, or computer system.

Education Code 37.007(b)(5)

SERIOUS MISBEHAVIOR IN DAEP

A student placed in a DAEP who engages in documented serious misbehavior while on the DAEP campus despite documented behavioral interventions may be removed from class and expelled.

"Serious misbehavior" means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Penal Code 1.07; or
4. Conduct that constitutes the offense of:
    a. Public lewdness under Penal Code 21.07;
    b. Indecent exposure under Penal Code 21.08;
    c. Criminal mischief under Penal Code 28.03;
    d. Personal hazing under Penal Code 37.152; or
    e. Harassment, under Penal Code 42.07(a)(1), of a student or district employee.

If the student is expelled, a board or its designee shall refer the student to the authorized officer of the juvenile court for appropriate proceedings under Family Code Title 3 (Juvenile Justice Code).

Education Code 37.007(c), .010(b)

PROPERTY OR ACTIVITIES OF ANOTHER DISTRICT

A district may expel a student who attends school in the district if:

1. The student engages in conduct for which expulsion would have been mandatory if the conduct had occurred on district property or while attending a district-sponsored or district-related activity; and
2. The student engages in that conduct on the property of another district or while attending a school-sponsored or school-related activity of another district in this state.

Education Code 37.007(i)

EXPULSION PROCEEDINGS

DUE PROCESS

Before a student may be expelled, a board or its designee shall provide the student a hearing at which the student is afforded appropriate due process as required by the federal constitution and which the student's parent or guardian is invited, in writing, to attend. *Education Code 37.009(f)*

The minimum procedural requirements necessary to satisfy due process depend upon the circumstances and the interests of the parties involved. Federal due process requires notice and some opportunity for hearing.

NOTICE

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

HEARING

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

[See also *Brewer v. Austin Indep. Sch. Dist.*, 779 F.2d 260 (5th Cir. 1985); *Keough v. Tate County Bd. of Educ.*, 748 F.2d 1077 (5th Cir. 1984); *McClain v. Lafayette County Sch. Bd. of Educ.*, 673 F.2d 106 (5th Cir. 1982); *Tasby v. Estes*, 643 F.2d 1103 (5th Cir. 1981); *Boykins v. Fairfield Bd. of Educ.*, 492 F.2d 697 (5th Cir. 1974), cert. denied, 420 US 962 (1975); *Dixon v. Alabama State Bd. of Educ.*, 294 F.2d 150 (5th Cir. 1961), cert. denied, 368 U.S. 930 (1961)]

REPRESENTATIVE

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

MITIGATING FACTORS

Before ordering the expulsion of a student, the board or the board's designee must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the board concerns a mandatory or discretionary action.

Education Code 37.009(f)

TERM OF EXPULSION

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

EXPULSION BEYOND ONE YEAR

The period of expulsion may not exceed one year unless a district determines that:

1. The student is a threat to the safety of other students or to district employees; or
2. Extended placement is in the best interest of the student.

Education Code 37.009(h)

NOTICE OF EXPULSION ORDER

TO PARENT OR GUARDIAN

A board or its designee shall deliver a copy of the order expelling the student to the student and the student's parent or guardian. After such notification, the parent or guardian shall provide adequate supervision for the student during the period of expulsion. *Education Code 37.009(g)–(h)*

TO COURT

Not later than the second business day after the date an expulsion hearing is held, a board or its designee shall deliver a copy of the expulsion order and any information required under Family Code 52.04 to the authorized officer of the juvenile court in the county in which the student resides.

Family Code 52.04 requires the following information from a referring entity that is not a law enforcement agency or has not taken the child into custody:

1. All information in a district's possession pertaining to the identity of the child and the child's address; the name and address of the child's parent, guardian, or custodian; the names and addresses of any witnesses; and the child's present whereabouts; and

2. A complete statement of the circumstances of the alleged delinquent conduct or conduct indicating a need for supervision.

Education Code 37.010(a); Family Code 52.04(a), .041(a)–(b)

TO JUVENILE BOARD

In a county that operates a JJAEP [see FODA], no student shall be expelled without written notification by a board or its designee to the juvenile board's designated representative. The notification shall be made not later than two business days following a board's determination that the student is to be expelled. Failure to timely notify the designated representative shall result in the child's duty to continue attending a district's educational program, which shall be provided to that child until such time as the notification to the designated representative is properly made. *Family Code 52.041*

TO STAFF

In addition to providing any notice required under Code of Criminal Procedure 15.27 [see GRA], a district shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in expellable conduct.

Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law. An educator's certificate may be suspended or revoked for intentional failure to keep such information confidential.

Education Code 37.007(g)

COMPLETION OF PROCEEDING UPON WITHDRAWAL

If a student withdraws from a district before an order for expulsion is entered, the principal or board, as appropriate, may complete the proceedings and enter an order. If the student subsequently enrolls in the district during the same or subsequent school year, the district may enforce the order at that time except for any period of the expulsion that has been served by the student in another district that honored the order. If the principal or board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order. *Education Code 37.009(i)*

ADDITIONAL PROCEEDINGS

If, during the term of expulsion, a student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted and the principal or board, as appropriate, may enter an additional order. *Education Code 37.009(j)*

APPEALS

A decision by a board's designee to expel a student may be appealed to the board. If the hearing is not before the board directly, the results and findings of the hearing should be presented in a report open to the student's inspection. *Education Code 37.009(f); Dixon v. Alabama State Bd. of Educ., 294 F.2d 150 (5th Cir. 1961), cert. denied, 368 U.S. 930 (1961)*

RESTRICTIONS ON COURT ORDERS

A court may not order an expelled student to attend a regular classroom, a regular campus, or a district DAEP as a condition of probation.

EXCEPTION

A court may order a student to attend a regular classroom, a regular campus, or a district DAEP if the district has entered into a memorandum of understanding (MOU) with the juvenile board for the county in which the district's central administrative office is located, concerning the juvenile probation department's role in supervising and providing other support services for students in DAEPs.

Education Code 37.010(c)

DISTRICT RESPONSIBILITY FOR EXPELLED STUDENT

STUDENTS NOT ELIGIBLE FOR EXISTING JJAEP

In a county that operates a JJAEP, a district is responsible for providing an immediate educational program to a student who engages in behavior for which expulsion is permitted but not required under Education Code 37.007, but who is not eligible for admission into the JJAEP in accordance with an MOU. [See FODA]

CONTRACTING FOR SERVICES

A district may provide the program or the district may contract with a county juvenile board, a private provider, or one or more other school districts to provide the program.

Education Code 37.011(l)

CERTAIN DISTRICTS

This provision applies to a district located in a county considered to be a county with a population of 125,000 or less because it has a population of more than 200,000 and less than 220,000; has five or more school districts located wholly within the county's boundaries; and has located in the county a JJAEP that, on May 1, 2011, served fewer than 15 students. A qualifying district shall provide educational services to a student who is expelled from school. The district is entitled to count the student in the district's average daily attendance for purposes of receipt of state funds under the Foundation School Program. An educational placement under this section may include:

1. The district's DAEP.
2. A contracted placement with another school district, an open-enrollment charter school, an institution of higher education, an adult literacy council, or a community organization that can provide an educational program that allows the student to complete the credits required for high school graduation.

An educational placement other than a district's DAEP is subject to the educational and certification requirements applicable to an open-enrollment charter school under Education Code Chapter 12, Subchapter D.

Education Code 37.011(a-3)–(a-5)

RETURN TO CLASS

EARLY / PERMISSIVE

On the recommendation of the placement review committee, or on its own initiative, a district may readmit an expelled student while the student is completing any court disposition requirements.

REQUIRED

After an expelled student has successfully completed any court disposition requirements, including conditions of a deferred prosecution, or conditions required by the prosecutor or probation department, a district may not refuse to admit the student if the student meets the requirements for admission. [See FD] A district may place the student in a DAEP.

The student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.

Education Code 37.010(f)

EXPELLED FROM ANOTHER DISTRICT

If a student has been expelled from another school district, the expelling district shall provide to a district in which the student enrolls a copy of the expulsion order and the referral to the authorized officer of the juvenile court. A district in which the student enrolls may continue the expulsion under the terms of the order, may place the student in a DAEP for the period specified by the expul-

sion order, or may allow the student to attend regular classes without completing the period of expulsion.

OUT-OF-STATE EXPULSION

A district may take any of the above actions if the student was expelled by a district in another state if:

1. The out-of-state district provides a copy of the expulsion order; and
2. The grounds for the expulsion are also grounds for expulsion in the district in which the student is enrolling.

Education Code 37.010(g)

If the student was expelled for more than one year and the enrolling district continues the expulsion or places the student in a DAEP, the aggregate period of expulsion or placement may not exceed one year unless the district determines that:

1. The student is a threat to the safety of other students or to district employees; or
2. Extended placement is in the best interest of the student.

Education Code 37.010(g-1)

Note: See FOF for provisions concerning expulsion of students with disabilities.

NONDISCRIMINATION

No person shall, on the grounds of race, color, or national origin, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any district program or activity. *42 U.S.C. 2000d*

An officer or employee of a district who is acting or purporting to act in an official capacity may not, because of a person's race, religion, color, sex, or national origin:

1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the district;
2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the district;
3. Refuse to grant a benefit to the person; or
4. Impose an unreasonable burden on the person.

Civil Practices and Remedies Code 106.001(a)

INDIVIDUALS WITH DISABILITIES

FEDERAL PROHIBITION

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 a district. Nor shall a district exclude or otherwise deny equal services, programs, or activities to an individual because of the known disability of an individual with whom the individual is known to have a relationship or association. *42 U.S.C. 12132; 28 C.F.R. 35.130(g)*

DEFINITION

A "qualified individual with a disability" is 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); 28 C.F.R. 35.104*

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)*

COMMUNICATIONS

A district shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, a district shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal

opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by the district. In determining what type of auxiliary aid or service is necessary, a district shall give primary consideration to the requests of the individual with disabilities. *28 C.F.R. 35.160*

"AUXILIARY AIDS AND SERVICES"

"Auxiliary aids and services" includes:

1. Qualified interpreters, note-takers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments;

2. Qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments;

3. Acquisition or modification of equipment or devices; and

4. Other similar services and actions.

28 C.F.R. 35.104

LIMITS OF REQUIRED MODIFICATION

A district is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that compliance with its responsibility to provide effective communication for individuals with disabilities would fundamentally alter the service, program, or activity or unduly burden a district shall be made by a board after considering all resources available for use in funding and operating the program, service, or activity. The decision shall be accompanied by a written statement of the reasons for reaching that conclusion. *28 C.F.R. 35.164*

NOTICE

A district shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the Americans with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the district. The information shall be made available in such manner as the board and superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA. *28 C.F.R. 35.106*

COMPLIANCE COORDINATOR

A district shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under the ADA. A district shall make available

to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. *28 C.F.R. 35.107* [See DAA and GF]

STATE PROHIBITION

NON-DISCRIMINATION

No person with a disability may be denied admittance to any public facility in the state because of the person's disability. No person with a disability may be denied the use of a white cane, assistance animal, wheelchair, crutches, or other device of assistance.

The discrimination prohibited by this section includes a refusal to allow a person with a disability to use or be admitted to any public facility, a ruse or subterfuge calculated to prevent or discourage a person with a disability from using or being admitted to a public facility and a failure to:

1. Comply with Government Code Chapter 469;
2. Make reasonable accommodations in policies, practices, and procedures; or
3. Provide auxiliary aids and services necessary to allow the full use and enjoyment of the public facility.

REGULATIONS

Regulations relating to the use of public facilities by any designated class of persons from the general public may not prohibit the use of particular public facilities by persons with disabilities who, except for their disabilities or use of assistance animals or other devices for assistance in travel, would fall within the designated class.

Human Resources Code 121.003(c)–(e)

RELIGIOUS FREEDOM

A district may not substantially burden a person's free exercise of religion, unless it is acting in furtherance of a compelling governmental interest and has used the least restrictive means of furthering that interest. *Civil Practice and Remedies Code 110.003* [See also DAA and FB]

A district may not penalize or withhold benefits or privileges, including tax exemptions or governmental contracts, grants, or licenses, from a religious organization, an organization supervised or controlled by or in connection with a religious organization, an individual employed by a religious organization while acting in the scope of that employment, or a clergy or minister, because the organization or individual refuses to solemnize any marriage or provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, or celebration of any marriage if the action would cause the organization or individual to violate a sincerely held religious belief. *Family Code 2.601–.602*

SOCIAL SECURITY NUMBERS

It shall be unlawful for a district to 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 above provision does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the Social Security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;

2. Any disclosure to a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or

3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within a district's jurisdiction.

STATEMENT OF USES

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

5 U.S.C. 552a Note; PL 93-579, § 7, 88 Stat. 1896 (1974)

This introductory page outlines the contents of this legally referenced policy on access to public information. See the following sections for statutory provisions on:

SECTION I	Right of Access to Public Information	pages 2–5
SECTION II	Confidential Information under the Public Information Act or Other Law	pages 5–11
SECTION III	Information Excepted from Disclosure under Subchapter C of the Public Information Act	pages 11–16

SECTION I: RIGHT OF ACCESS TO PUBLIC INFORMATION

AVAILABILITY

Public information is available, at a minimum, to the public during a district's normal business hours. *Gov't Code 552.021*

INFORMATION THAT MUST BE DISCLOSED

The following categories of information are public information and not excepted from required disclosure unless made confidential under Government Code Chapter 552 or other law:

1. A completed report, audit, evaluation, or investigation made of, for, or by a board, except as provided in Government Code 552.108.
2. The name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a district.
3. Information in an account, voucher, or contract relating to the receipt or expenditure of public funds.
4. The name of each official and the final record of voting on all proceedings of a board.
5. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by a board, on completion of the estimate.
6. A description of a district's organization and where, from whom, and how the public may obtain information, submit information or requests, and obtain decisions.
7. A statement of the general course and method by which a district's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.
8. A rule of procedure, description of forms available or the places where forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations.
9. A substantive rule of general applicability adopted or issued by a board and a statement of general policy or interpretation of general applicability formulated and adopted by the board.
10. Any amendment, revision, or repeal of the information described in items 6–9.
11. Final opinions and orders issued in adjudication of cases.
12. A policy statement or interpretation adopted or issued by a board.

13. Administrative manuals and instructions to staff that affect a member of the public.

14. Information regarded as open to the public under a district's policies.

15. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege.

16. Information that is also contained in a public court record.

17. A settlement agreement to which a board is a party.

Gov't Code 552.022

INVESTMENT INFORMATION

Certain district investment information, as specified by Government Code 552.0225, is public information and not excepted from disclosure. *Gov't Code 552.0225*

SECURITY SYSTEM INFORMATION

Financial information in the possession of a district that relates to the expenditure of funds by a district for a security system is public information that is not excepted from required disclosure under the Texas Public Information Act (PIA). *Gov't Code 418.182(b)*

BODY-WORN CAMERA

Except as set forth at Occupations Code Chapter 1701, Subchapter N, a recording from a body-worn camera that is or could be used as evidence in a criminal prosecution is subject to the requirements of the Public Information Act.

However, a law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.

Occupations Code 1701.661

PERSONAL INFORMATION

EMPLOYEE / BOARD MEMBER

Each district employee, other than a peace officer or security officer, and board member and each former employee and board member shall choose whether to allow public access to district-held information relating to the person's home address, home telephone number, emergency contact information, or social security number, or any other information that reveals whether the person has family members. However, a district may not require an employee or former employee of the district to choose whether to allow public access to the employee's or former employee's social security number.

Employees and board members shall state their choice to a district's main personnel officer in a signed writing not later than the 14th day after employment begins, election or appointment to the board occurs, or service with the district ends. If an employee or board member fails to state his or her choice within 14 days, the information is available to the public. However, an employee or board member may make a written request at any time to the personnel officer to open or close the information. A written request made after the 14 days does not apply to an open records request made before the option was exercised.

Gov't Code 552.024; Tex. Att'y Gen. ORD 530 (1989)

NOTICE TO REQUESTOR

If an employee or board member has opted to restrict public access to his or her personal information, the district may redact the personal information from any information the district discloses without the necessity of requesting a decision from the attorney general. *Gov't Code 552.024(c)*

If a district redacts information under this provision, the district shall provide the information required by Government Code 552.024(c-2) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter. *Gov't Code 552.024(c-2)*

SPECIAL RIGHTS OF ACCESS

EMPLOYEES

An employee or an employee's authorized representative has a special right of access, beyond the right of the general public, to information held by the district that relates to the employee and that is protected from public disclosure by laws intended to protect the employee's privacy interests. [See DBA] *Gov't Code 552.023*

BOARD MEMBERS

When acting in the member's official capacity, a board member has an inherent right of access to information, documents, and records maintained by the district. "Official capacity" means all duties of office and includes administrative decisions or actions. [See BBE] *Education Code 11.1512; Atty. Gen. Op. JM-119 (1983)*

INFORMATION DISTRICT IS NOT REQUIRED TO RELEASE

COMMERCIAL INFORMATION

A district is not required to allow the inspection of or to provide a copy of information in a commercial book or publication purchased or acquired by the district for research purposes, if the book or publication is commercially available to the public. Although information in a book or publication may be made available to the public as resource material, such as a library book, a district is not required to make a copy of the information in response to a request for public information. The district shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the district. *Gov't Code 552.027*

REQUEST FOR INFORMATION FROM INCARCERATED INDIVIDUAL

A district is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility or an agent of that individual, other than the individual's attorney when the attorney is requesting information that is subject to disclosure under the PIA. This section does not prohibit a district from disclosing to an incarcerated individual or the individual's agent information that pertains to the individual. *Gov't Code 552.028*

VOLUNTARY DISCLOSURE

A board or the officer for public information voluntarily may make part or all of its records available to the public, unless the disclosure is expressly prohibited by law or the records are confidential by law. *Gov't Code 552.007*

SECTION II: CONFIDENTIAL INFORMATION UNDER THE PUBLIC INFORMATION ACT OR OTHER LAW

INFORMATION THAT MAY NOT BE DISCLOSED

A person commits a misdemeanor offense if the person distributes information considered confidential under the terms of the PIA. A violation of this section also constitutes official misconduct. *Gov't Code 552.352*

STUDENT RECORDS

Information is confidential and excepted from required disclosure if it is information in a student record at a district.

"Student record" means information that constitutes education records as that term is defined by the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g(a)(4)) [see FL] and information in a record of an applicant for admission to an educational institution, including a transfer applicant.

A district may disclose or provide information included in an education record as authorized by 20 U.S.C. Section 1232g or other federal law. [See FL] In addition, a student record shall be made available upon request to district personnel, the student, the student's parents, guardian, or spouse, or a person conducting a child abuse investigation required by Family Code Chapter 261, Subchapter D.

Except as set forth in federal law (the Family Educational Rights and Privacy Act), a district shall not release personally identifiable information in education records without the written consent of the student's parents.

A district may redact information that constitutes a student record from information disclosed under the Public Information Act without requesting a decision from the attorney general.

If an applicant for admission to an educational institution funded wholly or partly by state revenue, or a parent or legal guardian of a

minor applicant to such an educational institution, requests information in the record of the applicant, the district shall disclose any information that is related to the application for admission and was provided to the district by the applicant.

Gov't Code 552.026, .114 [See FL]

EMPLOYEE SOCIAL SECURITY NUMBERS

The social security number of an employee of a district in the custody of the district is confidential. *Gov't Code 552.147(a-1)*

EVALUATIONS

A document evaluating the performance of a teacher or administrator is confidential. *Education Code 21.355*

EDUCATOR CERTIFICATION EXAM

The results of an educator certification examination are confidential and are not subject to disclosure, unless the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Education Code 21.057. *Education Code 21.048(c-1)*

CREDIT CARD, DEBIT CARD, CHARGE CARD, AND ACCESS DEVICE NUMBERS

A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a district is confidential.

"Access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another device may be used to:

1. Obtain money, goods, services, or another thing of value; or
2. Initiate a transfer of funds other than a transfer originated solely by paper instrument.

A district may redact credit card, debit card, charge card, or access device numbers from any information the district discloses without the necessity of requesting a decision from the attorney general. The district shall provide the information required by Government Code 552.136 to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.136

E-MAIL ADDRESSES CONFIDENTIAL

An e-mail address of a member of the public that is provided for the purpose of communicating electronically with a district is confidential and not subject to disclosure unless the member of the public affirmatively consents to its release.

EXCEPTIONS

This confidentiality does not apply to an e-mail address:

1. Provided to a district by a person who has a contractual relationship with the district or by the contractor's agent;

2. Provided to a district by a vendor who seeks to contract with the district or by the vendor's agent;

3. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to a district in the course of negotiating the terms of a contract or potential contract;

4. Provided to a district on a letterhead, coversheet, printed document, or other document made available to the public; or

5. Provided to a district for the purpose of receiving orders or decisions from the district, or for the purpose of providing public comment on or receiving notices related to an application for a license. A "license" under this section includes a state agency permit, certificate, approval, registration, or similar form of permission required by law.

A district may also disclose an e-mail address for any reason to another governmental body or to a federal agency.

Gov't Code 552.137, 2001.003(2)

VICTIM OF ABUSE OR IMPROPER RELATIONSHIP

The name of a person who is enrolled in a public or private primary or secondary school and involved in an improper relationship with an educator as provided by Penal Code 21.12(a) may not be released to the public and is not public information subject to disclosure. *Penal Code 21.12(d)*

The name of a student or minor who is the victim of abuse or unlawful conduct by an educator is not public information subject to disclosure. *Education Code 21.006(h)*

CRIME VICTIMS

Information relating to a participant in the Address Confidentiality Program for Victims of Family Violence, Sexual Assault, and Stalking under Code of Criminal Procedure Chapter 56, Subchapter C is confidential, except as provided by Code of Criminal Procedure 56.90, and may not be disclosed. *Code of Criminal Procedure 56.88*

A district employee who is a victim under the Crime Victim Compensation Act may elect whether to allow public access to information held by the district that would identify or tend to identify the victim, including a photograph or other visual representation of the victim. The election must be made in writing on a form developed by the district, signed by the employee, and filed with the district

before the third anniversary of the latest to occur of one of the following:

1. The date the crime was committed;
2. The date employment begins; or
3. The date the governmental body develops the form and provides it to employees.

If the employee fails to make an election, the identifying information is excepted from disclosure until the third anniversary of the date the crime was committed. In case of disability, impairment, or other incapacity of the employee, the election may be made by the guardian of the employee or former employee.

Gov't Code 552.132

CRIMINAL HISTORY RECORDS

Information collected to comply with Education Code Chapter 22, Subchapter C (criminal records), including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records, is confidential and may not be released except to comply with Subchapter C, by court order, or with the consent of the person who is the subject of the information. *Education Code 22.08391*

Criminal history record information obtained by the district from the Texas Department of Public Safety may not be disclosed to any person except:

1. The person who is the subject of the information;
2. The Texas Education Agency;
3. The State Board for Educator Certification;
4. The chief personnel officer of the transportation company if the information was obtained under Government Code 411.097(a)(2) with respect to a transportation company that contracts with the district to provide student transportation; or
5. By court order.

Gov't Code 411.097(d)(2) [See CJA, DBAA, and DHB]

SENSITIVE CRIME SCENE IMAGE

A sensitive crime scene image in the custody of a district is confidential and excepted from the requirements of the PIA, regardless of the date that the image was taken or recorded.

"Sensitive crime scene image" means a photograph or video recording taken at a crime scene, contained in or part of a closed criminal case, that depicts a deceased person in a state of

dismemberment, decapitation, or similar mutilation or that depicts the deceased person's genitalia. A district may not permit a person to view or copy the image except as provided by Government Code 552.1085.

Gov't Code 552.1085(a)(6), (c)

SCHOOL MARSHAL IDENTITY

The identity of a school marshal appointed under Education Code 37.0811 is confidential except as provided by Occupations Code 1701.260(j).

If a parent or guardian of a student enrolled at a school inquires in writing, the district shall provide the parent or guardian written notice indicating whether any employee of the school is currently appointed a school marshal. The notice may not disclose the identity of the school marshal.

Education Code 37.0811(g), (h)

CLOSED MEETING RECORDING / CERTIFIED AGENDA

The certified agenda or tape recording of a closed meeting is available for public inspection only under a court order issued in litigation in a district court involving an alleged violation of the Open Meetings Act. *Gov't Code 551.104(c); Att'y Gen. ORD 684 (2009)*

SECURITY INFORMATION

Except as provided by the Texas Homeland Security Act, Government Code 418.182, information, including access codes and passwords, in the possession of a district that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity is confidential. *Gov't Code 418.182(a)*

The following information is confidential under Subchapter C of the PIA:

1. A computer network vulnerability report;
2. Any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, or system interface, or software of a district or of a contractor of a district is vulnerable to unauthorized access or harm, including an assessment of the extent to which a district's or contractor's electronically stored information containing sensitive or critical information is vulnerable to alteration, damage, erasure, or inappropriate use; and
3. A photocopy or other copy of an identification badge issued to an official or employee of a district.

A district may disclose the information to a bidder if the district determines that providing the information is necessary for the bidder to provide an accurate bid. Such a disclosure is not a

voluntary disclosure for purposes of Government Code 552.007.

Gov't Code 552.139(b), (c)

MILITARY DISCHARGE RECORDS

A military veteran's Department of Defense Form DD-214 or other military discharge record that first comes into the possession of a district on or after September 1, 2003, is confidential for the 75 years following the date it comes into the possession of a district. A district that obtains information from the record shall limit the use and disclosure of the information to the purpose for which the information was obtained. *Gov't Code 552.140; Att'y Gen. ORD 684 (2009)*

RETIREMENT ELIGIBILITY RECORDS

Records, including any identifying information, of individual members, annuitants, retirees, beneficiaries, alternate payees, program participants, or persons eligible for benefits from TRS or another retirement system, are confidential and not subject to public disclosure. This provision applies to records in the custody of the district acting in cooperation with or on behalf of the retirement system. A district acting in cooperation with or on behalf of the retirement system is not required to accept or comply with a request for a record or information about a record or to seek an opinion from the attorney general.

For purposes of Government Code 825.507, "participant" means a member, former member, retiree, annuitant, beneficiary, or alternate payee of the retirement system, or an employee or contractor of an employer covered by the retirement system for whom records were received by the retirement system for the purpose of administering the terms of the plan, including for audit or investigative purposes.

Gov't Code 552.0038, 825.507(g)

PEACE / SECURITY OFFICER INFORMATION

District information related to the home address, home telephone number, emergency contact information, date of birth, or social security number of a peace officer or commissioned security officer, or information that reveals whether the officer has family members, is confidential and may not be released if the officer chooses to restrict public access to the information by notifying the district on a form provided by the district with evidence of the individual's status.

In accordance with Government Code 552.1175(h), a district may redact information that must be withheld under this section from any information the district discloses under the PIA without the necessity of requesting a decision from the attorney general. If a district redacts information under this provision, the district shall provide the information required by Government Code 552.024(c-2) to

the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.1175

ELECTION JUDGES AND CLERKS

An e-mail address or personal phone number of an election judge or clerk collected or maintained by the authority conducting the election is confidential and does not constitute public information for purposes of Government Code Chapter 552.

EXCEPTION

An e-mail address or phone number of an election judge or clerk shall be made available on request to:

1. Any entity eligible to submit lists of election judges or clerks for that election; or

2. The state executive committee of a political party with a county chair eligible to submit lists of election judges or clerks for that election.

Election Code 32.076

SECTION III: INFORMATION EXCEPTED FROM DISCLOSURE UNDER SUBCHAPTER C OF THE PUBLIC INFORMATION ACT

INFORMATION EXCEPTED FROM PUBLIC DISCLOSURE

Except for social security numbers or as otherwise provided by law, information that is not confidential, but is excepted from required disclosure under Government Code sections 552.101–.151, is public information and is available to the public on or after the 75th anniversary of the date the information was originally created or received by a district. This paragraph does not limit the authority of a district to establish retention periods for records under applicable law. *Gov't Code 552.0215*

Categories of information that are excepted from disclosure to the public include:

1. Information considered to be confidential by law, either constitutional, statutory, or by judicial decision. *Gov't Code 552.101*

2. Information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, and transcripts from institutions of higher education maintained in files of professional employees; however, the degree obtained and the curriculum on the transcripts shall be subject to disclosure. *Gov't Code 552.102*

   Disclosure of employee birth dates would constitute a clearly unwarranted invasion of personal privacy, and such dates are excepted from disclosure under Government Code

552.102(a), if the employees' privacy interests substantially outweigh the public interest in the information. *Texas Comptroller of Public Accts. v. Att'y Gen'l of Texas, 354 S.W.3d 336 (Tex. 2010) (holding that a newspaper's stated reason for requesting state employees' dates of birth did not outweigh employees' privacy rights)*

3. Information in the custody of the district that relates to an employee or officer of the district if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm. *Gov't Code 552.152*

4. Information relating to litigation of a civil or criminal nature to which a district is, or may be, a party or to which an officer or employee of the district, as a consequence of the office or employment, is or may be a party, but only if the litigation is pending or reasonably anticipated at the time the district's public information officer receives the request. *Gov't Code 552.103*

5. Information that, if released, would give advantage to competitors or bidders. The requirement of Government Code 552.022 that a category of information listed under 552.022(a) is public information and not excepted from required disclosure unless expressly confidential under law does not apply to information that is excepted from required disclosure under this paragraph. *Gov't Code 552.104*

6. Information pertaining to the location of real or personal property for a public purpose prior to public announcement of the project, or information pertaining to appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property. *Gov't Code 552.105*

7. Drafts and working papers involved in the preparation of proposed legislation. *Gov't Code 552.106*

8. Information a district's attorney is prohibited from disclosing because of a duty to the district under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct or information that a court order has prohibited from disclosure. *Gov't Code 552.107*

9. Under certain circumstances, information (except basic information about an arrested person, an arrest, or a crime) held by a law enforcement agency or prosecutor, including:

a. Information that deals with detection, investigation, or prosecution of crime; and

b. An internal record or notation that is maintained for internal use in matters relating to law enforcement or prosecution.

Gov't Code 552.108

10. Private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy. *Gov't Code 552.109*

11. A trade secret obtained from a person and privileged or confidential by statute or judicial decision. *Gov't Code 552.110(a)*

12. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained. *Gov't Code 552.110(b)*

13. Interagency or intra-agency memoranda or letters that would not be available by law to a party in litigation with a district. *Gov't Code 552.111; City of Garland v. Dallas Morning News, 22 S.W.3d 351 (Tex. 2000) (concluding that the deliberative process privilege, incorporated into the exception found at Government Code 552.111, exempts communications related to a governmental agency's policymaking)*

14. An audit working paper of an audit performed by the district auditor, including any audit relating to the criminal history background check of a public school employee. If information in an audit working paper is also maintained in another record, that other record is not excepted. *Gov't Code 552.116*

15. Information that relates to the home address, home telephone number, emergency contact information, or social security number of the following persons, or that reveals whether the person has family members:

    a. A current or former district employee or board member, except as provided by Government Code 552.024; or

    b. A peace officer or a security officer commissioned by the Board of Private Investigators and Private Security Agencies, regardless of whether the officer complies with Government Code 552.1175.

    Gov't Code 552.117

16. A photograph that depicts a peace officer, the release of which would endanger the life or physical safety of the officer, unless:

    a. The officer is under indictment or charged with an offense by information;

    b. The officer is a party in a fire or police civil service hearing or a case in arbitration; or

    c. The photograph is introduced as evidence in a judicial proceeding.

    If a photograph is exempt from public disclosure as described above, it may be made public only if the officer gives written consent.

    Gov't Code 552.119

17. Test items developed by a state-funded educational institution. *Gov't Code 552.122*

18. Records of a school library or library system that identify or serve to identify a person who requested, obtained, or used a library material or service, unless the records are disclosed:

    a. Because the library determines that disclosure is reasonably necessary for the operation of the library and the records are not confidential under other state or federal law;

    b. To a person with a special right of access under Government Code 552.023; or

    c. To a law enforcement agency or prosecutor under a court order or subpoena.

    Gov't Code 552.124

19. The name of an applicant for superintendent, except a board must give public notice of the name or names of the finalists being considered for that position at least 21 days before the date of the meeting at which final action or a vote is to be taken on the applicant's employment. *Gov't Code 552.126*

20. Motor vehicle record information that relates to:

    a. A motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country;

b. A motor vehicle title or registration issued by an agency of this state or another state or country; or

c. A personal identification document issued by an agency of this state, another state or country, or a local agency authorized to issue an identification document.

The motor vehicle record information described above may be released only in accordance with Transportation Code Chapter 730.

Subject to Transportation Code Chapter 730 (the Motor Vehicle Records Disclosure Act), a district may redact motor vehicle or driver license information under this provision from any information the district discloses without the necessity of requesting a decision from the attorney general. The district shall provide the information specified at Government Code 552.130 to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.130; Att'y Gen. ORD 684 (2009)

21. An informer's name or information that would substantially reveal the identity of an informer, unless:

a. The informer consents. If the informer is a student or former student, consent may also be given by the informer's legal guardian or spouse; or

b. The informer planned, initiated, or participated in the possible violation.

"Informer" means a student or former student or an employee or former employee of a district who has furnished a report of another person's possible violation of criminal, civil, or regulatory law to the district or the proper regulatory enforcement authority.

The informer's name may be made available to a law enforcement agency or prosecutor for official purposes upon proper request, made in compliance with applicable law and procedure. However, this exception does not impair the confidentiality of information considered to be confidential by law, including information excepted from disclosure under the PIA.

Gov't Code 552.135

22. Information that relates to economic development negotiations involving a board and a business prospect that the

board seeks to have locate, stay, or expand in or near a district, if that information relates to:

a. A trade secret of the business prospect; or

b. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

Gov't Code 552.131(a)

23. Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to a business prospect by a board or by another person.

    After an agreement is made, information about a financial or other incentive being offered is no longer exempted from public disclosure if the information is about a financial or other incentive being offered to the business prospect:

    a. By a board; or

    b. By another person, if the financial or other incentive may directly or indirectly result in the expenditure of public funds by a district or a reduction in revenue received by the district from any source.

    Gov't Code 552.131(b), (c)

24. Information that relates to computer network security, to network security information that is restricted under Government Code 2059.055, or to the design, operation, or defense of a computer network. [See SECURITY INFORMATION, above] *Gov't Code 552.139(a)*

25. The social security number of a living person. The social security number of a living person other than a district employee is not confidential, however. A district may redact the social security number of a living person from any information the district discloses to the public without the necessity of requesting a decision from the attorney general. *Gov't Code 552.147*

26. Information that would identify or tend to identify a district employee who is also a crime victim under Code of Criminal Procedure, Chapter 56, Subchapter B, regardless of whether the employee chooses to restrict public access to the information, until the third anniversary of the date the crime was committed. *Gov't Code 552.132*

This introductory pages outlines the contents of this legally referenced policy on requests for public information. See the following sections for statutory provisions on:

SECTION I Officer for Public Information and Required Notices pages 2–3
1. Duties
2. Training
3. Notice Regarding Public Information

SECTION II Access to Public Information pages 3–8
1. Procedural Rules Regarding Access
2. Treatment of Public Information Requests
3. Location of Access
4. Time for Response to Public Information Requests
5. Clarifying or Narrowing Scope of a Request
6. Time for Examination of Information
7. Information in Electronic Format
8. Repetitious or Redundant Requests

SECTION III Attorney General Decisions pages 8–11
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SECTION IV Charges Regarding Public Information Requests pages 12–15
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2. Statement of Labor Costs
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1. Large or Frequent Requests
2. Filing Suit to Withhold Information
3. Parent’s Request for Information

SECTION I: OFFICER FOR PUBLIC INFORMATION AND REQUIRED NOTICES

OFFICER FOR PUBLIC INFORMATION

A superintendent shall be a district's officer for public information. Each department head shall be an agent of the officer for purposes of complying with the public information laws.

DUTIES

The officer is responsible for the release of public information as required by the Public Information Act (PIA), Government Code Chapter 552. The officer for public information shall:

1. Make public information available for public inspection and copying.
2. Carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal.
3. Repair, renovate, or rebind public information when necessary to maintain it properly.

The officer is not responsible for the use made of the information by the requestor or the release of the information after it is removed from a record as a result of an update, correction, or change of status of the person to whom the information pertains.

Gov't Code 552.201(a)–.204

PUBLIC INFORMATION COORDINATOR

Within 90 days after assuming office, a public information coordinator shall complete a course of training regarding the responsibilities of a district and district officers and employees under Chapter 552 of the Texas Government Code (Public Information Act).

The training shall be not less than one nor more than two hours. The attorney general may provide the training and may also approve other acceptable sources of training.

A district shall maintain and make available for public inspection the record of a public information coordinator's completion of the training.

Gov't Code 552.012

SIGN

The officer for public information shall prominently display a sign in the form prescribed by the attorney general that contains basic information about the rights of a requestor, the responsibilities of a district, and the procedures for inspecting or obtaining a copy of public information under the PIA. The officer shall display the sign at one or more places in the district's administrative offices where it is plainly visible to:

1. Members of the public who request public information in person; and

2. Employees of the district whose duties include receiving or responding to public information requests.

Gov't Code 552.205

SECTION II: ACCESS TO PUBLIC INFORMATION

ACCESS TO PUBLIC INFORMATION

PROCEDURAL RULES

A district may promulgate reasonable rules of procedure by which public information may be inspected and copied efficiently, safely, and without delay. These rules may not be inconsistent with any provision of the PIA. *Gov't Code 552.230*

It shall be the policy of a district to provide a suitable copy of public information within a reasonable time after the date on which the copy is requested. *Gov't Code 552.228*

TREATMENT OF REQUESTS

The officer for public information and agent shall not make an inquiry of a requestor, except to establish proper identification or to ask the requestor to narrow or clarify the request. The officer for public information or agent shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media. The officer for public information or agent shall give the requestor all reasonable comfort and facility for the full exercise of the right granted by the PIA. *Gov't Code 552.222(a)–(b), .223–.224*

LOCATION OF ACCESS

An officer for public information complies with a request for public information by:

1. Providing the information for inspection or duplication in a district's offices (see TIME FOR EXAMINATION, below). The PIA does not authorize a requestor to remove an original copy of a public record from the office of a district;

2. Sending copies of the information by first class mail, if the requestor requests that copies be provided and pays the postage and any other applicable charges that the requestor has accrued under Subchapter F of the PIA (see COSTS AND CHARGES, below);

3. By referring a requestor to an exact Internet location or uniform resource locator (URL) address on a website maintained by the district and accessible to the public if the requested information is identifiable and readily available on that website. If the person requesting the information prefers a manner other than access through the URL, the district must supply the information by sending copies to the requestor, as described above.

If the officer for public information provides by e-mail an Internet location or URL address, the e-mail must contain a statement in a conspicuous font clearly indicating that the requestor may nonetheless access the requested information by inspection or duplication or by receipt through United States Mail, as described above.

Gov't Code 552.221(b)–(b-2), .226

TIME FOR RESPONSE

An officer for public information shall promptly produce public information for inspection, duplication, or both, on application by any person. "Promptly" means as soon as possible under the circumstances, that is, within a reasonable time, without delay. A district may not automatically withhold for ten business days public information not excepted from disclosure.

If an officer for public information cannot produce the public information for inspection or duplication within ten business days after the date the information is requested, the officer shall certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

If the requested information is unavailable because it is in storage or active use, an officer for public information shall certify this fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

Gov't Code 552.221; Tex. Atty. Gen. ORD 664 (2000)

REQUESTS TO NARROW OR CLARIFY

If a large amount of information has been requested, the district may discuss with the requestor how the scope of the request might be narrowed, but the district may not inquire into the purpose for which the information will be used. If what information is requested is unclear to the district, the district may ask the requestor to clarify the request.

If the request included the requestor's physical or mailing address, the district must send the request for discussion or clarification to that address by certified mail. The written request for discussion or clarification must include a statement as to the consequences of failure by the requestor to timely respond.

If the requestor's request for public information was sent by electronic mail, the district may send the request for clarification or discussion or the written request for additional information by electronic mail to the same electronic mail address from which the original request was sent or to another electronic mail address provided by the requestor.

If the district does not receive a written response or a response by electronic mail, as applicable, by the 61st day after the district sends the written request, the underlying request for public information is considered to have been withdrawn by the requestor.

Gov't Code 552.222(b), (d)–(g)

TIME FOR EXAMINATION

A requestor shall complete the examination of the information not later than the tenth business day after the date the custodian of the information makes it available. If the requestor does not complete the examination within ten business days and does not file a request for additional time, the requestor is considered to have withdrawn the request.

The officer shall extend the initial examination period by an additional ten business days if, within the initial period, the requestor files with the officer a written request for additional time. The officer shall extend an additional examination period by another ten business days if, within the first additional period, the requestor files with the officer a written request for more additional time.

The time during which a person may examine information may be interrupted by the officer if the information is needed for use by the district. The period of interruption is not considered to be a part of the time during which the person may examine the information.

Gov't Code 552.225

ELECTRONIC DATA

If public information exists in an electronic or magnetic medium, the requestor may request a copy in an electronic medium, such as on diskette or on magnetic tape. A district shall provide a copy in the requested medium:

1. If the district has the technological ability to produce the information in the requested medium;
2. If the district is not required to purchase any software or hardware to accommodate the request; and
3. Providing the copy will not violate any copyright agreement between the district and a third party.

If a district is unable to comply with a request to produce a copy of information in a requested medium for any of these reasons, the district shall provide a copy in another medium that is acceptable to the requestor. A district is not required to copy information onto a diskette or other material provided by the requestor but may use district supplies.

Gov't Code 552.228

REQUESTS REQUIRING PROGRAMMING OR MANIPULATION

A district shall provide the requestor a written statement, described below, if the district determines:

1. That responding to a request for information will require programming or manipulation of data; and
2. That:
    a. Compliance with the request is not feasible or will result in substantial interference with operations; or
    b. The information could be made available in the requested form only at a cost that covers the programming and manipulation of data.

The written statement shall include:

1. A statement that the information is not available in the requested form;
2. A description of the form in which the information is available;
3. A description of any contract or services that would be required to provide the information in the requested form;
4. A statement of the estimated cost of providing the information in the requested form, as determined in accordance with the rules established by the attorney general [see GBAA(EXHIBIT)]; and
5. A statement of the anticipated time required to provide the information in the requested form.

RESPONSE TIME WHEN PROGRAMMING OR MANIPULATION IS REQUIRED

A district shall provide the written statement to the requestor within 20 days after the date the district receives the request. The district has an additional ten days to provide the statement if the district gives written notice to the requestor, within 20 days after receiving the request, that additional time is needed.

FURTHER ACTION

After providing the written statement described above, the district has no further obligation to provide the information in the requested form or in the form in which it is available, unless within 30 days the requestor states in writing that the requestor:

1. Wants the information in the requested form according to the time and cost parameters set out in the written statement, or according to other terms to which the requestor and the district agree; or
2. Wants the information in the form in which it is available.

If a requestor does not make a timely written statement, the requestor is considered to have withdrawn the request for information.

PROCESSING OF REQUESTS

The officer for public information shall establish policies that assure the expeditious and accurate processing of requests for information that require programming or manipulation of data. A district shall maintain a readily accessible file containing all written statements issued concerning requests for information that require programming or manipulation of data.

Gov't Code 552.231

REPETITIOUS OR REDUNDANT REQUESTS

If a district determines that a requestor has made a request for information for which the district has previously furnished or made copies available to the requestor, the district may:

1. Respond to the request for information as set forth below, at PROCEDURES; or
2. Furnish the information or make the information available to the requestor again in accordance with the request. If the district selects this option, the district is not required to comply with the procedures described below.

Gov't Code 552.232(a)

These provisions do not apply to information not previously furnished to a requestor. A district shall treat a request for information for which copies have not been previously furnished or made available to the requestor, including information that was not furnished or made available because the information was redacted or because the information did not exist at the time of an earlier request, in the same manner as any other request for public information. *Gov't Code 552.232(d)*

PROCEDURES

A district shall, free of charge, certify to the requestor that copies of all or part of the requested information were previously furnished or made available to the requestor. The certification must include:

1. A description of the information for which copies have been previously furnished or made available to the requestor;
2. The date the district received the requestor's original request for that information;
3. The date the district previously furnished copies or made available copies of the information to the requestor;
4. A certification that no subsequent additions, deletions, or corrections have been made to that information; and

5. The name, title, and signature of the officer for public information or agent making the certification.

Gov't Code 552.232

SECTION III: ATTORNEY GENERAL DECISIONS

ATTORNEY GENERAL DECISIONS

If a district receives a written request for information that the district considers to be within one of the exceptions to required disclosure and that the district wishes to withhold from public disclosure, the district shall request a decision from the attorney general about whether the information is within the exception (see SUBMISSION TO ATTORNEY GENERAL, below). For these purposes, the term "written request" includes a request sent by electronic mail or facsimile transmission to the officer or designee.

TIME FOR REQUEST

A district must submit the request to the attorney general not later than the tenth business day after receiving the written request. If a district does not timely request a decision from the attorney general and comply with the requirements at STATEMENT TO REQUESTOR, below, the information is presumed to be subject to public disclosure and must be released unless there is a compelling reason to withhold it.

Gov't Code 552.301(a)–(c), .302

A district may only request an attorney general decision if the district reasonably believes that the requested information is excepted from required disclosure. *Tex. Atty. Gen. ORD 665 (2000)*

CALCULATING TIMELINES

For the purposes of Government Code sections 552.301–.308, if a district receives a written request by United States mail and cannot adequately establish the actual date of receipt, the request is considered to have been received by the district on the third business day after the date of the postmark on a properly addressed request. *Gov't Code 552.301(a-1)*

When Government Code sections 552.301–.308 require a request, notice, or other document to be submitted or otherwise given to the attorney general within a specified period, the requirement is met in a timely fashion if the district submits the document through the attorney general's designated electronic filing system within that period. This provision does not affect the right of a district to submit information to the attorney general by mail under Government Code 552.308.

When the attorney general is required to deliver a notice, decision, or other document within a specified period, the requirement is met in a timely fashion if the attorney general electronically transmits the document within that period.

Gov't Code 552.309

PREVIOUS DETERMINATIONS

SAME INFORMATION

Except as set forth at Government Code section 552.301(g), a district may not request an attorney general decision if the district has previously requested and received a determination from the attorney general concerning the precise information at issue in a pending request and the attorney general or a court determined that the information is not within one of the exceptions. This exception applies to specific information that is again requested from a district after the attorney general has previously issued a decision regarding the precise information or records at issue. *Gov't Code 552.301(f); Tex. Att'y Gen. ORD 673 (2001)*

CATEGORIES OF INFORMATION

A district may rely on a previous determination by the attorney general regarding a specific, clearly delineated category of information if:

1. The previous decision is applicable to a school district;
2. The previous decision concludes that the category of information is or is not excepted from public disclosure;
3. The elements of law, fact, and circumstances are met to support the previous decision's conclusion that the requested records and information at issue are or are not excepted from public disclosure; and
4. The previous decision explicitly provides that the governmental body or bodies to which the decision applies may withhold the information without the necessity of seeking a decision from the attorney general.

Tex. Att'y Gen. ORD 673 (2001)

A district that relies on any previous determination to withhold information from disclosure should notify the requestor in writing of the decision or ruling upon which it is relying.

A district may withhold from public disclosure the categories of records listed at Texas Attorney General Open Records Decision 684 (2009).

Tex. Att'y Gen. ORD 684 (2009)

A district may withhold from public disclosure personally identifiable, non-directory information in "education records" as defined in the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. 1232g [see FL]. *Tex. Att'y Gen. ORD 634 (1995)*

STATEMENT TO REQUESTOR

If a district requests an attorney general decision, it shall provide to the requestor within a reasonable time but not later than the tenth business day after the date of receiving the requestor's written request:

1. A written statement that the district wishes to withhold the requested information and has asked for a decision from the attorney general about whether the information is within an exception to public disclosure; and

2. A copy of the district's written communication to the attorney general asking for the decision. If a district's written communication to the attorney general discloses the requested information, the district shall provide a redacted copy of that written communication.

Gov't Code 552.301(d)

SUBMISSION TO ATTORNEY GENERAL

When a district requests an attorney general decision, it shall, within a reasonable time but not later than the15th business day after receiving the request for information, submit to the attorney general all of the following:

1. Written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld;

2. A copy of the written request for information;

3. A signed statement as to the date on which the written request for information was received by the district or evidence sufficient to establish that date; and

4. A copy of the specific information requested, or representative samples of the information if a voluminous amount of information was requested. The district shall label the copies or representative samples to indicate which exceptions apply to which parts of the copy.

The district shall send a copy of the comments to the requestor not later than the 15th business day after the district receives the written request. If the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the requestor shall be redacted.

Gov't Code 552.301(e), (e-1)

Unless the information is confidential by law, the district may disclose the requested information to the public or the requestor before a final determination that the information is public has been made by the attorney general or a court with jurisdiction. *Gov't Code 552.303(a)*

ADDITIONAL INFORMATION

If the attorney general determines that additional information is necessary to render a decision, the attorney general shall give the district and the requestor written notice of that fact. The district shall submit the necessary additional information to the attorney

general not later than the seventh calendar day after the date the notice is received. If the district does not comply with the attorney general's request, the information is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information. *Gov't Code 552.303(c)–(e)*

PRIVACY OR PROPERTY INTERESTS

If information is requested and a person's privacy or property interests may be involved, including a case under Government Code 552.101 (information confidential by law), 552.104 (information related to competitive bidding), 552.110 (trade secrets), and 552.114 (student records), a district may decline to release the information for the purpose of requesting a decision from the attorney general. A person whose interests may be involved, or any other person, may submit in writing to the attorney general the person's reasons why the information should be withheld or released. A district may, but is not required to, submit its reasons why the information should be withheld or released. *Gov't Code 552.305(a)–(c)*

NOTICE TO OWNER OF PROPRIETARY INFORMATION

If release of a person's proprietary information may be subject to exception under Government Code 552.101 (information confidential by law), 552.110 (trade secrets), 552.113 (geological or geophysical information), or 552.131 (economic development information), a district that requests an attorney general decision shall make a good faith attempt to provide written notice to that person of its request. The notice must:

1. Be sent within a reasonable time not later than the tenth business day after the district receives the request for information; and

2. Include:

    a. A copy of any written request a district received for the information; and

    b. A statement, in the form prescribed by the attorney general, that the person is entitled to submit to the attorney general, not later than the tenth business day after the person receives the notice, a written statement of the reason(s) why the information should be withheld and a letter, memorandum, or brief supporting the reason(s).

Gov't Code 552.305(d)

SECTION IV: CHARGES REGARDING PUBLIC INFORMATION REQUESTS

COSTS AND CHARGES

The charge for providing a copy of public information shall be an amount that reasonably includes all costs related to reproducing

the information, including costs of materials, labor, and overhead. The charges shall not be excessive and shall not exceed the actual cost of producing the information or for making public information that exists in a paper record available.

Charges for providing a copy of public information are considered to accrue at the time the district advises the requestor that the copy is available on payment of the applicable charges.

50 PAGES OR LESS

If a request is for 50 or fewer pages of paper records, the charge for providing the copy of the information shall be limited to the charge for each page of the paper record that is photocopied, unless the pages to be photocopied are located in two or more separate buildings that are not physically connected with each other or a remote storage facility. The charge for providing a copy may not include costs of materials, labor, or overhead.

STATEMENT OF LABOR COSTS

If the charge for providing a copy of public information includes costs of labor, the requestor may require the officer for public information or agent to provide the requestor with a written statement as to the amount of time that was required to produce and provide the copy. The statement must be signed by the officer or agent, and the officer or agent's name must be typed or legibly printed below the signature. A charge may not be imposed for providing the written statement to the requestor.

Gov't Code 552.261, .262(a)

ATTORNEY GENERAL'S RULES

A district shall use the attorney general's rules to determine the charges for providing copies of public information and to determine the charge, deposit, or bond required for making public information that exists in a paper record available for inspection, except to the extent that other law provides for charges for specific kinds of public information. [See GBAA(EXHIBIT)]

A district may determine its own charges for providing copies of public information and its own charge, deposit, or bond for making public information that exists in a paper record available for inspection. However, a district may not charge an amount that is greater than 25 percent more than the amount established by the attorney general, unless the district requests an exemption. *Gov't Code 552.262(a); 1 TAC 70.1(b)*

EXEMPTIONS

A district may request that it be exempt from part or all of the rules adopted by the attorney general for determining charges. The request must be made in writing to the attorney general and must state the reason for the exemption. If a district receives notice from the attorney general that an exemption has been granted, the

district may amend its charges according to the attorney general's determination. *Gov't Code 552.262(c)*

COPIES FOR PARENTS

A district may charge a reasonable fee in accordance with the above requirements for copies of materials provided to parents pursuant to Education Code Chapter 26. *Education Code 26.012*

STATEMENT OF ESTIMATED CHARGES

If a request for a copy of public information will result in the imposition of a charge that exceeds $40, a district shall provide the requestor with a written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If an alternative less costly method of viewing the records is available, the statement must include a notice that the requestor may contact the district regarding the alternative method. A district must inform the requestor of the responsibilities imposed on the requestor by Government Code 552.2615 and the rights granted by that section and give the requestor the information needed to respond as detailed in Government Code 552.2615(a).

If, after a district provides the requestor the itemized statement but before it makes the copy or the paper record available, the district determines that the estimated charges will exceed the charges detailed in the original itemized statement by 20 percent or more, the district shall send to the requestor an updated written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs.

REQUESTOR'S RESPONSE

A request for which a district is required to produce an (original or updated) itemized statement of estimated charges is considered to have been withdrawn if the requestor does not respond in writing to the itemized statement by informing the district within ten business days after the date the statement is sent to the requestor that:

1. The requestor will accept the estimated charges;
2. The requestor is modifying the request in response to the itemized statement; or
3. The requestor has sent to the attorney general a complaint alleging that the requestor has been overcharged for being provided with a copy of the public information.

ACTUAL CHARGES

If the actual charges exceed $40, the charges may not exceed:

1. The amount estimated in the updated itemized statement; or
2. If an updated itemized statement is not sent to the requestor, an amount that exceeds by 20 percent or more the amount estimated in the original itemized statement.

TIMING OF DEADLINES

An original or updated itemized statement is considered to have been sent by a district, and a requestor is considered to have responded to the statement, on the date that the statement or response is:

1. Delivered in person;
2. Deposited, properly addressed, in the U.S. Mail; or
3. Transmitted by electronic mail or facsimile, provided the requestor agrees to receive the statement by those means.

The time deadlines for providing or responding to the required statement of estimated charges do not affect the application of a time deadline imposed on a district for requesting a decision by the attorney general under Government Code 552, Subchapter G.

Gov't Code 552.2615

DEPOSIT OR BOND

The officer for public information or agent may require a deposit or bond for payment of anticipated costs for the preparation of a copy of public information if:

1. The officer or agent has provided the requestor with the written itemized statement required by Government Code 552.2615 (see STATEMENT OF ESTIMATED CHARGES, above); and
2. The charge for providing the copy is estimated by the district to exceed $100, if the district has more than 15 full-time employees, or $50, if the district has fewer than 16 full-time employees.

The officer or agent may not require a deposit or bond as a down payment for copies of public information that the requestor may request in the future.

Gov't Code 552.263(a), (b)

For the purposes of charging for providing copies of public information or for requesting an attorney general's opinion, a request for a copy of public information is considered to have been received by the district on the date the district receives the deposit or bond. *Gov't Code 552.263(e)*

A requestor who fails to make such a deposit or post such a bond before the tenth business day after the date the deposit or bond is required is considered to have withdrawn the request. *Gov't Code 552.263(f)*

MODIFIED REQUEST

If a requestor modifies a request in response to the requirement of a deposit or bond, the modified request is considered a separate request and is considered received on the date the district receives the written modified request. *Gov't Code 552.263(e-1)*

UNPAID AMOUNTS

The officer for public information or agent may require a deposit or bond for payment of unpaid amounts the requestor owes a district in relation to previous public information requests before preparing a copy of public information in response to a new request, if those unpaid amounts exceed $100. The officer for public information or agent may not seek payment of those unpaid amounts through any other means. *Gov't Code 552.263(c)*

A district that receives a request from a requestor who, within the preceding 180 days, has accepted but failed to pay written itemized statements of estimated charges from the district as provided under Government Code 552.261(b) may require the requestor to pay the estimated charges for the request before the request is fulfilled. *Gov't Code 552.2661*

DOCUMENTATION OF UNPAID AMOUNTS

A district must fully document the existence and amount of those unpaid amounts or the amount of any anticipated costs before requiring a deposit or bond. The documentation is subject to required public disclosure. *Gov't Code 552.263(d)*

WAIVERS

A district shall provide a copy of public information without charge or at a reduced charge if the district determines that waiver or reduction of the charge is in the public interest because providing the information primarily benefits the public.

If the cost to a district of processing the collection of a charge for providing a copy of public information will exceed the amount of the charge, the district may waive the charge.

Gov't Code 552.267

GOVERNMENT PUBLICATION

The cost provisions described above do not apply to a publication that is compiled and printed by or for a district for public dissemination. If the cost of the publication is not determined by state law, a district may determine the charge for providing the publication, or the district may provide the publication free of charge, if state law does not require a certain charge. *Gov't Code 552.270*

SECTION V: INSPECTION OF PUBLIC INFORMATION

INSPECTION OF PUBLIC INFORMATION

If the requestor does not request a copy of public information, a district may not impose a charge for making available for inspection any public information that exists in a paper record, except as set forth below. *Gov't Code 552.271(a)*

CONFIDENTIAL INFORMATION

If a page contains confidential information that must be edited from the record before the information can be made available for inspection, a district may charge for the cost of making a photocopy of the page from which the confidential information must be edited. No charge other than the cost of the photocopy may be imposed. *Gov't Code 552.271(b)*

PAYMENT, DEPOSIT, OR BOND

The officer for public information or agent may require a requestor to pay, or to make a deposit or post a bond for the payment of, anticipated personnel costs for making available for inspection public information that exists in paper records if:

1. The information specifically requested by the requestor is older than five years or completely fills, or when assembled will completely fill, six or more archival boxes; and
2. The officer for public information or agent estimates that more than five hours will be required to make the information available for inspection.

Gov't Code 552.271(c)

CERTAIN SMALL DISTRICTS

If a district has fewer than 16 full-time employees, the payment, deposit, or bond may be required only if:

1. The information specifically requested by the requestor is older than three years or completely fills, or when assembled will completely fill, three or more archival boxes; and
2. The officer for public information or agent estimates that more than two hours will be required to make the information available for inspection.

Gov't Code 552.271(d)

ELECTRONIC RECORDS

If a district receives a request to inspect information that exists in an electronic medium and that is not available directly online to the requestor, the district may not impose a charge for access to the information unless complying with the request will require programming or manipulation of data. If programming or manipulation of data is required, a district shall notify the requestor before assembling the information and provide the requestor with an estimate of charges that will be imposed.

If public information exists in an electronic form on a computer owned or leased by a district, and the public has direct access to that computer through a computer network or other means, the electronic form of the information may be electronically copied from that computer without charge if accessing the information does not require processing, programming, or manipulation on the district's

computer before the information is copied. If such information does require processing, programming, or manipulation before it can be copied, a district may impose charges.

If a district creates or keeps information in an electronic form, the district is encouraged to explore options to separate confidential information from public information and make the public information available to the public through electronic access through a computer network or other means.

Gov't Code 552.272

SECTION VI: MISCELLANEOUS PROVISIONS

LARGE OR FREQUENT REQUESTS

PERSONNEL TIME

A district may establish a reasonable limit on the amount of time that district employees are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering its costs attributable to that personnel time. The time limit may not be less than 36 hours for a requestor during the 12-month period that corresponds to a district's fiscal year.

REQUEST BY MINOR

Any time spent complying with a request submitted in the name of a minor, as defined by Family Code 101.003(a), is to be included in the calculation of the cumulative amount of time spent complying with a request for public information by a parent, guardian, or other person who has control of the minor under a court order and with whom the minor resides, unless that parent, guardian, or other person establishes that another person submitted that request in the name of the minor.

EXCEPTION

This section does not apply if the requestor is an individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for:

1. A radio or television broadcast station that holds a broadcast license for an assigned frequency issued by the Federal Communications Commission;

2. A newspaper that is qualified under Government Code 2051.044 to publish legal notices or is a free newspaper of general circulation and that is published at least once a week and available and of interest to the general public in connection with the dissemination of news;

3. A newspaper of general circulation that is published on the Internet by a news medium engaged in the business of disseminating news or information to the general public; or

4. A magazine that is published at least once a week or on the Internet by a news medium engaged in the business of disseminating news or information to the general public.

This section also does not apply if the requestor is an elected official of the United States, this state, or a political subdivision of this state or a representative of a publicly funded legal services organization that is a federal tax exempt entity under Section 501(c)(3), Internal Revenue Code of 1986.

WRITTEN STATEMENT OF PERSONNEL TIME

If a district establishes a time limit, each time the district complies with a request for public information, the district shall provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable 12-month period. The amount of time spent preparing the written statement may not be included in the amount of time in the statement.

WRITTEN ESTIMATE OF CHARGES

If the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the established time limit, a district shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request. The district shall provide the written estimate on or before the tenth day after the date on which the request was made. The amount of this charge relating to the cost of locating, compiling, and producing the public information shall be established by rules prescribed by the attorney general.

ADDITIONAL TIME

If a district provides the requestor with written notice that additional time is required to prepare the written estimate, the district must provide the written estimate as soon as practicable, but on or before the tenth day after the date the district provided the notice that additional time was required.

ACCEPTANCE OF CHARGES

A district is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the tenth day after the date the district provided the written estimate, the requestor submits a written statement to the district in which the requestor commits to pay the lesser of:

1. The actual costs incurred in complying with the request, including the cost of materials, personnel time, and overhead; or

2. The amount stated in the written estimate.

If the requestor fails or refuses to submit a written statement, the requestor is considered to have withdrawn the request.

WAIVED OR REDUCED CHARGES

This section does not prohibit a district from providing a copy of public information without charge or at a reduced rate, or from waiving a charge for providing a copy of public information, under Government Code 552.267 [see WAIVERS, above].

Gov't Code 552.275

FILING SUIT TO WITHHOLD INFORMATION

A district may file suit seeking to withhold information if the district receives a determination from the attorney general that information must be disclosed to a requestor. The suit must be filed in Travis County district court against the attorney general and must seek declaratory relief from compliance with the attorney general's decision.

The district must bring the suit not later than the 30th calendar day after the district receives the attorney general's decision. If the district wishes to preserve an affirmative defense for its officer for public information, as provided by Government Code 552.353(b)(3), the district must file suit not later than the tenth calendar day after receipt of the attorney general's decision.

Gov't Code 552.324, .353(b)(3)

PARENT'S REQUEST FOR INFORMATION

A district that receives a request from a parent for public information relating to the parent's child shall comply with the PIA.

A district that seeks to withhold information from a parent who has requested public information relating to the parent's child under the PIA, and that files suit to challenge a decision by the attorney general, must bring the suit not later than the 30th calendar day after the date the district receives the decision of the attorney general, unless an earlier deadline is established by the PIA.

A court shall grant such a suit precedence over other pending matters to ensure prompt resolution. Notwithstanding any other law, a district may not appeal the decision of the court. This prohibition does not affect the right of a parent to appeal the decision. If a district does not bring suit within the period established, the district shall comply with the decision of the attorney general.

Education Code 26.0085

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

A board or its authorized representative may refuse to allow persons having no legitimate business to enter on property under the board's control and may eject any undesirable person from the property on his or her refusal to leave peaceably on request. Identification may be required of any person on the property. *Education Code 37.105*

An unauthorized person who trespasses on the grounds of a school district commits a Class C misdemeanor. *Education Code 37.107*

VEHICLES ON SCHOOL PROPERTY

A board may bar or suspend a person from driving or parking a vehicle on any school property as a result of the person's violation of any rule or regulation promulgated by the board or set forth in Education Code Chapter 37, Subchapter D. [See CLC] *Education Code 37.106*

DISRUPTION OF LAWFUL ASSEMBLY

A person commits a Class B misdemeanor if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of a public school.

Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school;
2. Seizing control of any building or portion of a building to interfere with any administrative, educational, research, or other authorized activity;
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
5. Obstructing or restraining the passage of any person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from the property or campus without the authorization of the administration of the school.

FREE SPEECH

This provision shall not be construed to infringe upon any right of free speech or expression guaranteed by the constitutions of the United States or the state of Texas.

Education Code 37.123

DISRUPTION OF CLASSES

A person, other than a primary or secondary grade student enrolled in the school, commits a Class C misdemeanor if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age.

Disrupting the conduct of classes or other school activities includes:

1. Emitting noise of an intensity that prevents or hinders classroom instruction.
2. Enticing or attempting to entice a student away from a class or other school activity that the student is required to attend.
3. Preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend.
4. Entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or use of loud or profane language, disrupting class activities.

“School property” includes a public school campus or school grounds on which a public school is located, and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

“Public property” includes a street, highway, alley, public park, or sidewalk.

Education Code 37.124

DISRUPTION OF TRANSPORTATION

A person, other than a primary or secondary grade student, commits a Class C misdemeanor if the person intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school, or to or from activities sponsored by a school, on a vehicle owned and/or operated by a district. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. *Education Code 37.126*

TOBACCO AND E-CIGARETTES

A board shall prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property. School personnel shall enforce these policies on school property. *Education Code 38.006* [See FNCD for the definition of e-cigarette.]

SMOKING IN BUILDINGS

A district shall not permit smoking within any indoor facility used for provision of routine or regular kindergarten, elementary, or secondary education or library services to children; or regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of employees who provide such services. *20 U.S.C. 6083; 20 U.S.C. 7183*

CRIMINAL PENALTY

A person commits an offense if the person is in possession of a burning tobacco product, smokes tobacco, or operates an e-cigarette in a facility of a public school.

DEFENSE

It is a defense to prosecution that a district does not have prominently displayed a reasonably sized notice that smoking is prohibited by state law in such place and that an offense is punishable by a fine not to exceed $500.

FACILITIES FOR EXTINGUISHMENT

A district shall be equipped with facilities for extinguishment of smoking materials.

Penal Code 48.01(a)–(c)

ALCOHOL

A board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. *Education Code 38.007(a)* [See FNCF regarding alcohol-free zones.]

INTOXICANTS

A person commits a Class C misdemeanor if the person possesses an intoxicating beverage for consumption, sale, or distribution while:

1. On the grounds or in a building of a public school; or
2. Entering or inside any enclosure, field, or stadium where any athletic event sponsored or participated in by a public school is being held.

Education Code 37.122 [See also FNCF]

FIREWORKS

A person may not explode or ignite fireworks within 600 feet of any school unless the person receives authorization in writing from the school. *Occupations Code 2154.251(a)(1)*

FIREARMS / WEAPONS —IN GENERAL

A person commits a third degree felony if the person knowingly, intentionally, or recklessly possesses or goes with a firearm, illegal 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)

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(a)(1) 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, qualified retired law enforcement officer, federal criminal investigator, or former reserve law enforcement officer who holds a certificate of proficiency and is carrying a photo identification verifying that the officer or investigator qualifies for this exception;

6. A district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a handgun;

7. An 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; or

9. A juvenile probation officer who is authorized to carry a firearm.

Penal Code 46.15(a)

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 exhibits, uses, or threatens to exhibit or use a firearm:

1. 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

2. On a school bus being used to transport children to and from school-sponsored activities.

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 provide notice, by a communication described by Penal Code 30.06 or by any sign expressly referring to that law or to a concealed handgun license, that a license holder 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. *Gov't Code 411.209*

TRESPASS — OPEN CARRY OF HANDGUN

A holder of a license to openly carry a handgun commits an offense if the license holder:

1. Openly carries a handgun on property of another without effective consent; and
2. Received notice that entry on the property by a license holder openly carrying a handgun was forbidden.

NOTICE / SIGN — OPEN CARRY OF HANDGUN

For purposes of Penal Code 30.07, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

"Written communication means":

1. A card or other document on which is written language identical to the following: "Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly"; or
2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

An offense under Penal Code 30.07 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice by oral communication that entry or remaining on the property with an

openly carried handgun was forbidden and subsequently failed to depart.

EXCEPTION

It is an exception to Penal Code 30.07 that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03 or 46.035.

Penal Code 30.07

INTERSCHOLASTIC EVENTS

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

A license holder commits a Class A misdemeanor if the license holder intentionally, knowingly, or recklessly carries a handgun, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of the board is held and if the meeting is an open meeting under the Open Meetings Act.

Penal Code 46.035(c) does not apply unless the license holder was given effective notice under Penal Code 30.06 or 30.07 [see NOTICE/SIGN—CONCEALED CARRY OF HANDGUN and NOTICE/SIGN—OPEN CARRY OF HANDGUN, above].

Penal Code 46.035(c), (i)

BOARD AUTHORIZATION

A license holder does not commit a criminal offense under Penal Code 46.035 [see INTERSCHOLASTIC EVENTS and BOARD MEETINGS, above] if the person is lawfully carrying a handgun pursuant to a board's written regulations and authorization. *Att'y Gen. Op. GA-1051 (2014)* [See CKE(LEGAL), SECTION III]

DEFENSE TO PROSECUTION

It is a defense to prosecution under Penal Code 46.035(b) and (c) [see INTERSCHOLASTIC EVENTS and BOARD MEETINGS, above] that the actor, at the time of the offense, was:

1. A judge or justice of a federal court;
2. An active judicial officer;

3. A district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney; or

4. A bailiff designated by an active judicial officer and engaged in escorting the officer.

Penal Code 46.035(h-1)

Principals and other designated employees are authorized to:

1. Refuse entry onto school grounds to persons who do not have legitimate business at the school;
2. Request any unauthorized person or any person engaging in unacceptable conduct to leave the school grounds;
3. Request assistance of law enforcement officers in cases of emergency; and
4. Seek prosecution for violations of law as permitted by statute.

OFF-CAMPUS ACTIVITIES

Employees shall be designated to ensure appropriate conduct of participants and others attending a school-related activity at non-District or out-of-District facilities. Those so designated shall coordinate their efforts with persons in charge of the facilities.

PROHIBITIONS

The District prohibits smoking and the use of tobacco products and e-cigarettes on District property, in District vehicles, or at school-related activities.

TOBACCO AND E-CIGARETTES

WEAPONS

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

EXCEPTION

No violation of this policy occurs when the use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

FACILITIES

DUAL USAGE EDUCATIONAL COMPLEX

A district may enter into a cooperative agreement with a community college district regarding a dual usage educational complex, provided the district is located in whole or in part in the service area of the college district. The college district shall coordinate and supervise the operation of the complex. The use and the costs associated with the establishment and operation of the complex shall be shared by the parties under the terms of the cooperative agreement. *Education Code 130.0103*

INSTRUCTIONAL OR ATHLETIC FACILITY

A board may contract with an institution of higher education located wholly or partially within the district's boundaries for the use of any stadium and other athletic facilities owned by or under the control of the institution of higher education.

A district and an institution of higher education located wholly or partially in the boundaries of the county in which the district is located may contract for the district to pay a portion of the costs of the design or construction of an instructional facility or a stadium or other athletic facilities owned by or under the control of the institution of higher education.

Education Code 45.109 [See CX]

COLLEGE COURSES IN DISTRICT FACILITIES

If a district is located in a county contiguous to, but not part of, a community college district, a board may enter into a contract with the community college district for the community college to hold college courses in a district's facilities. The contract shall be approved by board resolution. Either party may terminate the contract by giving the other party at least one year's written notice. *Education Code 130.006*

DISTRICT COURSES ON HIGHER EDUCATION CAMPUS

A board may operate a school or program or hold a class on the campus of an institution of higher education in this state if the board obtains written consent from the president or other chief executive officer of the institution, regardless of whether the institution is located within the boundaries of the district. *Education Code 11.166*

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 (see HIGH SCHOOL CREDIT-ONLY COURSES, below).
2. Award of Dual Course Credit (see DUAL CREDIT COURSES, below).
3. Tech-Prep Programs.

4. Remedial or Developmental Instruction (see REMEDIAL PROGRAMS, below).

5. College Preparatory Programs for High School Students. College prep courses are locally developed through a memorandum of understanding created between school districts and public two-year colleges.

19 TAC 9.143, .146

AGREEMENT

For any educational partnership between a district and a community college district, an agreement must be approved by the board or designee of both the district and the college district. The partnership agreement must address the following:

1. Student eligibility requirements.

2. Faculty qualifications.

3. Location and student composition of classes.

4. Provision of student learning and support services.

5. Eligible courses.

6. Grading criteria.

7. Transcripting of credit.

8. Funding provisions.

19 TAC 9.144

HIGH SCHOOL CREDIT-ONLY COURSES

A district may contract with a community college district for the college district to provide coursework necessary for students to complete high school. The district and college district shall negotiate an agreed cost for instruction. *19 TAC 9.125*

DUAL CREDIT COURSES

A district may enter into an agreement with a public college to form a dual credit partnership. Dual credit means the process by which a high school student enrolls in a college course and receives simultaneous academic credit for the course from both the college and high school. *19 TAC Ch. 4, Subch. D* [See EHDD(LEGAL)]

REMEDIAL PROGRAMS

A board may contract 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. *Education Code 130.090; 19 TAC 9.146*

DROPOUT RECOVERY PROGRAM

A school district may enter into an articulation agreement to partner with the public junior college district in which the school district is located to provide on the campus of the college a dropout recovery

program for students to successfully complete and receive a diploma from a high school of the school district. *Education Code 29.402(a)*

A district located wholly or partly in a county with a population of more than three million may enter into an articulation agreement with any public junior college with a service area located wholly or partly in a county with a population of more than three million. *Education Code 29.402(a-1)*

The program must meet the requirements at Education Code 29.402(c) and 29.081(e), (f). *Education Code 29.402(c), (d)*

STUDENT ELIGIBILITY

A person is eligible to enroll in the dropout recovery program if the person:

1. Is under 26 years of age;
2. Must complete not more than three course credits to complete the curriculum requirements for the foundation high school program, as appropriate, for high school graduation; or
3. Has failed to perform satisfactorily on an end-of-course assessment instrument under Education Code 39.023(c), or an assessment instrument under Education Code 39.023(c) as that section existed before 2007. [See EKB]

Education Code 29.402(b)

FUNDING

A school district shall pay the college district a negotiated amount for each student from the school district enrolled in the dropout recovery program. The negotiated amount shall not exceed the total average per student funding amount in that school district during the preceding school year for maintenance and operations, including state and local funding, but excluding money from the available school fund. *Education Code 29.403(a)*

A student who is enrolled in a dropout recovery program is included in determining the average daily attendance of the school district. *Education Code 29.403(b)*

PLAN TO INCREASE HIGHER EDUCATION ENROLLMENT

An affected district, as described below, shall enter into an agreement with the public institution of higher education in this state in closest geographic proximity to the district to develop a plan to increase the percentage of the district's graduating seniors who enroll in an institution of higher education for the academic year following graduation. The plan must address the elements at Education Code 29.904(d). *Education Code 29.904(c), (d)*

AFFECTED DISTRICT

An affected district is one with one or more high schools that:

1. During the preceding five years, have had an average of at least 26 students in the high school graduating class; and

2. For any two consecutive years during the preceding five years, have been among the lowest ten percent of high schools in this state in the percentage of students graduating and enrolling for the following academic year in an institution.

Education Code 29.904(a)

TIMELINE

Unless a district is already operating under a plan to increase enrollment, not later than May 1 of each year TEA shall notify a district if it is an affected district. The district must enter into an agreement to develop a plan to increase enrollment by August 1 of the year in which it receives notice from TEA. *Education Code 29.904(b), (c)*

A district shall file the plan with the Commissioner of Education and the Commissioner of Higher Education. A district must implement the plan at the beginning of the school year following the year during which the district receives notice from TEA that it is an affected district. A district may revise the plan as necessary in response to achieving or failing to achieve goals under the plan. *Education Code 29.904(e)–(g)*

CHILD ABUSE INVESTIGATION

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

OTHER QUESTIONING OF STUDENTS

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

1. The principal shall verify and record the identity of the officer or other authority and request an explanation of the need to question or interview the student at school.
2. The principal ordinarily shall make reasonable efforts to notify the student's parent or other person having lawful control of the student. The parent or other person having lawful control of the student shall be notified and given a reasonable time period to attend the interview. If the interviewer raises what the principal considers to be a valid objection to the notification, the Superintendent or designee shall be contacted, and a decision shall be made regarding whether the parent shall not be notified.
3. The principal or a designee ordinarily shall be present during the questioning or interview. If the interviewer raises what the principal considers to be a valid objection to a third party's presence, the Superintendent or designee shall be notified, and a decision shall be made regarding whether the principal or a designee shall be present during the questioning, or whether the interview shall be conducted without that person's presence.

STUDENTS TAKEN INTO CUSTODY

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

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

[See FO for notification requirements by the campus behavior coordinator under Education Code Chapter 37.]

EMERGENCY ASSISTANCE

A district may provide emergency assistance to another local government, whether or not the district and the local government have previously agreed or contracted to provide that kind of assistance, if:

1. In the opinion of the presiding officer of the other local government, a state of civil emergency exists that requires assistance from the district and the presiding officer requests assistance; and
2. Before the emergency assistance is provided, the board authorizes the district to provide the assistance by resolution or other official action.

Similarly, if in the opinion of a board president a civil emergency exists in the district that requires assistance from another local government, the board president may request assistance.

Gov't Code 791.027

MUTUAL AID

A district that maintains the capability to provide mutual aid may render mutual aid to other local government entities under mutual aid agreements or the Texas Statewide Mutual Aid System. *Gov't Code 418.107(c)*

A district may provide mutual aid assistance on request from another local government entity or organized volunteer group. A superintendent, with the approval and consent of the board president, may provide that assistance while acting in accordance with the policies, ordinances, and procedures established by the board. *Gov't Code 418.109(d)*

DEFINITIONS

"LOCAL GOVERNMENT ENTITY"

"Local government entity" means a county, incorporated city, independent school district, public junior college district, emergency services district, other special district, joint board, or other entity defined as a political subdivision under Texas law that maintains the capability to provide mutual aid.

"MUTUAL AID"

"Mutual aid" means a homeland security activity, as defined by Government Code 421.001, performed under the system or a written mutual aid agreement.

Gov't Code 418.004

REQUESTS FOR ASSISTANCE

A request for mutual aid assistance may be submitted verbally or in writing. If a request is submitted verbally, it must be confirmed in writing. *Gov't Code 418.115*

ABILITY TO RENDER ASSISTANCE

When contacted with a request for mutual aid assistance, a district shall assess local resources to determine availability of personnel, equipment, and other assistance to respond to the request.

A responding local government entity may provide assistance to the extent personnel, equipment, and resources are determined to be available. A local government entity is not required to provide mutual aid assistance unless the entity determines that the entity has sufficient resources to provide assistance, based on current or anticipated events in its jurisdiction.

Gov't Code 418.1151

SUPERVISION AND CONTROL

When providing mutual aid assistance under the system:

1. The response effort must be organized and function in accordance with the National Incident Management System guidelines;
2. The personnel, equipment, and resources of a district being used in the response effort are under the operational control of the requesting local government entity unless otherwise agreed;
3. Direct supervision and control of personnel, equipment, and resources and personnel accountability remain the responsibility of the designated supervisory personnel of the district;
4. The designated supervisory personnel of the district shall:
    a. Maintain daily personnel time records, material records, and a log of equipment hours;
    b. Be responsible for the operation and maintenance of the equipment and other resources furnished by the district; and
    c. Report work progress to the requesting local government entity.
5. The district's personnel and other resources are subject to recall at any time, subject to reasonable notice to the requesting local government entity.

Gov't Code 418.1152

DURATION OF AID

The provision of mutual aid assistance under the system may continue until:

1. The services of a district are no longer required; or
2. The district determines that further assistance should not be provided.

Gov't Code 418.1153

EMPLOYEE RIGHTS AND PRIVILEGES

A person assigned, designated, or ordered to perform duties by the district employing the person in response to a request under the Texas Statewide Mutual Aid System is entitled to receive the same wages, salary, pension, and other compensation and benefits, including injury or death benefits, disability payments, and workers' compensation benefits, for the performance of the duties under the system as though the services were rendered for the entity employing the person.

The district employing the person is responsible for the payment of wages, salary, pension, and other compensation and benefits associated with the performance of duties under the system.

Gov't Code 418.116

REIMBURSEMENT OF COSTS

If the division of emergency management in the office of the governor requests the provision of assistance and a district responds, the state shall reimburse the actual costs of providing assistance, including costs for personnel, operation and maintenance of equipment, damaged equipment, food, lodging, and transportation, incurred by the district. A request for reimbursement made to the division must be made in accordance with procedures developed by the division. *Gov't Code 418.118*

If a local government entity requests mutual aid assistance from a district under the system that requires a response that exceeds 12 consecutive hours, the local government entity shall reimburse the actual costs of providing mutual aid assistance to the district, including costs for personnel, operation and maintenance of equipment, damaged equipment, food, lodging, and transportation, incurred by the district in response to a request for reimbursement. Local government entities with a mutual aid agreement when the request for mutual aid assistance is made are subject to the agreement's terms of reimbursement, as provided by Government Code 418.111. *Gov't Code 418.1181*

EMERGENCY MANAGEMENT TRAINING

This section applies only to an appointed public officer:

1. Whose position description, job duties, or assignment includes emergency management responsibilities; or
2. Who plays a role in emergency preparedness, response, or recovery.

An appointed public officer shall complete a course of training provided or approved by the division of emergency management in the office of the governor of not less than three hours regarding the responsibilities of state and local governments under Government Code Chapter 418 not later than the 180th day after the date the person:

1. Takes the oath of office, if the person is required to take an oath of office to assume the person's duties as an appointed public officer; or

2. Otherwise assumes responsibilities as an appointed public officer, if the person is not required to take an oath of office to assume the person's duties.

The division or other entity providing the training shall provide a certificate of course completion to public officers who complete the training required by this section. A public officer who completes the training required by this section shall maintain and make available for public inspection the record of the public officer's completion of the training.

Gov't Code 418.005

[See CKC for emergency management within a district.]

INFECTION CONTROL OFFICER

A district that employs or uses the services of an emergency response employee or volunteer shall nominate a designated infection control officer and an alternate designated infection control officer to:

1. Receive notification of a potential exposure to a reportable disease from a health-care facility;

2. Notify the appropriate health-care providers of a potential exposure to a reportable disease;

3. Act as a liaison between the district's emergency response employees or volunteers who may have been exposed to a reportable disease during the course and scope of employment or service as a volunteer and the destination hospital of the patient who was the source of the potential exposure;

4. Investigate and evaluate an exposure incident, using current evidence-based information on the possible risks of communicable disease presented by the exposure incident; and

5. Monitor all follow-up treatment provided to the affected emergency response employee or volunteer, in accordance with applicable federal, state, and local law.

Health and Safety Code 81.012

DEFINITIONS

"Emergency response employee or volunteer" means an individual acting in the course and scope of employment or service as a volunteer as emergency medical service personnel, a peace officer, or a fire fighter.

"Reportable disease" means a disease or condition included in the list of reportable diseases and includes a disease that is designated as reportable under Health and Safety Code 81.048.

Health and Safety Code 81.003(1-a), (8)

NOTICE TO LOCAL HEALTH AUTHORITY

A district that employs or uses the services of an emergency response employee or volunteer is responsible for notifying the local health authorities or local health-care facilities, according to any local rules or procedures, that the district has a designated infection control officer or alternate designated infection control officer. *Health and Safety Code 81.012(c)*

Learners Today...
Leaders Tomorrow...
Mustangs Forever!

Marble Falls ISD

Board of Trustees

Agenda Item Information

Meeting Date: November 16, 2015

Meeting Type:
- ☑ Regular Meeting
- ☐ Special Meeting/Workshop
- ☐ Hearing

Date Submitted:

Agenda Placement:
- ☐ Public Hearing
- ☐ Open Session
- ☐ Executive Session
- ☐ Recognition
- ☐ Administrative Report
- ☐ Consent Agenda
- ☑ Regular Agenda
- ☐ Information/Discussion

Subject: Approval of Annual Financial Report

Executive Summary:

A representative of West, Davis and Company will be here to present to the board a summation of the results of our annual audit.

Fiscal Impact:

Cost:
- ☐ Recurring
- ☐ One-Time
- ☑ No Fiscal Impact

Funding Source:
- ☐ General Fund
- ☐ Grant Funds
- ☐ Other Funds (Specify)

Fiscal Year:
Amendment Required?
- ☐ Yes
- ☐ No

Administrator's Recommendation:

I recommend that the Annual Financial Report be approved as presented.

Department Submitting: Business Office

Requested By: Lisa LeMon

Cabinet Member's Approval:

Board Approval Required: ☑ Yes ☐ No

MARBLE FALLS
INDEPENDENT SCHOOL DISTRICT

ANNUAL FINANCIAL REPORT

FOR THE TEN MONTHS ENDED JUNE 30, 2015

By: **West, Davis & Company, LLP**
11824 Jollyville Road, Suite 100
Austin, Texas 78759
www.westdavis.com
Telephone: 512.340.0222
Email: gary@westdavis.com

Marble Falls Independent School District
Annual Financial Report
For The Ten Months Ended June 30, 2015

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Marble Falls Independent School District
Annual Financial Report
For The Ten Months Ended June 30, 2015

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Introductory Section

CERTIFICATE OF BOARD

Marble Falls Independent School District	Burnet	027-904
Name of School District	County	Co.-Dist. Number

We, the undersigned, certify that the attached annual financial reports of the above named school district were reviewed and (check one) _____approved _____disapproved for the period ended June 30, 2015, at a meeting of the board of trustees of such school district on the ____ day of _____, _____.

_____ Signature of Board Secretary

_____ Signature of Board President

If the board of trustees disapproved of the auditors' report, the reason(s) for disapproving it is (are):
(attach list as necessary)

Financial Section

WEST, DAVIS & COMPANY, LLP
11824 Jollyville Road, Suite 100
Austin, Texas 78759

Independent Auditors' Report

To the Board of Trustees
Marble Falls Independent School District
Marble Falls, Texas

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Marble Falls Independent School District ("the District") as of and for the ten months ended June 30, 2015, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the District's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of Marble Falls Independent School District as of June 30, 2015, and the respective changes in financial position, for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

Change in Accounting Principle

As described in Note A to the financial statements, in 2015, Marble Falls Independent School District adopted new accounting guidance, Government Accounting Standards Board (GASB) Statement No. 68, *Accounting and Financial Reporting for Pensions,* and GASB Statement No. 71, *Pension Transition for contributions made Subsequent to the Measurement Date -- an amendment of GASB Statement No.* 68. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis, budgetary comparison information, schedule of the District's proportionate share of the net pension liability and schedule of District pension contributions identified as Required Supplementary Information in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the Required Supplementary Information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Marble Falls Independent School District's basic financial statements. The introductory section and combining and individual nonmajor fund financial statements are presented for purposes of additional analysis and are not required parts of the basic financial statements. The schedule of expenditures of federal awards is presented for purposes of additional analysis as required by U. S. Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations,* and is also not a required part of the basic financial statements. The accompanying other supplementary information is presented for purposes of additional analysis and is also not a required part of the basic financial statements.

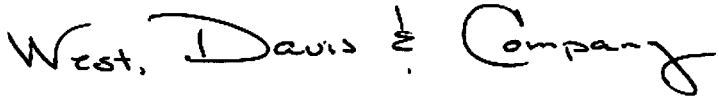
The combining and individual nonmajor fund financial statements and other supplementary information and the schedule of expenditures of federal awards are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements**.** Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual nonmajor fund financial statements and other supplementary information and the schedule of expenditures of federal awards are fairly stated in all material respects in relation to the basic financial statements as a whole.

The introductory section has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on it.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 11, 2015 on our consideration of Marble Falls Independent School District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Marble Falls Independent School District's internal control over financial reporting and compliance.

Respectfully submitted,



West, Davis & Company, LLP
Austin, Texas
November 11, 2015

MANAGEMENT'S DISCUSSION AND ANALYSIS

In this section of the Annual Financial and Compliance Report, we, the managers of Marble Falls Independent School District (the District), discuss and analyze the District's financial performance for the ten months ended June 30, 2015. Please read it in conjunction with the independent auditors' report on page 2, and the District's Basic Financial Statements, which begin on page 10. All amounts, unless otherwise indicated, are expressed in thousands of dollars.

During the ten months ended June 30, 2015, the District elected to change its fiscal year end from August 31st to June 30th. This resulted in the current year presentation of the ten months ended June 30, 2015 and the prior year presentation of the year ended August 31, 2014. Normal comparisons of the government-wide financial information must be performed with the knowledge of these changes. However, since these comparisons remain relevant in many instances, the prior period has been presented.

USING THIS ANNUAL REPORT

This annual report consists of a series of financial statements. The government-wide financial statements include the Statement of Net Position and the Statement of Activities (on pages 10 and 11). These provide information about the activities of the District as a whole and present a longer-term view of the District's property and debt obligations and other financial matters. They reflect the flow of total economic resources in a manner similar to the financial reports of a business enterprise. Fund financial statements (starting on page 12) report the District's operations in more detail than the government-wide statements by providing information about the District's most significant funds. For governmental activities, these statements tell how services were financed in the short term as well as what resources remain for future spending. They reflect the flow of current financial resources, and supply the basis for tax levies and the appropriations budget. The remaining statements, fiduciary statements, provide financial information about activities for which the District acts solely as a trustee or agent for the benefit of those outside of the district.

The notes to the financial statements (starting on page 18) provide narrative explanations or additional data needed for full disclosure in the government-wide statements or the fund financial statements.

The sections labeled TEA Required Schedules and Federal Awards Section contain data used by monitoring or regulatory agencies for assurance that the District is using funds supplied in compliance with the terms of grants.

Reporting the District as a Whole

The Statement of Net Position and the Statement of Activities

The analysis of the District's overall financial condition and operations begins on page 10. Its primary purpose is to show whether the District is better off or worse off as a result of the ten month's activities. The Statement of Net Position includes all the District's assets and liabilities at the end of the year while the Statement of Activities includes all the revenues and expenses generated by the District's operations during the ten months. These apply the accrual basis of accounting which is the basis used by private sector companies.

All of the current ten month's revenues and expenses are taken into account regardless of when cash is received or paid. The District's revenues are divided into those provided by outside parties who share the costs of some programs, such as grants provided by the U.S. Department of Education to assist children with disabilities of from disadvantaged backgrounds (program revenues), and revenues provided by the taxpayers or by TEA in equalization funding processes (general revenues). All the District's assets are reported whether they serve the current year or future years. Liabilities are considered regardless of whether they must be paid in the current ten month period or future years.

These two statements report the District's net position and changes in it. The District's net position (the difference between assets and liabilities) provide one measure of the District's financial health, or financial position. Over time, increases or decreases in the District's net position is one indicator of whether its financial health is improving or deteriorating. To fully assess the overall health of the District, however, you should consider nonfinancial factors as well, such as changes in the District's average daily attendance or its property tax base and the condition of the District's facilities.

In the Statement of Net Position and the Statement of Activities, we classify the District's activities as Governmental activities:

- Governmental activities–Most of the District's basic services are reported here, including the instruction, counseling, co-curricular activities, food services, transportation, maintenance, community services, and general administration. Property taxes, tuition, fees, and state and federal grants finance most of these activities.

Reporting the District's Most Significant Funds

Fund Financial Statements

The fund financial statements begin on page 12 and provide detailed information about the most significant funds–not the District as a whole. Laws and contracts require the District to establish some funds, such as grants received under the No Child Left Behind Act from the U.S. Department of Education. The District's administration establishes many other funds to help it control and manage money for particular purposes (like campus activities). The District's two kinds of funds–governmental and proprietary–use different accounting approaches.

- Governmental funds–Most of the District's basic services are reported in governmental funds. These use modified accrual accounting (a method that measures the receipt and disbursement of cash and all other financial assets that can be readily converted to cash) and report balances that are available for future spending. The governmental fund statements provide a detailed short-term view of the District's general operations and the basic services it provides. We describe the differences between governmental activities (reported in the Statement of Net Position and the Statement of Activities) and governmental funds in reconciliation schedules following each of the fund financial statements.

- Proprietary funds–The District reports the activities for which it charges users (whether outside customers or other units of the District) in proprietary funds using the same accounting methods employed in the Statement of Net Position and the Statement of Activities. The internal service funds report activities that provide supplies and services for the District's other programs and activities–such as the District's self-insurance programs. The District, at present, maintains no proprietary funds.

The District as Trustee

Reporting the District's Fiduciary Responsibilities

The District is the trustee, or fiduciary, for money raised by student activities and scholarship programs. All of the District's fiduciary activities are reported in separate Statements of Fiduciary Net Position and Changes in Fiduciary Net Position on pages 16 and 17. We exclude these resources from the District's other financial statements because the District cannot use these assets to finance its operations. The District is only responsible for ensuring that the assets reported in these funds are used for their intended purposes.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

Our analysis focuses on the net position (Table I) and changes in net position (Table II) of the District's governmental and business-type activities.

Net position of the District's governmental activities decreased from $34.8 million to $33.3 million. Unrestricted net position – the part of net position that can be used to finance day-to-day operations without constraints established by debt covenants, enabling legislation, or other legal requirements – were $4.7 million at June 30, 2015. This decrease in governmental net position was the result of the prior period adjustment that implemented GASB 68 and resulted in a reduction of $5.5 million net of an operational increase of $4 million.

Table I
Marble Falls Independent School District

NET POSITION
in thousands

	Governmental Activities	
	2015	2014
Current and other assets	31,008	23,773
Capital assets	94,124	93,500
Total assets	125,132	117,273
Deferred Outflow Related to Pensions	1,012	0
Long-term liabilities	85,754	80,321
Other liabilities	5,634	2,182
Total liabilities	91,388	82,503
Deferred Inflow Related to Pensions	1,456	0
Net position:		
Invested in capital assets, net of related debt	16,960	19,526
Restricted	11,612	8,962
Unrestricted	4,728	6,282
Total net position	33,300	34,770

Table II
Marble Falls Independent School District

CHANGES IN NET POSITION
in thousands

	Governmental Activities	
	2015	2014
Revenues:		
Program revenues:		
Charges for services	766	800
Operating grants and contributions	5,161	8,204
General revenues:		
Maintenance and operations taxes	32,082	31,366
Debt service taxes	6,903	6,798
State aid - formula grants	4,551	4,205
Investment earnings	66	116
Miscellaneous	1,804	3,336
Total Revenues	51,333	54,825
Expenses:		
Instruction, curriculum and media services	22,789	24,279
Instructional and school leadership	2,801	3,241
Student support services	3,083	3,663
Child nutrition	2,188	2,290
Extra curricular activities	1,404	1,581
General administration	1,175	1,370
Plant maintenance, security and data processing	6,278	5,847
Community services	98	98
Debt services	2,987	3,702
Contracted Inst. Services between School	3,237	2,863
Payments related to SSA	667	727
Other intergovernmental charges	637	646
Total Expenses	47,344	50,307
Change in Net Position	3,989	4,518

NET PENSION LIABILITY (GASB 68)

During fiscal year 2015, the District adopted GASB Statement No. 68 for Accounting and Reporting for Pensions. With GASB 68, the District must assume their proportionate share of the Net Pension Liability of the Teacher Retirement System. The District's net pension liability at year end totaled $4.8 million

Adoption of GASB 68 required a prior period adjustment to report the effect of GASB 68 retroactively. The amount of the prior period adjustment is $(5.5) million. The restated beginning net position is $29.3 million.

THE DISTRICT'S FUNDS

As the District completed this ten month period, its governmental funds (as presented in the balance sheet on page 12) reported a combined fund balance of $24.4 million, which is $4.5 million more than last year's total of $19.9 million. Included in this year's total change in fund balance is an increase of $1.9 million in the District's General Fund, $5.5 million in the Debt Service Fund and a decrease of $2.9 million in Other Governmental Funds (primarily Capital Projects Funds). The primary reason for this increase was the District's change in fiscal year end that resulted in ten months of financial activity.

Over the course of the year, the Board of Trustees revised the District's budget several times. These budget amendments fall into two categories. The first category includes amendments and supplemental appropriations that were approved shortly after the beginning of the year and reflect the actual beginning balances (versus the amounts we estimated in August 2014). The second category involved amendments moving funds from programs that did not need all the resources originally appropriated to them to programs with resource needs.

CAPITAL ASSET AND DEBT ADMINISTRATION

Capital Assets

At the end of 2015, the District had $94.1 million invested in a broad range of capital assets, including facilities and equipment for instruction, transportation, athletics, administration, and maintenance.

The District added some $4.7 million in capital assets during the year. More detailed information about the District's capital assets is presented in Note D to the financial statements.

Debt

At year-end, the District had $70.9 million in bonds outstanding versus $71.3 million last year. More detailed information about the District's long-term liabilities is presented in Note F to the financial statements.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGETS AND RATES

During the 2015-16 budget cycle, the District is in a revenue-neutral financial position and does not anticipate additional funding from the State. As a result, the District is maintaining the current staffing ratio and operating budget structure. The District continues to explore methods to decrease cost and increase revenues in such a way that the impact on education is minimal.

CONTACTING THE DISTRICT'S FINANCIAL MANAGEMENT

This financial report is designed to provide our citizens, taxpayers, customers, investors, and creditors with a general overview of the District's finances and to show the District's accountability for the money it receives. If you have questions about this report or need additional financial information, contact the District's business office, at Marble Falls Independent School District, 1800 Colt Circle, Marble Falls, Texas 78654.

Basic Financial Statements

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

STATEMENT OF NET POSITION
JUNE 30, 2015

Data Control Codes		1 Governmental Activities
	ASSETS:	
1110	*Cash and Cash Equivalents*	$ 27,017,212
1120	*Current Investments*	21,506
1225	*Property Taxes Receivable (Net)*	1,977,958
1240	*Due from Other Governments*	1,852,496
1290	*Other Receivables (Net)*	7,182
1300	*Inventories*	76,357
1410	*Unrealized Expenses*	55,096
	Capital Assets:	
1510	*Land*	3,525,687
1520	*Buildings and Improvements, Net*	87,156,564
1530	*Furniture and Equipment, Net*	3,441,669
1000	Total Assets	125,131,727
	DEFERRED OUTFLOWS OF RESOURCES:	
1705	*Deferred Outflow Related to Pensions*	1,011,813
1700	Total Deferred Outflows of Resources	1,011,813
	LIABILITIES:	
2110	*Accounts Payable*	405,942
2140	*Interest Payable*	1,016,944
2165	*Accrued Liabilities*	3,022,381
2180	*Due to Other Governments*	1,157,432
2300	*Unearned Revenue*	31,166
	Noncurrent Liabilities:	
2501	*Due Within One Year*	3,356,853
2502	*Due in More Than One Year*	77,637,755
2540	*Net Pension Liability*	4,759,648
2000	Total Liabilities	91,388,121
	DEFERRED INFLOWS OF RESOURCES:	
2605	*Deferred Inflow Related to Pensions*	1,455,991
2600	Total Deferred Inflows of Resources	1,455,991
	NET POSITION:	
3200	Net Investment in Capital Assets	16,959,593
	Restricted For:	
3820	Federal and State Programs	692,305
3850	Debt Service	8,189,961
3860	Capital Projects	2,509,098
3870	Campus Activities	218,696
3890	Other Purposes	2,247
3900	Unrestricted	4,727,528
3000	Total Net Position	$ 33,299,428

The accompanying notes are an integral part of this statement.

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

STATEMENT OF ACTIVITIES
FOR THE TEN MONTHS ENDED JUNE 30, 2015

Data Control Codes	Functions/Programs	1 Expenses	3 Program Revenues: Charges for Services	4 Program Revenues: Operating Grants and Contributions	Net (Expense) Revenue and Changes in Net Position: Governmental Activities
	Governmental Activities:				
11	*Instruction*	$ 21,652,072	$ 48,812	$ 2,284,290	$ (19,318,970)
12	*Instructional Resources and Media Services*	472,076	--	--	(472,076)
13	*Curriculum and Staff Development*	664,740	--	263,134	(401,606)
21	*Instructional Leadership*	885,908	--	214,949	(670,959)
23	*School Leadership*	1,915,267	--	13,588	(1,901,679)
31	*Guidance, Counseling, & Evaluation Services*	964,511	--	72	(964,439)
32	*Social Work Services*	37,275	--	--	(37,275)
33	*Health Services*	356,537	--	--	(356,537)
34	*Student Transportation*	1,724,787	--	93,828	(1,630,959)
35	*Food Service*	2,188,413	566,592	1,595,236	(26,585)
36	*Cocurricular/Extracurricular Activities*	1,404,200	118,946	14,089	(1,271,165)
41	*General Administration*	1,174,727	--	2,779	(1,171,948)
51	*Facilities Maintenance and Operations*	4,119,110	31,528	--	(4,087,582)
52	*Security and Monitoring Services*	121,614	--	--	(121,614)
53	*Data Processing Services*	2,037,303	--	--	(2,037,303)
61	*Community Services*	97,728	--	12,330	(85,398)
72	*Interest on Long-term Debt*	2,885,922	--	--	(2,885,922)
73	*Bond Issuance Costs and Fees*	101,084	--	--	(101,084)
91	*Contracted Instructional Services between Schools*	3,237,440	--	--	(3,237,440)
93	*Payments Related to Shared Services Arrangements*	666,853	--	666,858	5
99	*Other Intergovernmental Charges*	636,922	--	--	(636,922)
TG	Total Governmental Activities	47,344,489	765,878	5,161,153	(41,417,458)
TP	Total Primary Government	$ 47,344,489	$ 765,878	$ 5,161,153	(41,417,458)
	General Revenues:				
MT	*Property Taxes, Levied for General Purposes*				32,082,330
DT	*Property Taxes, Levied for Debt Service*				6,903,570
IE	*Investment Earnings*				65,701
GC	*Grants and Contributions Not Restricted to Specific Programs*				4,550,583
MI	*Miscellaneous*				1,804,467
TR	Total General Revenues				45,406,651
CN	Change in Net Position				3,989,193
NB	Net Position - Beginning				34,770,040
PA	Prior Period Adjustment				(5,459,805)
	Net Position - Beginning, as Restated				29,310,235
NE	Net Position - Ending				$ 33,299,428

The accompanying notes are an integral part of this statement.

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

BALANCE SHEET - GOVERNMENTAL FUNDS
JUNE 30, 2015

Data Control Codes		10 General Fund	50 Debt Service Fund	Other Governmental Funds	98 Total Governmental Funds
	ASSETS:				
1110	*Cash and Cash Equivalents*	$ 15,556,909	$ 8,151,120	$ 3,309,183	$ 27,017,212
1120	*Current Investments*	10,638	10,868	--	21,506
1225	*Taxes Receivable, Net*	1,642,126	335,832	--	1,977,958
1240	*Due from Other Governments*	1,095,293	25,174	732,029	1,852,496
1260	*Due from Other Funds*	52,426	--	76,367	128,793
1290	*Other Receivables*	--	--	7,181	7,181
1300	*Inventories*	55,642	--	20,715	76,357
1410	*Unrealized Expenditures*	55,118	--	(22)	55,096
1000	Total Assets	18,468,152	8,522,994	4,145,453	31,136,599
	LIABILITIES:				
	Current Liabilities:				
2110	*Accounts Payable*	$ 86,212	$ --	$ 319,730	$ 405,942
2150	*Payroll Deductions & Withholdings*	15,954	--	1,613	17,567
2160	*Accrued Wages Payable*	2,747,212	--	257,602	3,004,814
2170	*Due to Other Funds*	6,241	--	122,551	128,792
2180	*Due to Other Governments*	1,156,560	--	872	1,157,432
2300	*Unearned Revenue*	1,642,126	366,975	24	2,009,125
2000	Total Liabilities	5,654,305	366,975	702,392	6,723,672
	FUND BALANCES:				
	Nonspendable Fund Balances:				
3410	*Inventories*	55,641	--	20,715	76,356
3430	*Prepaid Items*	60,507	--	--	60,507
	Restricted Fund Balances:				
3450	*Federal/State Funds Grant Restrictions*	--	--	677,944	677,944
3470	*Capital Acquisitions & Contractual Obligations*	--	--	2,509,098	2,509,098
3480	*Retirement of Long-Term Debt*	--	8,156,019	--	8,156,019
3490	*Other Restrictions of Fund Balance*	--	--	235,304	235,304
3600	Unassigned	12,697,699	--	--	12,697,699
3000	Total Fund Balances	12,813,847	8,156,019	3,443,061	24,412,927
4000	Total Liabilities and Fund Balances	$ 18,468,152	$ 8,522,994	$ 4,145,453	$ 31,136,599

The accompanying notes are an integral part of this statement.

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET
TO THE STATEMENT OF NET POSITION
JUNE 30, 2015

Total fund balances - governmental funds balance sheet	$	24,412,927
Amounts reported for governmental activities in the Statement of Net Position ("SNP") are different because:		
Capital assets used in governmental activities are not reported in the funds.		94,123,920
Property taxes receivable unavailable to pay for current period expenditures are deferred in the funds.		1,977,959
Payables for bond principal which are not due in the current period are not reported in the funds.		(70,881,595)
The accumulated accretion on capital appreciation bonds is reported in the SNA but not in the funds.		(8,791,830)
Payables for bond interest which are not due in the current period are not reported in the funds.		(1,016,944)
Bond premiums are amortized in the SNA but not in the funds.		(2,108,434)
The accounting loss on refunding is amortized in the SNA but not in the funds.		787,251
Recognition of the District's proportionate share of the net pension liability is not reported in the funds.		(4,759,648)
Deferred Resource Inflows related to TRS are not reported in the funds.		(1,455,991)
Deferred Resource Outflows related to TRS are not reported in the funds.		1,011,813
Net position of governmental activities - Statement of Net Position	$	33,299,428

The accompanying notes are an integral part of this statement.

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS FOR THE TEN MONTHS ENDED JUNE 30, 2015

Data Control Codes		10 General Fund	50 Debt Service Fund	Other Governmental Funds	98 Total Governmental Funds
	REVENUES:				
5700	*Local and Intermediate Sources*	$ 33,775,554	$ 6,883,749	$ 794,686	$ 41,453,989
5800	*State Program Revenues*	3,449,032	--	342,385	3,791,417
5900	*Federal Program Revenues*	756,249	--	5,164,070	5,920,319
5020	Total Revenues	37,980,835	6,883,749	6,301,141	51,165,725
	EXPENDITURES:				
	Current:				
0011	*Instruction*	16,772,830	--	3,140,783	19,913,613
0012	*Instructional Resources and Media Services*	396,531	--	36,191	432,722
0013	*Curriculum and Staff Development*	394,191	--	263,891	658,082
0021	*Instructional Leadership*	614,071	--	215,701	829,772
0023	*School Leadership*	1,711,376	--	40,575	1,751,951
0031	*Guidance, Counseling, & Evaluation Services*	839,362	--	11,961	851,323
0032	*Social Work Services*	37,646	--	--	37,646
0033	*Health Services*	309,080	--	12,722	321,802
0034	*Student Transportation*	1,514,629	--	284,354	1,798,983
0035	*Food Service*	--	--	2,163,896	2,163,896
0036	*Cocurricular/Extracurricular Activities*	1,281,185	--	164,646	1,445,831
0041	*General Administration*	1,030,966	--	10,872	1,041,838
0051	*Facilities Maintenance and Operations*	3,780,226	--	12,945	3,793,171
0052	*Security and Monitoring Services*	120,377	--	--	120,377
0053	*Data Processing Services*	1,451,096	--	825,679	2,276,775
0061	*Community Services*	54,234	--	15,084	69,318
0072	*Interest on Long-term Debt*	--	1,420,372	--	1,420,372
0073	*Bond Issuance Costs and Fees*	--	101,084	--	101,084
0081	*Capital Outlay*	1,854,324	--	1,334,826	3,189,150
0091	*Contracted Instructional Services*				
0091	*Between Public Schools*	3,237,440	--	--	3,237,440
0093	*Payments to Shared Service Arrangements*	--	--	666,853	666,853
0099	*Other Intergovernmental Charges*	636,922	--	--	636,922
6030	Total Expenditures	36,036,486	1,521,456	9,200,979	46,758,921
1100	Excess (Deficiency) of Revenues Over (Under)				
1100	Expenditures	1,944,349	5,362,293	(2,899,838)	4,406,804
	Other Financing Sources and (Uses):				
7901	*Refunding Bonds Issued*	--	8,685,000	--	8,685,000
7916	*Premium or Discount on Issuance of Bonds*	--	1,032,371	--	1,032,371
8940	*Payment to Bond Refunding Escrow Agent*	--	(9,617,037)	--	(9,617,037)
7080	Total Other Financing Sources and (Uses)	--	100,334	--	100,334
1200	Net Change in Fund Balances	1,944,349	5,462,627	(2,899,838)	4,507,138
0100	Fund Balances - Beginning	10,869,498	2,693,392	6,342,899	19,905,789
3000	Fund Balances - Ending	$ 12,813,847	$ 8,156,019	$ 3,443,061	$ 24,412,927

The accompanying notes are an integral part of this statement.

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES FOR THE TEN MONTHS ENDED JUNE 30, 2015

Net change in fund balances - total governmental funds	$	4,507,138
Amounts reported for governmental activities in the Statement of Activities ("SOA") are different because:		
Capital outlays are not reported as expenses in the SOA.		4,291,369
The depreciation of capital assets used in governmental activities is not reported in the funds.		(3,605,232)
Trade-in or disposal of capital assets decrease net position in the SOA but not in the funds.		(62,134)
Certain property tax revenues are deferred in the funds. This is the change in these amounts this year.		167,957
The accretion of interest on capital appreciation bonds is not reported in the funds.		(654,749)
(Increase) decrease in accrued interest from beginning of period to end of period.		(892,758)
Bond premiums are reported in the funds but not in the SOA.		(1,032,371)
Proceeds of refunding bonds are recognized as other financial resources in the funds but not in the SOA.		(8,685,000)
Transfers to the bond refunding agent are reported as other uses in the funds but not in the SOA.		9,617,037
Contributions to TRS before the measurement date reduce pension liability in the SOA.		67,102
The amortization of the accounting loss on refunding is recording in the SOA but not in the funds.		(37,645)
Bond premiums are reported in the funds but not in the SOA.		119,602
The proportionate share of pension plan expense is not recorded in the funds.		(739,371)
Pension contributions made after the measurement date but in current FY were de-expended and reduced NP		628,822
The District's share of the unrecognized deferred inflows and outflows for TRS had to be amortized.		299,426
Change in net position of governmental activities - Statement of Activities	$	3,989,193

The accompanying notes are an integral part of this statement.

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

STATEMENT OF FIDUCIARY NET POSITION
FIDUCIARY FUNDS
JUNE 30, 2015

Data Control Codes		Private-purpose Trust Funds	Agency Funds Student Activity
	ASSETS:		
1110	*Cash and Cash Equivalents*	$ 25,895	$ 193,583
1800	*Restricted Assets*	18,488	--
1000	Total Assets	44,383	193,583
	LIABILITIES:		
	Current Liabilities:		
2110	*Accounts Payable*	$ --	$ 986
2190	*Due to Student Groups*	--	192,597
2000	Total Liabilities	--	193,583
	NET POSITION:		
3800	*Held in Trust*	44,383	--
3000	Total Net Position	$ 44,383	$ --

The accompanying notes are an integral part of this statement.

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

STATEMENT OF CHANGES IN FIDUCIARY NET POSITION
FIDUCIARY FUNDS
FOR THE YEAR ENDED JUNE 30, 2015

	Private-Purpose Trusts
Additions:	
Investment Income	$ 145
Contributions	--
Total Additions	145
Deductions:	
Scholarship Awards	500
Other Expenses	782
Total Deductions	1,282
Change in Net Position	(1,137)
Net Position-Beginning of the Year	45,520
Net Position-End of the Year	$ 44,383

The accompanying notes are an integral part of this statement.

A. Summary of Significant Accounting Policies

The basic financial statements of Marble Falls Independent School District (the "District") have been prepared in conformity with accounting principles generally accepted in the United States of America ("GAAP") applicable to governmental units in conjunction with the Texas Education Agency's Financial Accountability System Resource Guide ("Resource Guide"). The Governmental Accounting Standards Board ("GASB") is the accepted standard setting body for establishing governmental accounting and financial reporting principles.

1. Reporting Entity

The Board of School Trustees ("Board"), a seven-member group, has governance responsibilities over all activities related to public elementary and secondary education within the jurisdiction of the District. The Board is elected by the public and has the exclusive power and duty to govern and oversee the management of the public schools of the District. All powers and duties not specifically delegated by statute to the Texas Education Agency ("TEA") or to the State Board of Education are reserved for the Board, and the TEA may not substitute its judgment for the lawful exercise of those powers and duties by the Board. The District receives funding from local, state and federal government sources and must comply with the requirements of those funding entities**.** However, the District is not included in any other governmental reporting entity and there are no component units included within the District's reporting entity.

2. Basis of Presentation, Basis of Accounting

a. Basis of Presentation

Government-wide Financial Statements: The statement of net position and the statement of activities include the financial activities of the overall government, except for fiduciary activities. Eliminations have been made to minimize the double-counting of internal activities. Governmental activities generally are financed through taxes, intergovernmental revenues, and other nonexchange transactions.

The statement of activities presents a comparison between direct expenses and program revenues for each function of the District's governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. The District does not allocate indirect expenses in the statement of activities. Program revenues include (a) fees, fines, and charges paid by the recipients of goods or services offered by the programs and (b) grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues that are not classified as program revenues, including all taxes, are presented as general revenues.

Fund Financial Statements: The fund financial statements provide information about the District's funds, with separate statements presented for each fund category. The emphasis of fund financial statements is on major governmental funds, each displayed in a separate column. All remaining governmental funds are aggregated and reported as nonmajor funds.

The District reports the following major governmental funds:

General Fund: This is the District's primary operating fund. It accounts for all financial resources of the District except those required to be accounted for in another fund.

Debt Service Fund: This fund accounts for payments of principal and interest on outstanding bonded debt and the resultant tax levy required to service that debt.

In addition, the District reports the following fund types:

Private-Purpose Trust Funds: These funds are used to report trust arrangements under which principal and income benefit individuals, private organizations, or other governments not reported in other fiduciary fund types.

Agency Funds: These funds are used to report student activity funds and other resources held in a purely custodial capacity (assets equal liabilities). Agency funds typically involve only the receipt, temporary investment, and remittance of fiduciary resources to individuals, private organizations, or other governments.

Fiduciary funds are reported in the fiduciary fund financial statements. However, because their assets are held in a trustee or agent capacity and are therefore not available to support District programs, these funds are not included in the government-wide statements.

b. Measurement Focus, Basis of Accounting

Government-wide and Fiduciary Fund Financial Statements: These financial statements are reported using the economic resources measurement focus. They are reported using the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place. Nonexchange transactions, in which the District gives (or receives) value without directly receiving (or giving) equal value in exchange, include property taxes, grants, entitlements, and donations. On an accrual basis, revenue from property taxes is recognized in the fiscal year for which the taxes are levied. Revenue from grants, entitlements, and donations is recognized in the fiscal year in which all eligibility requirements have been satisfied.

Governmental Fund Financial Statements: Governmental funds are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available. The District does not consider revenues collected after its year-end to be available in the current period. Revenues from local sources consist primarily of property taxes. Property tax revenues and revenues received from the State are recognized under the susceptible-to-accrual concept. Miscellaneous revenues are recorded as revenue when received in cash because they are generally not measurable until actually received. Investment earnings are recorded as earned, since they are both measurable and available. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt, claims and judgments, and compensated absences, which are recognized as expenditures to the extent they have matured**.** General capital asset acquisitions are reported as expenditures in governmental funds. Proceeds of general long-term debt and acquisitions under capital leases are reported as other financing sources.

When the District incurs an expenditure or expense for which both restricted and unrestricted resources may be used, it is the District's policy to use restricted resources first, then unrestricted resources.

3. Financial Statement Amounts

a. Property Taxes

Property taxes are levied by October 1 on the assessed value listed as of the prior January 1 for all real and business personal property in conformity with Subtitle E, Texas Property Tax Code. Taxes are due on receipt of the tax bill and are delinquent if not paid before February 1 of the year following the year in which imposed. On January 1 of each year, a tax lien attaches to property to secure the payment of all taxes, penalties, and interest ultimately imposed**.** Property tax revenues are considered available when they become due or past due and receivable within the current period.

Allowances for uncollectible tax receivables within the General and Debt Service Funds are based upon historical experience in collecting property taxes. Uncollectible personal property taxes are periodically reviewed and written off, but the District is prohibited from writing off real property taxes without specific statutory authority from the Texas Legislature.

b. Inventories and Prepaid Items

The District records purchases of supplies as expenditures, utilizing the purchase method of accounting for inventory in accordance with the Resource Guide.

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items.

c. Capital Assets

Purchased or constructed capital assets are reported at cost or estimated historical cost. Donated fixed assets are recorded at their estimated fair value at the date of the donation. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized. A capitalization threshold of $5,000 is used.

Capital assets are being depreciated using the straight-line method over the following estimated useful lives:

Asset Class	Estimated Useful Lives
Infrastructure	30
Buildings	50
Building Improvements	20
Vehicles	2-15
Office Equipment	3-15
Computer Equipment	3-15

d. Deferred Outflows and Inflows of Resources

In addition to assets, the statements of financial position (the government-wide Statement of Net Position and governmental funds balance sheet) will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position and/or fund balance that applies to one or more future periods and so will not be recognized as an outflow of resources (expense/expenditure) until then.

In addition to liabilities, the statements of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to one or more future periods and so will not be recognized as an inflow of resources (revenue) until that time.

e. Receivable and Payable Balances

The District believes that sufficient detail of receivable and payable balances is provided in the financial statements to avoid the obscuring of significant components by aggregation. Therefore, no disclosure is provided which disaggregates those balances.

There are no significant receivables which are not scheduled for collection within one year of year end.

f. Interfund Activity

Interfund activity results from loans, services provided, reimbursements or transfers between funds. Loans are reported as interfund receivables and payables as appropriate and are subject to elimination upon consolidation. Services provided, deemed to be at market or near market rates, are treated as revenues and expenditures or expenses. Reimbursements occur when one fund incurs a cost, charges the appropriate benefiting fund and

reduces its related cost as a reimbursement. All other interfund transactions are treated as transfers. Transfers In and Transfers Out are netted and presented as a single "Transfers" line on the government-wide statement of activities. Similarly, interfund receivables and payables are netted and presented as a single "Internal Balances" line of the government-wide statement of net positions.

g. Use of Estimates

The preparation of financial statements in conformity with GAAP requires the use of management's estimates.

h. Data Control Codes

Data Control Codes appear in the rows and above the columns of certain financial statements. The TEA requires the display of these codes in the financial statements filed with TEA in order to insure accuracy in building a statewide database for policy development and funding plans.

i. Fund Balances - Governmental Funds

Fund balances of the governmental funds are classified as follows:

Nonspendable Fund Balance - represents amounts that cannot be spent because they are either not in spendable form (such as inventory or prepaid insurance) or legally required to remain intact (such as notes receivable or principal of a permanent fund).

Restricted Fund Balance - represents amounts that are constrained by external parties, constitutional provisions or enabling legislation.

Committed Fund Balance - represents amounts that can only be used for a specific purpose because of a formal action by the District's Board of Trustees. Committed amounts cannot be used for any other purpose unless the Board of Trustees removes those constraints by taking the same type of formal action. Committed fund balance amounts may be used for other purposes with appropriate due process by the Board of Trustees. Commitments are typically done through adoption and amendment of the budget. Committed fund balance amounts differ from restricted balances in that the constraints on their use do not come from outside parties, constitutional provisions, or enabling legislation.

Assigned Fund Balance - represents amounts which the District intends to use for a specific purpose, but that do not meet the criteria to be classified as restricted or committed. Intent may be stipulated by the Board of Trustees or by an official or body to which the Board of Trustees delegates the authority. Specific amounts that are not restricted or committed in a special revenue, capital projects, debt service or permanent fund are assigned for purposes in accordance with the nature of their fund type or the fund's primary purpose. Assignments within the general fund conveys that the intended use of those amounts is for a specific purpose that is narrower than the general purposes of the District itself.

Unassigned Fund Balance - represents amounts which are unconstrained in that they may be spent for any purpose. Only the general fund reports a positive unassigned fund balance. Other governmental funds might report a negative balance in this classification because of overspending for specific purposes for which amounts had been restricted, committed or assigned.

j. Net Position Flow Assumption

Sometimes the District will fund outlays for a particular purpose from both restricted (e.g., restricted bond or grant proceeds) and unrestricted resources. In order to calculate the amounts to report as restricted net position and unrestricted net position in the government-wide and proprietary fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the District's policy to consider restricted net position to have been depleted before unrestricted net position is applied.

k. Fund Balance Flow Assumptions

Sometimes the District will fund outlays for a particular purpose from both restricted and unrestricted resources (the total of committed, assigned, and unassigned fund balance). In order to calculate the amounts to report as restricted, committed, assigned, and unassigned fund balance in the governmental fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the District's policy to consider restricted fund balance to have been depleted before using any of the components of unrestricted fund balance. Further, when the components of unrestricted fund balance can be used for the same purpose, committed fund balance is depleted first, followed by assigned fund balance. Unassigned fund balance is applied last.

4. Pensions

The fiduciary net position of the Teacher Retirement System of Texas (TRS) has been determined using the flow of economic resources measurement focus and full accrual basis of accounting. This includes for purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, pension expense, and information about assets, liabilities and additions to/deductions from TRS' fiduciary net position. Benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

At June 30, 2015 the District reported the following:

Net Pension Asset	$ --
Net Pension Liability	$ 4,759,648

5. New Accounting Standards Adopted

In fiscal year 2015, the District adopted five new statements of financial accounting standards issued by the Governmental Accounting Standards Board (GASB):

-- Statement No. 67, *Financial Reporting for Pension Plans - an amendment of GASB Statement No. 25*
-- Statement No. 68, *Accounting and Financial Reporting for Pensions - an amendment of GASB Statement No. 27ea*
-- Statement No. 69, *Government Combinations and Disposals of Governmental Operations*
-- Statement No. 70, *Accounting and Financial Reporting for Nonexchange Financial Guarantees*
-- Statement No. 71, *Pension Transition for Contributions Made Subsequent to the Measurement Date - an amendment of GASB Statement No. 68*.

a. Statement No. 67 establishes financial reporting standards, but not funding or budgetary standards, for state and local government defined benefit pension plans and defined contribution pension plans that are administered through trusts or equivalent arrangements (Pension Trusts) in which:

1) Contributions from employers and nonemployer contributing entities to the pension plan and earnings on those contributions are irrevocable.

2) Pension plan assets are dedicated to providing pensions to plan members in accordance with the benefit terms.

3) Pension plan assets are legally protected from the creditors of employers, nonemployer contributing entities, and the pension plan administrator. If the plan is a defined benefit pension plan, plan assets also are legally protected from creditors of the plan members.

For defined benefit pension plans, this Statement establishes standards of financial reporting for separately issued financial reports and presentation as pension trust funds in the financial statements of another government, and specifies the required approach to measuring the pension liability of employers and any nonemployer contributing entities for benefits provided through the pension plan (the net pension liability), about which certain information is required to be presented. Distinctions are made regarding the particular presentation requirements depending upon the type of pension plan administered. For defined contribution plans, the Statement provides specific note disclosure requirements.

The adoption of Statement No. 67 has no impact on the District's financial statements.

b. Statement No. 68 establishes standards of accounting and financial reporting, but not funding or budgetary standards, for defined benefit pensions and defined contribution pensions provided to the employees of state and local government employers through pension plans that are administered through trusts or equivalent arrangements criteria detailed above in the description of Statement No. 67. This Statement replaces the requirements of Statement No. 27, *Accounting for Pensions by State and Local Governmental Employers*, as well as the requirements of Statement No. 50, *Pension Disclosures*, as they relate to pensions that are provided through pension plans within the scope of the Statement.

The requirements of Statement No. 68 apply to the financial statements of all state and local governmental employers whose employees are provided with pensions through pension plans that are administered through trusts or equivalent arrangements as described above, and to the financial statements of state and local governmental nonemployer contributing entities that have a legal obligation to make contributions directly to such pension plans. This Statement establishes standards for measuring and recognizing liabilities, deferred outflows of resources, and deferred inflows of resources, and expense/expenditures related to pensions. Note disclosure and RSI requirements about pensions also are addressed. For defined benefit pension plans, this Statement identifies the methods and assumptions that should be used to project benefit payments, discount projected benefit payments to their actuarial present value, and attribute that present value to periods of employee service.

The adoption of Statement No. 68 has no impact on the District's governmental fund financial statements, which continue to report expenditures in the contribution amount determined legislatively for the TRS plan. The calculation of pension contributions is unaffected by the change. However, the adoption has resulted in the restatement of the District's beginning net position for the fiscal year 2014 government-wide financial statements to reflect the reporting of net pension liability and deferred inflows of resources and deferred outflows of resources for its qualified pension plan and the recognition of pension expense in accordance with the provisions of the Statement.

c. Statement No. 69 improves financial reporting by addressing accounting and financial reporting for government combinations and disposals of government operation. The term "government combinations" is used to refer to a variety of arrangements including mergers and acquisitions. Mergers include combinations of legally separate entities without the exchange of significant consideration. Government acquisitions are transactions in which a government acquires another entity, or its operations, in exchange for significant consideration. Government combinations also include transfers of operations that do not constitute entire legally separate entities in which no significant consideration is exchanged. Transfers of operations may be present in shared service arrangements, reorganizations, redistricting, annexations, and arrangements in which an operation is transferred to a new government created to provide those services.

There was no impact on the District's financial statements as a result of the implementation of Statement No. 69.

d, Statement No. 70 was issued to improve accounting and financial reporting by state and local governments that extend and receive nonexchange financial guarantees.

The Statement requires a government that extends a nonexchange financial guarantee to recognize a liability when qualitative factors and historical data indicate that it is more likely than not that the government will be required to make a payment on the guarantee. The Statement requires a government that has issued an obligation guaranteed in a nonexchange transaction to recognize revenue to the extent of the reduction in its guaranteed liabilities. The Statement requires a government that is required to repay a guarantor for making a payment on a guaranteed obligation or legally assuming the guaranteed obligation to continue to recognize a liability until legally released as an obligor. When a government is released as an obligor, the government should recognize revenue as a result of being relieved of the obligation. This Statement also provides additional guidance for intra-entity nonexchange financial guarantees involving blended component units.

There was no impact on the District's financial statements as a result of the implementation of Statement No. 70.

e. Statement No. 71 amends Statement No. 68 to require that, at transition, a government recognize a beginning deferred outflow of resources for its pension contributions, if any, made subsequent to the measurement date of the beginning net pension liability. Since the measurement date of the pension plan was different than the District's final year-end, the effects from the District's reported contributions to the plan subsequent to the respective measurement date of the plan as an increase in deferred outflow of resources and a decrease in net position.

B. Compliance and Accountability

1. Finance-Related Legal and Contractual Provisions

In accordance with GASB Statement No. 38, "Certain Financial Statement Note Disclosures," violations of finance-related legal and contractual provisions, if any, are reported below, along with actions taken to address such violations:

Violation	Action Taken	Action Taken
General Fund-		
#0091 Contracted Instr. Services Between Public Schools	$ 23,576	Closely monitor costs

2. Deficit Fund Balance or Fund Net Position of Individual Funds

Following are funds having deficit fund balances or fund net position at year end, if any, along with remarks which address such deficits:

Fund Name	Deficit Amount	Remarks
None	Not applicable	Not applicable

C. Deposits and Investments

The District's funds are required to be deposited and invested under the terms of a depository contract. The depository bank deposits for safekeeping and trust with the District's agent bank approved pledged securities in an amount sufficient to protect District funds on a day-to-day basis during the period of the contract. The pledge of approved securities is waived only to the extent of the depository bank's dollar amount of Federal Deposit Insurance Corporation ("FDIC") insurance.

1. Cash Deposits:

At June 30, 2015, the carrying amount of the District's deposits (cash, certificates of deposit, and interest-bearing savings accounts included in temporary investments) was $27,017,212 and the bank balance was $27,364,336**.** The District's cash deposits at June 30, 2015 and during the period ended June 30, 2015, were entirely covered by FDIC insurance or by pledged collateral held by the District's agent bank in the District's name.

2. Investments:

The District is required by Government Code Chapter 2256, The Public Funds Investment Act, to adopt, implement, and publicize an investment policy. That policy must address the following areas: (1) safety of principal and liquidity, (2) portfolio diversification, (3) allowable investments, (4) acceptable risk levels, (5) expected rates of return, (6) maximum allowable stated maturity of portfolio investments, (7) maximum average dollar-weighted maturity allowed based on the stated maturity date for the portfolio, (8) investment staff quality and capabilities, and (9) bid solicitation preferences for certificates of deposit.

The Public Funds Investment Act ("Act") requires an annual audit of investment practices. Audit procedures in this area conducted as a part of the audit of the basic financial statements disclosed that in the areas of investment practices, management reports and establishment of appropriate policies, the District adhered to the requirements of the Act. Additionally, investment practices of the District were in accordance with local policies.

The Act determines the types of investments which are allowable for the District. These include, with certain restrictions, 1) obligations of the U.S. Treasury, U.S. agencies, and the State of Texas, 2) certificates of deposit, 3) certain municipal securities, 4) securities lending program, 5) repurchase agreements, 6) bankers acceptances, 7) mutual funds, 8) investment pools, 9) guaranteed investment contracts, and 10) commercial paper.

The District's investment at June 30, 2015 are shown below.

Investment or Investment Type	Maturity	Fair Value
Lone Star Investment Pool	27 days average	$ 21,506
Total Investments		$ 21,506

3. Analysis of Specific Deposit and Investment Risks

GASB Statement No. 40 requires a determination as to whether the District was exposed to the following specific investment risks at year end and if so, the reporting of certain related disclosures:

a. Credit Risk

Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations. The ratings of securities by nationally recognized rating agencies are designed to give an indication of credit risk. At year end, the District was not significantly exposed to credit risk.

At June 30, 2015, the District's investments, other than those which are obligations of or guaranteed by the U. S. Government, are rated as to credit quality as follows:

b. Custodial Credit Risk

Deposits are exposed to custodial credit risk if they are not covered by depository insurance and the deposits are uncollateralized, collateralized with securities held by the pledging financial institution, or collateralized with securities held by the pledging financial institution's trust department or agent but not in the District's name.

Investment securities are exposed to custodial credit risk if the securities are uninsured, are not registered in the name of the government, and are held by either the counterparty or the counterparty's trust department or agent but not in the District's name.

At year end, the District was not exposed to custodial credit risk.

c. Concentration of Credit Risk

This risk is the risk of loss attributed to the magnitude of a government's investment in a single issuer. At year end, the District was not exposed to concentration of credit risk.

d. Interest Rate Risk

This is the risk that changes in interest rates will adversely affect the fair value of an investment. At year end, the District was not exposed to interest rate risk.

e. Foreign Currency Risk

This is the risk that exchange rates will adversely affect the fair value of an investment. At year end, the District was not exposed to foreign currency risk.

Investment Accounting Policy

The District's general policy is to report money market investments and short-term participating interest-earning investment contracts at amortized cost and to report nonparticipating interest-earning investment contracts using a cost-based measure. However, if the fair value of an investment is significantly affected by the impairment of the credit standing of the issuer or by other factors, it is reported at fair value. All other investments are reported at fair value unless a legal contract exists which guarantees a higher value. The term "short-term" refers to investments which have a remaining term of one year or less at time of purchase. The term "nonparticipating" means that the investment's value does not vary with market interest rate changes. Nonnegotiable certificates of deposit are examples of nonparticipating interest-earning investment contracts.

Lone Star

The Lone Star Investment Pool (Lone Star) is a public funds investment pool created pursuant to the Interlocal Cooperation Act, Texas Government Code, Chapter 791, and the Public Funds Investment Act, Texas Government Code, Chapter 2256. Lone Star is administered by First Public, a subsidiary of the Texas Association of School Boards (TASB), with Standish and American Beacon Advisors managing the investment and reinvestment of Lone Star's assets. State Street Bank provides custody and valuation services to Lone Star. All of the board of trustees' eleven members are Lone Star participants by either being employees or elected officials of a participant. Lone Star has established an advisory board composed of both pool members and non-members. Lone Star is rated AAA by Standard and Poor's and operated in a manner consistent with the the SEC's Rule 2a7 of the Investment Company Act of 1940. The District is invested in the Government Overnight Fund of Lone Star which seeks to maintain a net asset value of one dollar. Lone Star has 3 different funds: Government Overnight, Corporate Overnight and Corporate Overnight Plus. Government and Corporate Overnight maintain a net asset value of one dollar and the Corporate Overnight Plus maintains a net asset value of 50 cents.

D. Capital Assets

Capital asset activity for the period ended June 30, 2015, was as follows:

	Beginning Balances	Increases	Decreases	Ending Balances
Governmental activities:				
Capital assets not being depreciated:				
Land	$ 3,356,465	$ 169,222	$ --	$ 3,525,687
Construction in progress	411,266	--	411,266	--
Total capital assets not being depreciated	3,767,731	169,222	411,266	3,525,687
Capital assets being depreciated:				
Buildings and improvements	115,706,297	3,591,017	--	119,297,314
Equipment	7,502,169	942,397	103,465	8,341,101
Total capital assets being depreciated	123,208,466	4,533,414	103,465	127,638,415
Less accumulated depreciation for:				
Buildings and improvements	(29,248,134)	(2,892,616)	--	(32,140,750)
Equipment	(4,228,148)	(712,616)	(41,331)	(4,899,433)
Total accumulated depreciation	(33,476,282)	(3,605,232)	(41,331)	(37,040,183)
Total capital assets being depreciated, net	89,732,184	928,182	62,134	90,598,232
Governmental activities capital assets, net	$ 93,499,915	$ 1,097,404	$ 473,400	$ 94,123,919

Depreciation was charged to functions as follows:

Instruction	$ 2,013,771
Instructional Resources and Media Services	41,573
Curriculum and Staff Development	13,442
Instructional Leadership	65,993
School Leadership	177,441
Guidance, Counseling, & Evaluation Services	120,173
Health Services	37,371
Student Transportation	301,843
Food Services	189,123
Extracurricular Activities	99,269
General Administration	140,579
Plant Maintenance and Operations	324,243
Security and Monitoring Services	1,608
Data Processing Services	50,178
Community Services	28,625
	$ 3,605,232

E. Interfund Balances and Activities

1. Due To and From Other Funds

Balances due to and due from other funds at June 30, 2015, consisted of the following:

Due To Fund	Due From Fund	Amount	Purpose
General Fund	Other Governmental Funds	$ 52,426	Short-term loans
Other Governmental Funds	Other Governmental Funds	76,367	For payroll clearing
	Total	$ 128,793	

All amounts due are scheduled to be repaid within one year.

2. Transfers To and From Other Funds

Transfers to and from other funds at June 30, 2015, consisted of the following:

Transfers From	Transfers To	Amount	Reason
None	None	$ --	Not applicable
	Total	$ --	

F. Long-Term Obligations

The District has entered into a continuing disclosure undertaking to provide Annual Reports and Material Event Notices to the State Information Depository of Texas, which is the Municipal Advisory Council. This information is required under SEC Rule 15c2-12 to enable investors to analyze the financial condition and operations of the District.

1. Long-Term Obligation Activity

Long-term obligations include debt and other long-term liabilities. Changes in long-term obligations for the period ended June 30, 2015, are as follows:

	Beginning Balance	Increases	Decreases	Ending Balance	Amounts Due Within One Year
Governmental activities:					
General obligation bonds	$ 71,261,595	$ 8,685,000	$ 9,065,000	$ 70,881,595	$ 3,356,853
Premium on bonds	1,195,666	1,032,371	119,602	2,108,435	--
Accretion on CAB's	8,137,080	654,749	--	8,791,829	--
Loss on refunding	(272,859)	(552,037)	(37,645)	(787,251)	--
	80,321,482	9,820,083	9,146,957	80,994,608	3,356,853
Net Pension Liability *	--	--	--	--	--
Total governmental activities	$ 160,642,964	$ 19,640,166	$ 18,293,914	$ 161,989,216	$ 6,713,706

Due Within One Year	$ 3,356,853
Due in More Than One Year	77,637,755
	80,994,608

Date of Issue	Description	Interest Rates	Original Issue	Final Maturity Date	Debt Principal	CAB Accretion
7/15/2002	Series 2002A	5.0%	$ 8,940,000	8/15/2026	$ 2,495,000	$ --
6/1/2006	Series 2006	4.2 TO 4.61	6,966,778	8/15/2022	6,911,778	7,792,686
3/1/2007	Series 2007A	4.0 to 5.0	25,000,000	8/15/2037	10,310,000	--
6/1/2008	Series 2008	3.50 to 5.00	27,995,443	8/15/2038	24,695,443	478,427
7/1/2009	Series 2009A	4.00 to 5.00	9,341,617	8/15/2039	8,494,374	349,102
7/15/2014	Series 2014	2.00 to 4.00	9,290,000	8/15/2034	9,290,000	171,615
2/15/2015	Series 2015	4.00 to 5	8,685,000	8/15/2037	8,685,000	--
					$ 70,881,595	$ 8,791,830

2. Debt Service Requirements

Debt service requirements on long-term debt at June 30, 2015, are as follows:

	Governmental Activities		
Year Ending June 30,	Principal	Interest	Total
2016	$ 3,356,853	$ 3,433,819	$ 6,790,672
2017	2,898,390	3,894,708	6,793,098
2018	2,944,620	3,864,290	6,808,910
2019	2,931,789	3,874,508	6,806,297
2020	2,929,370	3,874,428	6,803,798
2021-2025	17,125,573	15,348,298	32,473,871
2026-2030	11,235,000	7,919,846	19,154,846
2031-2035	14,350,000	4,727,931	19,077,931
2036-2040	13,110,000	1,239,013	14,349,013
Totals	$ 70,881,595	$ 48,176,841	$ 119,058,436

3. Advance Refunding of Debt

GASB Statement No. 7, "Advance Refundings Resulting in Defeasance of Debt," provides that refunded debt and assets placed in escrow for the payment of related debt service be excluded from the financial statements. As of June 30, 2015, outstanding balances of bond issues that have been refunded and defeased in-substance by placing existing assets and the proceeds of new bonds in an irrevocable trust to provide for all future debt service payments are as follows.

Bond Issue	Amount
Series 1996	$ 350,000
Series 2002	6,519,744
Series 2007A	3,000,000
Series 2007A	9,065,000
Total	$ 18,934,744

G. Risk Management

The District is exposed to various risks of loss related to torts, theft, damage or destruction of assets, errors and omissions, injuries to employees, and natural disasters. During fiscal year 2015, the District purchased commercial insurance to cover general liabilities. There were no significant reductions in coverage in the past fiscal year and there were no settlements exceeding insurance coverage for each of the past three fiscal years.

H. Pension Plan

1. Plan Description

The District participates in a cost-sharing multiple employer defined benefit pension plan that has a special funding situation. The plan is administered by the Teacher Retirement System of Texas (TRS). TRS' defined benefit pension plan is established and administered in accordance with the Texas Constitution, Article XVI, Sec. 67, and Texas Government Code, Title 8, Subtitle C. The TRS pension trust fund is a qualified pension trust under section 401(a) of the Internal Revenue Code. The Texas Legislature establishes benefits and contribution rates within the guidelines of the Texas Constitution. The pension's Board of Trustees does not have the authority to establish or amend benefit terms.

All employees of public, state-supported educational institutions in Texas who are employed for one-half or more of the standard work load and who are not exempted from membership under Texas Government Code, Title 8, Section 822.002 are covered by the system.

2. Pension Plan Fiduciary Net Position

Detailed information about the TRS' fiduciary net position is available in a separately-issued Comprehensive Annual Financial Report that includes financial statements and required supplementary information. That report may be obtained on the Internet at www.trs.state.tx.us/about/documents/cafr.pdf#CAFR; by writing to TRS at 1000 Red River Street, Austin, TX 78701-2698; or by calling (512) 542-6592.

3. Benefits Provided

TRS provides service and disability retirement, as well as death and survivor benefits, to eligible employees (and their beneficiaries) of public and higher education in Texas. The pension formula is calculated using 2.3 percent (multiplier) times the average of the five highest annual creditable salaries times years of credited service to arrive at the annual standard annuity except for members who are grandfathered, the three highest annual salaries are used. The normal service retirement is at age 65 with 5 years of credited service or when the sum of the member's age and years of credited service equals 80 or more years. Early retirement is at age 55 with 5 years of service credit or earlier than 55 with 30 years of service credit. There are additional provisions for early retirement if the sum of the member's age and years of service credit total at least 80, but the member is less than age 60 or 62 depending on date of employment, or if the member was grandfathered in under a previous rule. There are no automatic post-employment benefit changes, including automatic COLAs. Ad hoc post-employment benefit changes, including ad hoc COLAs, can be granted by the Texas Legislature, as noted in the plan description in (1.) above.

4. Contributions

Contribution requirements are established or amended pursuant to Article 16, section 67 of the Texas Constitution, which requires the Texas legislature to establish a member contribution rate of not less than 6% of the member's annual compensation and a state contribution rate of not less that 6% and not more than 10% of the aggregate annual compensation paid to members of the system during the fiscal year. Texas Government Code section 821.006 prohibits benefit improvements, if as a result of the particular action, the time required to amortize TRS' unfunded actuarial liabilities would be increased to a period that exceeds 31 years, or if the amortization period already exceeds 31 years, the period would be increased by such action.

Employee contribution rates are set in state statute, Texas Government Code 825.402. Senate Bill 1458 of the 83rd Texas Legislature amended Texas Government Code 825.402 for member contributions and established employee contribution rates for fiscal years 2014 through 2017. It also added a 1.5% contribution for employers not paying Old Age Survivor and Disability Insurance (OASDI) on certain employees effective Appropriations Act (GAA) established the employer contribution rates for fiscal years 2014 and 2015.

Contribution Rates

	2014	2015
Member	6.4%	6.7%
Non-Employer Contributing Entity (NECE - State)	6.8%	6.8%
Employers	6.8%	6.8%

District's 2014 Employer Contributions	$	451,756
District's 2014 Member Contributions	$	1,620,483
NECE 2014 On-Behalf Contributions to District	$	1,283,361

Contributors to the plan include members, employers and the State of Texas as the only non-employer contributing entity. The State is the employer for senior colleges, medical schools and state agencies including TRS. In each respective role, the State contributes to the plan in accordance with state statutes and the General Appropriations Act (GAA).

As the non-employer contributing entity for public education and junior colleges, the State of Texas contributes to the retirement system an amount equal to the current employer contribution rate times the aggregate annual compensation of all participating members of the TRS pension trust fund during that fiscal year reduced by the amounts described below which are paid by the employers. Employers (public school, junior college, other entities or the State of Texas as the employer for senior universities and medical schools) are required to pay the employer contribution rate in the following instances:

--- On the portion of the member's salary that exceeds the statutory minimum for members entitled to the statutory minimum under Section 21.402 of the Texas Education Code.

--- During a new member's first 90 days of employment.

--- When any part or all of an employee's salary is paid by federal funding sources, a privately sponsored source, from non-educational and general, or local funds.

--- When the employing district is a public junior college or junior college district, the employer shall contribute to the retirement system an amount equal to 50% of the state contribution rate for certain instructional or administrative employees; and 100% of the state contribution rate for all other employees.

In addition to the employer contributions listed above, when employing a retiree of the TRS the employer shall pay both the member contribution and the state contribution as an employment after retirement surcharge.

5. Actuarial Assumptions

The total pension liability in the August 31, 2014 actuarial evaluation was determined using the following actuarial assumptions:

Valuation Date	August 31, 2014
Actuarial Cost Method	Individual Entry Age Normal
Amortization Method	Level Percentage of Payroll, Open
Remaining Amortization Period	30 Years
Asset Valuation Method	5 Year Market Value
Discount Rate	8%
Long-term Expected Rate of Return*	8%
Salary Increases*	4.25% to 7.25%
Weighted-Average at Valuation Date	5.55%
Payroll Growth Rate	3.5%

* Includes inflation of 3%

The actuarial methods and assumptions are primarily based on a study of actual experience for the four year period ending August 31, 2010 and adopted on April 8, 2011. With the exception of the post-retirement mortality rates for healthy lives and a minor change to the expected retirement age for inactive vested members stemming from the actuarial audit performed in the Summer of 2014, the assumptions and methods are the same as used in the prior valuation. When the mortality assumptions were adopted in 2011, they contained significant margin for possible future mortality improvements. As of the date of the valuation there has been a significant erosion of this margin to the point that the margin has been eliminated. Therefore, the post-retirement mortality rates for current and future retirees was decreased to add additional margin for future improvement in mortality in accordance with the Actuarial Standards Practice No. 35.

6. Discount Rate

The discount rate used to measure the total pension liability was 8%. There was no change in the discount rate since the previous fiscal year. The projection of cash flows used to determine the discount rate assumed that contributions from plan members and those of the contributing employers and the non-employer contributing entity are made at the statutorily required rates. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

The long-term expected rate of return on pension plan investments is 8%. The long-term expected rate of return on pension plan investments was determined using a building block method in which best estimates ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Best estimates of geometric real rates of return for each major asset class included in the Systems target asset allocation as of August 31, 2014 are summarized below:

Asset Class	Target Allocation	Real Return Geometric Basis	Long-term Expected Portfolio Real Rate of Return *
Global Equity			
U.S.	18%	7.0%	1.4%
Non-U.S. Developed	13%	7.3%	1.1%
Emerging Markets	9%	8.1%	0.9%
Directional Hedge Funds	4%	5.4%	0.2%
Private Equity	13%	9.2%	1.4%
Stable Value			
U.S. Treasuries	11%	2.9%	0.3%
Absolute Return	0%	4.0%	0.0%
Stable Value Hedge Funds	4%	5.2%	0.2%
Cash	1%	2.0%	0.0%
Real Return			
Global Inflat. Linked Bonds	3%	3.1%	0.0%
Real Assets	16%	7.3%	1.5%
Energy & Natural Resources	3%	8.8%	0.3%
Commodities	0%	3.4%	0.0%
Risk Parity			
Risk Parity	5%	8.9%	0.4%
Alpha			1.0%
Total	100%		8.7%

* The expected contribution to returns incorporates the volatility drag resulting from the conversion between arithmetic and geometric mean returns.

7. Discount Rate Sensitivity Analysis

The following schedule shows the impact of the net pension liability if the discount rate used was 1 percentage point less and 1 percentage point greater than the discount rate that was used (8%) in measuring the 2014 net pension liability.

	1% Decrease 7%	Current Discount Rate 8%	1% Increase 9%
District's proportionate share of the net pension liability	$ 8,505,202	$ 4,759,648	$ 1,958,671
Plan net pension liability (in millions from TRS CAFR)	$ 47,737	$ 26,717	$ 10,998

8. Pension Liabilities, Pension Expense and Deferred Outflows and Inflows of Resources Related to Pensions

At June 30, 2015, the District reported a liability of $4,759,648 for its proportionate share of the TRS's net pension liability. This liability reflects a reduction for State pension support provided to the District. The amount recognized by the District as its proportionate share of the net pension liability, the related state support and the total portion of the net pension liability that was associated with the District were as follows:

District's proportionate share of the collective net pension liability	$ 4,759,648
State's proportionate share of the net pension liability associated with the District	13,550,181
Total	$ 18,309,829

The net pension liability was measured as of August 31, 2014 and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date. The District's proportion of the net pension liability was based on the District's contributions to the pension plan relative to the contributions of all employers to the plan for the period September 1, 2013 through August 31, 2014.

There were no changes of assumptions or other inputs that affected measurement of the total pension liability during the measurement period.

There were no changes of benefit terms that affected measurement of the total pension liability during the measurement period.

There was a change in employer contribution requirements that occurred after the measurement date of the net pension liability and the employer's measurement date. A 1.5% contribution for employers not paying Old Age Survivor and Disability Insurance (OASDI) on certain employees went into law effective September 1, 2014. The amount of the expected resultant change in the employer's proportion cannot be determined at this time.

For the year ended June 30, 2015, the District recognized pension expense of $1,252,689 and revenue of $1,252,689 for support provided by the State.

At June 30, 2015, the District reported its proportionate share of the TRS' deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows	Deferred Inflows
Differences between expected and actual economic experience	$ 73,609	$ --
Changes in actuarial assumptions	309,382	--
Difference between projected and actual investment earnings	--	1,454,743
Changes in proportion and differences between the District's contributions and the proportionate share of contributions	--	1,248
District contributions paid to TRS subsequent to the measurement date	1,620,483	
Total	$ 2,003,474	$ 1,455,991

The net amounts of the District's balances of deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year Ended June 30	
2016	$ (299,286)
2017	$ (299,286)
2018	$ (299,286)
2019	$ (299,286)
2020	$ 64,400
Thereafter	$ 59,744

I. Retiree Health Care Plans

1. TRS-Care

a. Plan Description

The District contributes to the Texas Public School Retired Employees Group Insurance Program (TRS-Care), a cost-sharing multiple-employer defined benefit postemployment health care plan administered by the Teacher Retirement System of Texas (TRS). TRS-Care Retired Plan provides health care coverage for certain persons (and their dependents) who retired under the Teacher Retirement System of Texas. The statutory authority for the program is Texas Insurance Code, Chapter 1575. Section 1575.052 grants the TRS Board of Trustees the authority to establish and amend basic and optional group insurance coverage for participants. The TRS issues a publicly available financial report that includes financial statements and required supplementary information for TRS-Care**.** That report may be obtained by visiting the TRS web site at www.trs.state.tx.us under the TRS Publications heading, by writing to the Communications Department of the Teacher Retirement System of Texas at 1000 Red River Street, Austin, Texas 78701, or by calling the TRS Communications Department at 1-800-223-8778.

b. Funding Policy

Contribution requirements are not actuarially determined but are legally established each biennium by the Texas Legislature. Texas Insurance Code, Sections 1575.202, 203, and 204 establish state, active employee, and public school contributions, respectively. Funding for free basic coverage is provided by the program based upon public school district payroll. Per Texas Insurance Code, Chapter 1575, the public school contribution may not be less than 0.25% or greater than 0.75% of the salary of each active employee of the public school. Funding for optional coverage is provided by those participants selecting the optional coverage. The State of Texas contribution rate was 1% for fiscal years 2015 and 2014 and 0.5% for fiscal year 2013 and the active public school employee contributions rates were 0.65% of public school payroll, with school districts contributing a percentage of payroll set at 0.55% for fiscal years 2015, 2014 and 2013. For the years ended June 30, 2015, 2014, and 2013, the State's contributions to TRS-Care were $214,255, $229,988, and $111,403, respectively, the active member contributions were $117,841, $149,492, and $144,823, respectively, and the District's contributions were $117,730, $126,494, and $122,543, respectively, which equaled the required contributions each year.

2. Medicare Part D Subsidies

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003, which was effective January 1, 2006, established prescription drug coverage for Medicare beneficiaries known as Medicare Part D. One of the provisions of Medicare Part D allows for the Texas Public School Retired Employee Group Insurance Program (TRS-Care) to receive retiree drug subsidy payments from the federal government to offset certain prescription drug expenditures for eligible TRS-Care participants. For the fiscal years ended June 30, 2015, 2014, and 2013, the subsidy payments received by TRS-Care on behalf of the District were $76,608, $70,084, and $68,584, respectively.

J. Employee Health Care Coverage

During the current fiscal period, employees of the District were covered by a statewide health insurance plan, TRS Active Care. The District paid premiums of $175 per month per employee to the Plan with the State providing an additional $75. Employees at their option, authorize payroll withholdings to pay premiums for dependent coverage**.** The Teacher Retirement System of Texas (TRS) manages TRS Active Care. The Plan is administered by Aetna.

The latest financial information on the statewide plan is available from TRS (see note on pension plan).

K. Commitments and Contingencies

1. Contingencies

The District participates in grant programs which are governed by various rules and regulations of the grantor agencies**.** Costs charged to the respective grant programs are subject to audit and adjustment by the grantor agencies; therefore, to the extent that the District has not complied with the rules and regulations governing the grants, refunds of any money received may be required and the collectibility of any related receivable may be impaired. In the opinion of the District, there are no significant contingent liabilities relating to compliance with the rules and regulations governing the respective grants; therefore, no provision has been recorded in the accompanying basic financial statements for such contingencies.

2. Litigation

No reportable litigation was pending against the District at June 30,2015.

L. Shared Services Arrangements

Shared Services Arrangement - Fiscal Agent

The District is the fiscal agent for a Shared Services Arrangement ("SSA") which provides services to the member districts listed below. All services are provided by the fiscal agent. The member districts provide the funds to the fiscal agent. According to guidance provided in TEA's Resource Guide, the District has accounted for the fiscal agent's activities of the SSA in a special revenue fund and will be accounted for using Model 3 in the SSA section of the Resource Guide. Expenditures of the SSA are summarized below:

Member Districts	Expenditures
Burnet CISD	$ 666,853
Total	$ 666,853

M. Prior Period Adjustment

During fiscal year 2015, the District adopted GASB Statement No. 68 for Accounting and Reporting for Pensions, With GASB 68, the District must assume their proportionate share of the Net Pension Liability of the Teacher Retirement System of Texas. Adoption of GASB 68 required a prior period adjustment to report the effect of GASB 68 retroactively. The amount of the prior period adjustment is $(5,459,805). The restated beginning net position is $7,866,772.

Required Supplementary Information

Required supplementary information includes financial information and disclosures required by the Governmental Accounting Standards Board but not considered a part of the basic financial statements.

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

EXHIBIT G-1

GENERAL FUND
BUDGETARY COMPARISON SCHEDULE
FOR THE TEN MONTHS ENDED JUNE 30, 2015

Data Control Codes		1 Budgeted Amounts Original	2 Budgeted Amounts Final	3 Actual	Variance with Final Budget Positive (Negative)
	REVENUES:				
5700	*Local and Intermediate Sources*	$ 32,488,531	$ 34,324,225	$ 33,775,554	$ (548,671)
5800	*State Program Revenues*	4,146,097	4,146,097	3,449,032	(697,065)
5900	*Federal Program Revenues*	590,000	740,000	756,249	16,249
5020	Total Revenues	37,224,628	39,210,322	37,980,835	(1,229,487)
	EXPENDITURES:				
	Current:				
	Instruction & Instructional Related Services:				
0011	*Instruction*	18,792,171	18,665,704	16,772,830	1,892,874
0012	*Instructional Resources and Media Services*	436,627	436,984	396,531	40,453
0013	*Curriculum and Staff Development*	397,663	452,402	394,191	58,211
	Total Instruction & Instr. Related Services	19,626,461	19,555,090	17,563,552	1,991,538
	Instructional and School Leadership:				
0021	*Instructional Leadership*	641,772	721,398	614,071	107,327
0023	*School Leadership*	2,009,218	2,096,273	1,711,376	384,897
	Total Instructional & School Leadership	2,650,990	2,817,671	2,325,447	492,224
	Support Services - Student (Pupil):				
0031	*Guidance, Counseling and Evaluation Services*	1,129,334	1,136,102	839,362	296,740
0032	*Social Work Services*	47,020	49,350	37,646	11,704
0033	*Health Services*	380,178	380,227	309,080	71,147
0034	*Student (Pupil) Transportation*	1,776,565	1,823,515	1,514,629	308,886
0036	*Cocurricular/Extracurricular Activities*	1,455,863	1,473,540	1,281,185	192,355
	Total Support Services - Student (Pupil)	4,788,960	4,862,734	3,981,902	880,832
	Administrative Support Services:				
0041	*General Administration*	1,253,702	1,255,816	1,030,966	224,850
	Total Administrative Support Services	1,253,702	1,255,816	1,030,966	224,850
	Support Services - Nonstudent Based:				
0051	*Plant Maintenance and Operations*	4,238,621	4,238,621	3,780,226	458,395
0052	*Security and Monitoring Services*	113,020	138,708	120,377	18,331
0053	*Data Processing Services*	1,108,232	2,116,101	1,451,096	665,005
	Total Support Services - Nonstudent Based	5,459,873	6,493,430	5,351,699	1,141,731
	Ancillary Services:				
0061	*Community Services*	56,689	60,689	54,234	6,455
	Total Ancillary Services	56,689	60,689	54,234	6,455
	Capital Outlay:				
0081	*Capital Outlay*	--	2,318,034	1,854,324	463,710
	Total Capital Outlay	--	2,318,034	1,854,324	463,710
	Intergovernmental Charges:				
0091	*Contracted Instr. Services Between Public Schools*	2,737,864	3,213,864	3,237,440	(23,576)
0099	*Other Intergovernmental Charges*	650,090	650,090	636,922	13,168
	Total Intergovernmental Charges	3,387,954	3,863,954	3,874,362	(10,408)
6030	Total Expenditures	37,224,629	41,227,417	36,036,486	5,190,931

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

GENERAL FUND
BUDGETARY COMPARISON SCHEDULE
FOR THE TEN MONTHS ENDED JUNE 30, 2015

Data Control Codes		1 Budgeted Amounts Original	2 Budgeted Amounts Final	3 Actual	Variance with Final Budget Positive (Negative)
1100	Excess (Deficiency) of Revenues Over (Under)				
1100	Expenditures	(1)	(2,017,095)	1,944,349	3,961,444
1200	Net Change in Fund Balance	(1)	(2,017,095)	1,944,349	3,961,444
0100	Fund Balance - Beginning	10,869,498	10,869,498	10,869,498	--
3000	Fund Balance - Ending	$ 10,869,497	$ 8,852,403	$ 12,813,847	$ 3,961,444

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

SCHEDULE OF THE DISTRICT'S PROPORTIONATE
SHARE OF THE NET PENSION LIABILITY
TEACHER RETIREMENT SYSTEM of TEXAS
*LAST TEN FISCAL YEARS **

	Fiscal Year				
	2015	2014	2013	2012	2011
District's proportion of the net pension liability (asset)	0.0178188%	--	--	--	--
District's proportionate share of the net pension liability (asset)	$ 4,759,648	$ --	$ --	$ --	$ --
State's proportionate share of the net pension liability (asset) associated with the District	13,550,181	--	--	--	--
Total	$ 18,309,829	$ --	$ --	$ --	$ --
District's covered-employee payroll	$ 25,320,041	$	$ --	$ --	$ --
District's proportionate share of the net pension liability (asset) as a percentage of its covered-employee payroll	18.80%	--	--	--	--
Plan fiduciary net position as a percentage of the total pension liability	83.25%	--	--	--	--

* This schedule is presented to illustrate the requirement to show information for 10 years. However, until a full 10-year trend is compiled, this schedule provides the information only for those years for which information is available.

	Fiscal Year				
	2010	2009	2008	2007	2006
	--	--	--	--	--
	$ --	$ --	$ --	$ --	$ --
	--	--	--	--	--
	$ --	$ --	$ --	$ --	$ --
	$ --	$ --	$ --	$ --	$ --
	--	--	--	--	--
	--	--	--	--	--

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

SCHEDULE OF DISTRICT CONTRIBUTIONS
TEACHER RETIREMENT SYSTEM OF TEXAS
*LAST TEN FISCAL YEARS **

	Fiscal Year				
	2015	2014	2013	2012	2011
Contractually required contribution	$ 695,924	$ --	$ --	$ --	$ --
Contributions in relation to the contractually required contribution	(695,924)	--	--	--	--
Contribution deficiency (excess)	$ --	$ --	$ --	$ --	$ --
District's covered-employee payroll	$ 25,618,009	$ --	$ --	$ --	$ --
Contributions as a percentage of covered-employee payroll	2.72%	--	--	--	--

* This schedule is presented to illustrate the requirement to show information for 10 years. However, until a full 10-year trend is compiled, this schedule provides the information for those years for which information is available.

Fiscal Year				
2010	2009	2008	2007	2006
$ --	$ --	$ --	$ --	$ --
--	--	--	--	--
$ --	$ --	$ --	$ --	$ --
$ --	$ --	$ --	$ --	$ --
--	--	--	--	--

Budget

The official budget was prepared for adoption for all Governmental Fund Types. The budget was prepared in accordance with accounting practices generally accepted in the United States of America. The following procedures are followed in establishing the budgetary data reflected in the basic financial statements:

a. Prior to June 19 of the preceding fiscal year, the District prepares a budget for the next succeeding fiscal year beginning July 1. The operating budget includes proposed expenditures and the means of financing them.

b. A meeting of the Board is then called for the purpose of adopting the proposed budget after ten days' public notice of the meeting has been given.

c. Prior to July 1, the budget is legally enacted through passage of a resolution by the Board.

Once a budget is approved, it can be amended at function and fund level only by approval of a majority of the members of the Board. Amendments are presented to the Board at its regular meetings.

Each amendment must have Board approval. Such amendments are made before the fact, are reflected in the official minutes of the Board and are not made after fiscal year end as required by law.

Each amendment is controlled by the budget coordinator at the revenue and expenditure function/object level**.** Budgeted amounts are as amended by the Board. All budget appropriations lapse at year end.

Encumbrances for goods or purchased services are documented by purchase orders or contracts. Under Texas law, appropriations lapse at year end, and encumbrances outstanding at that time are to be either cancelled or appropriately provided for in the subsequent year's budget. There were no end-of-year outstanding encumbrances that were provided for in the subsequent year's budget.

Defined Benefit Pension Plan

Changes of benefit terms

There were no changes of benefit terms that affected measurement of the total pension liability during the measurement period.

Changes of assumptions

There were no changes of assumptions or other inputs that affected measurement of the total pension liability during the measurement period.

Combining Statements and Budget Comparisons as Supplementary Information

This supplementary information includes financial statements and schedules not required by the Governmental Accounting Standards Board, nor a part of the basic financial statements, but are presented for purposes of additional analysis.

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

COMBINING BALANCE SHEET
NONMAJOR GOVERNMENTAL FUNDS
JUNE 30, 2015

Data Control Codes		Special Revenue Funds	Capital Projects Funds	Total Nonmajor Governmental Funds (See Exhibit C-1)
	ASSETS:			
1110	*Cash and Cash Equivalents*	$ 798,172	$ 2,511,011	$ 3,309,183
1240	*Due from Other Governments*	732,029	--	732,029
1260	*Due from Other Funds*	76,367	--	76,367
1290	*Other Receivables*	5,123	2,058	7,181
1300	*Inventories*	20,715	--	20,715
1410	*Unrealized Expenditures*	(22)	--	(22)
1000	Total Assets	1,632,384	2,513,069	4,145,453
	LIABILITIES:			
	Current Liabilities:			
2110	*Accounts Payable*	$ 315,759	$ 3,971	$ 319,730
2150	*Payroll Deductions & Withholdings*	1,613	--	1,613
2160	*Accrued Wages Payable*	257,602	--	257,602
2170	*Due to Other Funds*	122,551	--	122,551
2180	*Due to Other Governments*	872	--	872
2300	*Unearned Revenue*	24	--	24
2000	Total Liabilities	698,421	3,971	702,392
	FUND BALANCES:			
	Nonspendable Fund Balances:			
3410	*Inventories*	20,715	--	20,715
	Restricted Fund Balances:			
3450	*Federal/State Funds Grant Restrictions*	677,944	--	677,944
3470	*Capital Acquisitions & Contractual Obligations*	--	2,509,098	2,509,098
3490	*Other Restrictions of Fund Balance*	235,304	--	235,304
3000	Total Fund Balances	933,963	2,509,098	3,443,061
4000	Total Liabilities and Fund Balances	$ 1,632,384	$ 2,513,069	$ 4,145,453

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

COMBINING STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
NONMAJOR GOVERNMENTAL FUNDS
FOR THE TEN MONTHS ENDED JUNE 30, 2015

Data Control Codes		Special Revenue Funds	Capital Projects Funds	Total Nonmajor Governmental Funds (See Exhibit C-2)
	REVENUES:			
5700	*Local and Intermediate Sources*	$ 784,186	$ 10,500	$ 794,686
5800	*State Program Revenues*	342,385	--	342,385
5900	*Federal Program Revenues*	5,164,070	--	5,164,070
5020	Total Revenues	6,290,641	10,500	6,301,141
	EXPENDITURES:			
	Current:			
0011	*Instruction*	2,713,137	427,646	3,140,783
0012	*Instructional Resources and Media Services*	36,191	--	36,191
0013	*Curriculum and Staff Development*	263,891	--	263,891
0021	*Instructional Leadership*	215,701	--	215,701
0023	*School Leadership*	39,699	876	40,575
0031	*Guidance, Counseling, & Evaluation Services*	11,961	--	11,961
0033	*Health Services*	12,722	--	12,722
0034	*Student Transportation*	94,142	190,212	284,354
0035	*Food Service*	2,163,896	--	2,163,896
0036	*Cocurricular/Extracurricular Activities*	30,524	134,122	164,646
0041	*General Administration*	10,872	--	10,872
0051	*Facilities Maintenance and Operations*	--	12,945	12,945
0053	*Data Processing Services*	--	825,679	825,679
0061	*Community Services*	15,084	--	15,084
0081	*Capital Outlay*	--	1,334,826	1,334,826
0093	*Payments to Shared Service Arrangements*	666,853	--	666,853
6030	Total Expenditures	6,274,673	2,926,306	9,200,979
1100	Excess (Deficiency) of Revenues Over (Under)			
1100	Expenditures	15,968	(2,915,806)	(2,899,838)
1200	Net Change in Fund Balances	15,968	(2,915,806)	(2,899,838)
0100	Fund Balances - Beginning	917,995	5,424,904	6,342,899
3000	Fund Balances - Ending	$ 933,963	$ 2,509,098	$ 3,443,061

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

COMBINING BALANCE SHEET
NONMAJOR SPECIAL REVENUE FUNDS
JUNE 30, 2015

Data Control Codes		206 ESEA Title X Part C Homeless	211 ESEA Title I Improving Basic Programs	224 IDEA-B Formula	225 IDEA-B Preschool Grant
	ASSETS:				
1110	*Cash and Cash Equivalents*	$ --	$ (66,162)	$ (17,303)	$ (4,691)
1240	*Due from Other Governments*	--	192,914	79,263	602
1260	*Due from Other Funds*	--	1,200	21,398	8,574
1290	*Other Receivables*	--	--	--	--
1300	*Inventories*	--	--	--	--
1410	*Unrealized Expenditures*	--	--	(22)	--
1000	Total Assets	--	127,952	83,336	4,485
	LIABILITIES:				
	Current Liabilities:				
2110	*Accounts Payable*	$ --	$ 1,696	$ --	$ --
2150	*Payroll Deductions & Withholdings*	--	717	659	23
2160	*Accrued Wages Payable*	--	115,183	79,109	3,044
2170	*Due to Other Funds*	--	10,356	3,568	1,418
2180	*Due to Other Governments*	--	--	--	--
2300	*Unearned Revenue*	--	--	--	--
2000	Total Liabilities	--	127,952	83,336	4,485
	FUND BALANCES:				
	Nonspendable Fund Balances:				
3410	*Inventories*	--	--	--	--
	Restricted Fund Balances:				
3450	*Federal/State Funds Grant Restrictions*	--	--	--	--
3490	*Other Restrictions of Fund Balance*	--	--	--	--
3000	Total Fund Balances	--	--	--	--
4000	Total Liabilities and Fund Balances	$ --	$ 127,952	$ 83,336	$ 4,485

	226 IDEA-B Discretionary	240 National School Breakfast/Lunch Program	242 Summer Feeding Program	244 Career and Tech Basic Grant	255 ESEA Title II Training & Recruiting
	$ (114,361)	$ 718,721	$ 44,483	$ (5,458)	$ (2,784)
	114,361	73,007	--	6,859	14,807
	--	39,894	4,985	49	--
	--	5,123	--	--	--
	--	20,715	--	--	--
	--	--	--	--	--
	--	857,460	49,468	1,450	12,023
	$ --	$ 130,827	$ 2,042	$ 26	$ --
	--	--	--	--	44
	--	24,298	7,532	--	12,436
	--	5,031	39,894	552	(457)
	--	--	--	872	--
	--	--	--	--	--
	--	160,156	49,468	1,450	12,023
	--	20,715	--	--	--
	--	676,589	--	--	--
	--	--	--	--	--
	--	697,304	--	--	--
	$ --	$ 857,460	$ 49,468	$ 1,450	$ 12,023

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

COMBINING BALANCE SHEET
NONMAJOR SPECIAL REVENUE FUNDS
JUNE 30, 2015

Data Control Codes		263 English Language Acquisition and Enhancement	270 ESEA, Title VI Part B, Subpart 2 Rural School	272 MAC Program	289 Summer School LEP
	ASSETS:				
1110	*Cash and Cash Equivalents*	$ 6,402	$ 17,579	$ 19,878	$ 6,749
1240	*Due from Other Governments*	1,114	16,697	--	--
1260	*Due from Other Funds*	893	--	--	--
1290	*Other Receivables*	--	--	--	--
1300	*Inventories*	--	--	--	--
1410	*Unrealized Expenditures*	--	--	--	--
1000	Total Assets	8,409	34,276	19,878	6,749
	LIABILITIES:				
	Current Liabilities:				
2110	*Accounts Payable*	$ --	$ --	$ --	$ --
2150	*Payroll Deductions & Withholdings*	--	--	--	--
2160	*Accrued Wages Payable*	4,084	10,088	--	--
2170	*Due to Other Funds*	4,379	24,188	19,878	--
2180	*Due to Other Governments*	--	--	--	--
2300	*Unearned Revenue*	--	--	--	--
2000	Total Liabilities	8,463	34,276	19,878	--
	FUND BALANCES:				
	Nonspendable Fund Balances:				
3410	*Inventories*	--	--	--	--
	Restricted Fund Balances:				
3450	*Federal/State Funds Grant Restrictions*	(54)	--	--	6,749
3490	*Other Restrictions of Fund Balance*	--	--	--	--
3000	Total Fund Balances	(54)	--	--	6,749
4000	Total Liabilities and Fund Balances	$ 8,409	$ 34,276	$ 19,878	$ 6,749

352 21st Century Community Learning Centers	397 Advanced Placement Incentives	410 State Textbook Fund	429 State Funded Special Revenue Fund	461 Campus Activity Funds
$ (168,383)	$ 6,028	$ 132,593	$ 925	$ 221,346
232,405	--	--	--	--
--	--	--	--	(626)
--	--	--	--	--
--	--	--	--	--
--	--	--	--	--
64,022	6,028	132,593	925	220,720
$ 50,103	$ --	$ 130,501	$ --	$ 564
170	--	--	--	--
1,828	--	--	--	--
11,921	--	--	--	1,823
--	--	--	--	--
--	--	--	24	--
64,022	--	130,501	24	2,387
--	--	--	--	--
--	6,028	(12,269)	901	--
--	--	14,361	--	218,333
--	6,028	2,092	901	218,333
$ 64,022	$ 6,028	$ 132,593	$ 925	$ 220,720

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

COMBINING BALANCE SHEET
NONMAJOR SPECIAL REVENUE FUNDS
JUNE 30, 2015

Data Control Codes		472 Central Office Activity Fund	482 City of Marble Falls Grant	Total Nonmajor Special Revenue Funds (See Exhibit H-1)
	ASSETS:			
1110	*Cash and Cash Equivalents*	$ 2,610	$ --	$ 798,172
1240	*Due from Other Governments*	--	--	732,029
1260	*Due from Other Funds*	--	--	76,367
1290	*Other Receivables*	--	--	5,123
1300	*Inventories*	--	--	20,715
1410	*Unrealized Expenditures*	--	--	(22)
1000	Total Assets	2,610	--	1,632,384
	LIABILITIES:			
	Current Liabilities:			
2110	*Accounts Payable*	$ --	$ --	$ 315,759
2150	*Payroll Deductions & Withholdings*	--	--	1,613
2160	*Accrued Wages Payable*	--	--	257,602
2170	*Due to Other Funds*	--	--	122,551
2180	*Due to Other Governments*	--	--	872
2300	*Unearned Revenue*	--	--	24
2000	Total Liabilities	--	--	698,421
	FUND BALANCES:			
	Nonspendable Fund Balances:			
3410	*Inventories*	--	--	20,715
	Restricted Fund Balances:			
3450	*Federal/State Funds Grant Restrictions*	--	--	677,944
3490	*Other Restrictions of Fund Balance*	2,610	--	235,304
3000	Total Fund Balances	2,610	--	933,963
4000	Total Liabilities and Fund Balances	$ 2,610	$ --	$ 1,632,384

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

COMBINING STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
NONMAJOR SPECIAL REVENUE FUNDS
FOR THE TEN MONTHS ENDED JUNE 30, 2015

Data Control Codes		206 ESEA Title X Part C Homeless	211 ESEA Title I Improving Basic Programs	224 IDEA-B Formula	225 IDEA-B Preschool Grant
	REVENUES:				
5700	*Local and Intermediate Sources*	$ --	$ --	$ --	$ --
5800	*State Program Revenues*	--	--	--	--
5900	*Federal Program Revenues*	1,000	888,078	718,845	12,399
5020	Total Revenues	1,000	888,078	718,845	12,399
	EXPENDITURES:				
	Current:				
0011	*Instruction*	1,000	792,622	690,586	12,399
0012	*Instructional Resources and Media Services*	--	--	--	--
0013	*Curriculum and Staff Development*	--	68,966	--	--
0021	*Instructional Leadership*	--	12,904	14,050	--
0023	*School Leadership*	--	13,586	--	--
0031	*Guidance, Counseling, & Evaluation Services*	--	--	105	--
0033	*Health Services*	--	--	--	--
0034	*Student Transportation*	--	--	--	--
0035	*Food Service*	--	--	--	--
0036	*Cocurricular/Extracurricular Activities*	--	--	14,104	--
0041	*General Administration*	--	--	--	--
0061	*Community Services*	--	--	--	--
0093	*Payments to Shared Service Arrangements*	--	--	--	--
6030	Total Expenditures	1,000	888,078	718,845	12,399
1100	Excess (Deficiency) of Revenues Over (Under)				
1100	Expenditures	--	--	--	--
1200	Net Change in Fund Balances	--	--	--	--
0100	Fund Balances - Beginning	--	--	--	--
3000	Fund Balances - Ending	$ --	$ --	$ --	$ --

226 IDEA-B Discretionary	240 National School Breakfast/Lunch Program	242 Summer Feeding Program	244 Career and Tech Basic Grant	255 ESEA Title II Training & Recruiting
$ --	$ 568,231	$ --	$ --	$ --
--	11,736	--	--	--
197,761	1,571,201	12,299	47,506	120,093
197,761	2,151,168	12,299	47,506	120,093
173,942	--	--	46,253	58,360
--	--	--	--	--
--	--	--	--	--
--	--	--	--	60,210
--	--	--	--	--
--	--	--	--	--
--	--	--	--	--
23,819	--	--	--	--
--	2,151,597	12,299	--	--
--	--	--	--	--
--	--	--	1,253	1,523
--	--	--	--	--
--	--	--	--	--
197,761	2,151,597	12,299	47,506	120,093
--	(429)	--	--	--
--	(429)	--	--	--
--	697,733	--	--	--
$ --	$ 697,304	$ --	$ --	$ --

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

COMBINING STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
NONMAJOR SPECIAL REVENUE FUNDS
FOR THE TEN MONTHS ENDED JUNE 30, 2015

Data Control Codes		263 English Language Acquisition and Enhancement	270 ESEA, Title VI Part B, Subpart 2 Rural School	272 MAC Program	289 Summer School LEP
	REVENUES:				
5700	*Local and Intermediate Sources*	$ --	$ --	$ --	$ --
5800	*State Program Revenues*	--	--	--	--
5900	*Federal Program Revenues*	42,049	71,306	12,546	1,107
5020	Total Revenues	42,049	71,306	12,546	1,107
	EXPENDITURES:				
	Current:				
0011	*Instruction*	41,974	71,306	--	--
0012	*Instructional Resources and Media Services*	--	--	--	--
0013	*Curriculum and Staff Development*	75	--	--	--
0021	*Instructional Leadership*	--	--	--	--
0023	*School Leadership*	--	--	--	--
0031	*Guidance, Counseling, & Evaluation Services*	--	--	--	--
0033	*Health Services*	--	--	12,546	--
0034	*Student Transportation*	--	--	--	--
0035	*Food Service*	--	--	--	--
0036	*Cocurricular/Extracurricular Activities*	--	--	--	--
0041	*General Administration*	--	--	--	--
0061	*Community Services*	--	--	--	--
0093	*Payments to Shared Service Arrangements*	--	--	--	--
6030	Total Expenditures	42,049	71,306	12,546	--
1100	Excess (Deficiency) of Revenues Over (Under)				
1100	Expenditures	--	--	--	1,107
1200	Net Change in Fund Balances	--	--	--	1,107
0100	Fund Balances - Beginning	(54)	--	--	5,642
3000	Fund Balances - Ending	$ (54)	$ --	$ --	$ 6,749

352 21st Century Community Learning Centers	397 Advanced Placement Incentives	410 State Textbook Fund	429 State Funded Special Revenue Fund	461 Campus Activity Funds
$ --	$ --	$ --	$ --	$ 207,217
--	--	329,724	925	--
1,467,880	--	--	--	--
1,467,880	--	329,724	925	207,217
396,829	--	341,343	--	86,216
--	--	--	24	36,167
194,001	499	--	--	350
127,887	--	650	--	--
--	--	--	--	26,113
--	--	--	--	11,856
--	--	--	--	176
70,044	--	--	--	--
--	--	--	--	--
--	--	--	--	16,420
--	--	--	--	--
12,266	--	--	--	--
666,853	--	--	--	--
1,467,880	499	341,993	24	177,298
--	(499)	(12,269)	901	29,919
--	(499)	(12,269)	901	29,919
--	6,527	14,361	--	188,414
$ --	$ 6,028	$ 2,092	$ 901	$ 218,333

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES
NONMAJOR SPECIAL REVENUE FUNDS
FOR THE TEN MONTHS ENDED JUNE 30, 2015

Data Control Codes		472 Central Office Activity Fund	482 City of Marble Falls Grant	Total Nonmajor Special Revenue Funds (See Exhibit H-2)
	REVENUES:			
5700	*Local and Intermediate Sources*	$ 8,738	$ --	$ 784,186
5800	*State Program Revenues*	--	--	342,385
5900	*Federal Program Revenues*	--	--	5,164,070
5020	Total Revenues	8,738	--	6,290,641
	EXPENDITURES:			
	Current:			
0011	*Instruction*	--	307	2,713,137
0012	*Instructional Resources and Media Services*	--	--	36,191
0013	*Curriculum and Staff Development*	--	--	263,891
0021	*Instructional Leadership*	--	--	215,701
0023	*School Leadership*	--	--	39,699
0031	*Guidance, Counseling, & Evaluation Services*	--	--	11,961
0033	*Health Services*	--	--	12,722
0034	*Student Transportation*	279	--	94,142
0035	*Food Service*	--	--	2,163,896
0036	*Cocurricular/Extracurricular Activities*	--	--	30,524
0041	*General Administration*	8,096	--	10,872
0061	*Community Services*	--	2,818	15,084
0093	*Payments to Shared Service Arrangements*	--	--	666,853
6030	Total Expenditures	8,375	3,125	6,274,673
1100	Excess (Deficiency) of Revenues Over (Under)			
1100	Expenditures	363	(3,125)	15,968
1200	Net Change in Fund Balances	363	(3,125)	15,968
0100	Fund Balances - Beginning	2,247	3,125	917,995
3000	Fund Balances - Ending	$ 2,610	$ --	$ 933,963

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

COMBINING BALANCE SHEET
NONMAJOR CAPITAL PROJECTS FUNDS
JUNE 30, 2015

Data Control Codes		622 Capital Projects Fund-CATE	634 Capital Projects Fund-Transportation	636 Capital Projects Fund-Band
	ASSETS:			
1110	*Cash and Cash Equivalents*	$ 509,918	$ 309,788	$ 306,848
1290	*Other Receivables*	2,058	--	--
1000	Total Assets	511,976	309,788	306,848
	LIABILITIES:			
	Current Liabilities:			
2110	*Accounts Payable*	$ 3,643	$ --	$ --
2000	Total Liabilities	3,643	--	--
	FUND BALANCES:			
	Restricted Fund Balances:			
3470	*Capital Acquisitions & Contractual Obligations*	508,333	309,788	306,848
3000	Total Fund Balances	508,333	309,788	306,848
4000	Total Liabilities and Fund Balances	$ 511,976	$ 309,788	$ 306,848

651 Capital Projects Fund Maintenance	653 Capital Projects Fund Technology	699 Capital Projects Fund	Total Nonmajor Capital Projects Funds (See Exhibit H-1)
$ 1,308,604	$ 64,743	$ 11,110	$ 2,511,011
--	--	--	2,058
1,308,604	64,743	11,110	2,513,069
$ 328	$ --	$ --	$ 3,971
328	--	--	3,971
1,308,276	64,743	11,110	2,509,098
1,308,276	64,743	11,110	2,509,098
$ 1,308,604	$ 64,743	$ 11,110	$ 2,513,069

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

COMBINING STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
NONMAJOR CAPITAL PROJECTS FUNDS
FOR THE TEN MONTHS ENDED JUNE 30, 2015

Data Control Codes		622 Capital Projects Fund-CATE	634 Capital Projects Fund-Transportation	636 Capital Projects Fund-Band
	REVENUES:			
5700	*Local and Intermediate Sources*	$ --	$ --	$ --
5020	Total Revenues	--	--	--
	EXPENDITURES:			
	Current:			
0011	*Instruction*	298,985	--	42,176
0023	*School Leadership*	--	--	--
0034	*Student Transportation*	--	190,212	--
0036	*Cocurricular/Extracurricular Activities*	--	--	134,122
0051	*Facilities Maintenance and Operations*	--	--	--
0053	*Data Processing Services*	--	--	--
0081	*Capital Outlay*	1,178,776	--	32,054
6030	Total Expenditures	1,477,761	190,212	208,352
1100	Excess (Deficiency) of Revenues Over (Under)			
1100	Expenditures	(1,477,761)	(190,212)	(208,352)
1200	Net Change in Fund Balances	(1,477,761)	(190,212)	(208,352)
0100	Fund Balances - Beginning	1,986,094	500,000	515,200
3000	Fund Balances - Ending	$ 508,333	$ 309,788	$ 306,848

651 Capital Projects Fund Maintenance	653 Capital Projects Fund Technology	699 Capital Projects Fund	Total Nonmajor Capital Projects Funds (See Exhibit H-2)
$ --	$ --	$ 10,500	$ 10,500
--	--	10,500	10,500
54,783	31,702	--	427,646
--	876	--	876
--	--	--	190,212
--	--	--	134,122
12,945	--	--	12,945
--	825,679	--	825,679
123,996	--	--	1,334,826
191,724	858,257	--	2,926,306
(191,724)	(858,257)	10,500	(2,915,806)
(191,724)	(858,257)	10,500	(2,915,806)
1,500,000	923,000	610	5,424,904
$ 1,308,276	$ 64,743	$ 11,110	$ 2,509,098

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

COMBINING STATEMENT OF FIDUCIARY NET POSITION
PRIVATE-PURPOSE TRUST FUNDS
JUNE 30, 2015

Data Control Codes		806 Harold Horne Scholarship	821 Designated Gifts & Bequests
	ASSETS:		
1110	*Cash and Cash Equivalents*	$ --	$ 25,895
1800	*Restricted Assets*	18,488	--
1000	Total Assets	18,488	25,895
	LIABILITIES:		
2000	Total Liabilities	--	--
	NET POSITION:		
3800	*Held in Trust*	$ 18,488	$ 25,895
3000	Total Net Position	$ 18,488	$ 25,895

824 DEIC	825 Technology Gifts	876 Ebbie Neptune Memorial	Total Private-Purpose Trust Funds (See Exhibit E-1)
$ --	$ --	$ --	$ 25,895
--	--	--	18,488
--	--	--	44,383
--	--	--	--
$ --	$ --	$ --	$ 44,383
$ --	$ --	$ --	$ 44,383

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

COMBINING STATEMENT OF CHANGES IN FIDUCIARY NET POSITION
ALL PRIVATE-PURPOSE TRUST FUNDS
FOR THE YEAR ENDED AUGUST 31, 2014

	806 Harold Horne Scholarship	821 Designated Gifts & Bequests	824 DEIC
Additions:			
Investment Income	$ 145	$ --	$ --
Net (Decrease) in Fair Value of Investments	--	--	--
Contributions	--	--	--
Plan Member Contributions	--	--	--
Total Additions	145	--	--
Deductions:			
Scholarship Awards	--	500	--
Benefits	--	--	--
Refunds of Contributions	--	--	--
Administrative Expenses	--	114	293
Total Deductions	--	614	293
Change in Net Position	145	(614)	(293)
Net Position-Beginning of the Year	18,343	26,509	293
Net Position-End of the Year	$ 18,488	$ 25,895	$ --

825 Technology Gifts	876 Ebbie Neptune Memorial	Total Private-Purpose Trust Funds (See Exhibit E-2)
$ --	$ --	$ 145
--	--	--
--	--	--
--	--	--
--	--	145
--	--	500
--	--	--
--	--	--
150	225	782
150	225	1,282
(150)	(225)	(1,137)
150	225	45,520
$ --	$ --	$ 44,383

Other Supplementary Information

This section includes financial information and disclosures not required by the Governmental Accounting Standards Board and not considered a part of the basic financial statements. It may, however, include information which is required by other entities.

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

SCHEDULE OF DELINQUENT TAXES RECEIVABLE
FOR THE TEN MONTHS ENDED JUNE 30, 2015

Year Ended August 31 *	1 Tax Rates Maintenance	2 Tax Rates Debt Service	3 Assessed/Appraised Value For School Tax Purposes
2006 and Prior Years	$ Various	$ Various	$ Various
2007	1.341	.1306	2,010,430,891
2008	1.04	.195	2,215,553,847
2009	1.04	.215	2,643,333,785
2010	1.04	.245	2,865,855,749
2011	1.04	.25	2,855,639,845
2012	1.04	.25	2,857,119,070
2013	1.0533	.2267	2,940,462,613
2014	1.0533	.2267	2,945,172,530
2015 (School Year Under Audit)	1.0533	.2267	3,026,438,979
1000 Totals			
9000 - Portion of Row 1000 for Taxes Paid into Tax Increment Zone Under Chapter 311, Tax Code			

* Although the District's fiscal year ended June 30, 2015, the information provided in this schedule for 2015 is for the twelve month period ended August 31, 2015, as required by the Texas Education Agency.

10 Beginning Balance 9/1/14	20 Current Year's Total Levy	31 Maintenance Collections	32 Debt Service Collections	40 Entire Year's Adjustments	50 Ending Balance 8/31/15
$ 284,908	$ --	$ 12,238	$ 1,923	$ (70,340)	$ 200,407
50,868	--	4,673	455	(626)	45,114
60,746	--	7,739	1,432	(430)	51,145
109,221	--	19,694	4,071	(1,130)	84,326
150,347	--	24,926	5,872	(262)	119,287
197,254	--	51,110	12,257	4,393	138,280
262,464	--	76,366	18,328	4,644	172,414
368,820	--	110,961	23,875	4,535	238,519
549,082	--	254,595	53,896	9,203	249,794
--	38,738,419	31,365,777	6,748,661	(81,685)	542,296
$ 2,033,710	$ 38,738,419	$ 31,928,079	$ 6,870,770	$ (131,698)	$ 1,841,582
$ --	$ --	$ --	$ --	$ --	$ --

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

EXHIBIT J-2

NATIONAL SCHOOL BREAKFAST AND LUNCH PROGRAM
BUDGETARY COMPARISON SCHEDULE
FOR THE TEN MONTHS ENDED JUNE 30, 2015

Data Control Codes		1 Budget	2 Actual	3 Variance Positive (Negative)
	REVENUES:			
5700	*Local and Intermediate Sources*	$ 640,886	$ 568,231	$ (72,655)
5800	*State Program Revenues*	12,110	11,736	(374)
5900	*Federal Program Revenues*	1,540,075	1,571,201	31,126
5020	Total Revenues	2,193,071	2,151,168	(41,903)
	EXPENDITURES:			
	Current:			
	Support Services - Student (Pupil):			
0035	*Food Services*	2,542,777	2,151,597	391,180
	Total Support Services - Student (Pupil)	2,542,777	2,151,597	391,180
6030	Total Expenditures	2,542,777	2,151,597	391,180
1100	Excess (Deficiency) of Revenues Over (Under)			
1100	Expenditures	(349,706)	(429)	349,277
1200	Net Change in Fund Balance	(349,706)	(429)	349,277
0100	Fund Balance - Beginning	697,733	697,733	--
3000	Fund Balance - Ending	$ 348,027	$ 697,304	$ 349,277

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

EXHIBIT J-3

DEBT SERVICE FUND
BUDGETARY COMPARISON SCHEDULE
FOR THE TEN MONTHS ENDED JUNE 30, 2015

Data Control Codes		1 Budget	2 Actual	3 Variance Positive (Negative)
	REVENUES:			
5700	*Local and Intermediate Sources*	$ 6,986,932	$ 6,883,749	$ (103,183)
5020	Total Revenues	6,986,932	6,883,749	(103,183)
	EXPENDITURES:			
	Debt Service:			
0071	*Principal on Long-Term Debt*	4,125,000	--	4,125,000
0072	*Interest on Long-Term Debt*	2,781,615	1,420,372	1,361,243
0073	*Bond Issuance Costs and Fees*	5,000	101,084	(96,084)
	Total Debt Service	6,911,615	1,521,456	5,390,159
6030	Total Expenditures	6,911,615	1,521,456	5,390,159
1100	Excess (Deficiency) of Revenues Over (Under)			
1100	Expenditures	75,317	5,362,293	5,286,976
	Other Financing Sources (Uses):			
7901	*Refunding Bonds Issued*	--	8,685,000	8,685,000
7916	*Premium or Discount on Issuance of Bonds*	--	1,032,371	1,032,371
8940	*Payment to Bond Refunding Escrow Agent*	--	(9,617,037)	(9,617,037)
7080	Total Other Financing Sources and (Uses)	--	100,334	100,334
1200	Net Change in Fund Balance	75,317	5,462,627	5,387,310
0100	Fund Balance - Beginning	2,693,392	2,693,392	--
3000	Fund Balance - Ending	$ 2,768,709	$ 8,156,019	$ 5,387,310

WEST, DAVIS & COMPANY, LLP
11824 Jollyville Road, Suite 100
Austin, Texas 78759

Independent Auditors' Report on Internal Control over Financial Reporting and On Compliance and Other Matters Based on an Audit of Financial Statements Performed In Accordance With *Government Auditing Standards*

Board of Trustees
Marble Falls Independent School District
Marble Falls, Texas

Members of the Board of Trustees:

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of Marble Falls Independent School District, as of and for the ten months ended June 30, 2015, and the related notes to the financial statements, which collectively comprise Marble Falls Independent School District's basic financial statements, and have issued our report thereon dated November 11, 2015.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Marble Falls Independent School District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Marble Falls Independent School District's internal control. Accordingly, we do not express an opinion on the effectiveness of the Marble Falls Independent School District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

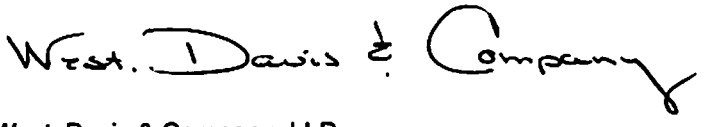
Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Marble Falls Independent School District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Respectfully submitted,



West, Davis & Company, LLP
Austin, Texas
November 11, 2015

WEST, DAVIS & COMPANY, LLP
11824 Jollyville Road, Suite 100
Austin, Texas 78759

Independent Auditors' Report on Compliance for Each Major Program and on Internal Control Over Compliance Required by OMB Circular A-133

Board of Trustees
Marble Falls Independent School District
Marble Falls, Texas

Members of the Board of Trustees:

Report on Compliance for Each Major Federal Program

We have audited the Marble Falls Independent School District's compliance with the types of compliance requirements described in the *OMB Circular A-133 Compliance Supplement* that could have a direct and material effect on Marble Falls Independent School District's major federal program for the ten months ended June 30, 2015. Marble Falls Independent School District's major federal program is identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its federal programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of Marble Falls Independent School District's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the Marble Falls Independent School District's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the Marble Falls Independent School District's compliance.

Opinion on Each Major Federal Program

In our opinion, the Marble Falls Independent School District complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on its major federal program identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs for the year ended June 30, 2015.

Report on Internal Control Over Compliance

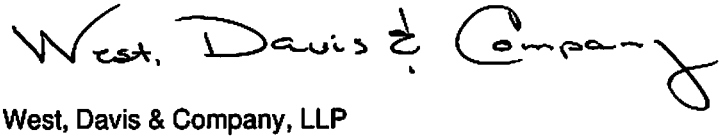
Management of the Marble Falls Independent School District is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Marble Falls Independent School District's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Marble Falls Independent School District's internal control over compliance.

A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiences. We did not identify any deficiencies in internal control over compliance that we considered to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Accordingly, this report is not suitable for any other purpose.

Respectfully submitted,



West, Davis & Company, LLP
Austin, Texas
November 11, 2015

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED JUNE 30, 2015

A. Summary of Auditor's Results

1. Financial Statements

Type of auditor's report issued:	Unmodified		
Internal control over financial reporting:			
One or more material weaknesses identified?	____ Yes	X No	
One or more significant deficiencies identified that are not considered to be material weaknesses?	____ Yes	X No	None Reported
Noncompliance material to financial statements noted?	____ Yes	X No	

2. Federal Awards

Internal control over major programs:			
One or more material weaknesses identified?	____ Yes	X No	
One or more significant deficiencies identified that are not considered to be material weaknesses?	____ Yes	X No	None Reported
Type of auditor's report issued on compliance for major programs:	Unmodified		
Any audit findings disclosed that are required to be reported in accordance with section 510(a) of OMB Circular A-133?	____ Yes	X No	

Identification of major programs:

CFDA Number(s)	Name of Federal Program or Cluster
10.553	School Breakfast Program
10.555	National School Lunch Program

Dollar threshold used to distinguish between type A and type B programs:	$300,000		
Auditee qualified as low-risk auditee?	X Yes	____ No	

B. Financial Statement Findings

NONE

C. Federal Award Findings and Questioned Costs

NONE

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT **EXHIBIT K-1**

SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE TEN MONTHS ENDED JUNE 30, 2015

(1)	(2)	(2A)	(3)
Federal Grantor/ Pass-Through Grantor/ Program Title	Federal CFDA Number	Pass-Through Entity Identifying Number	Federal Expenditures
U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Direct Programs:			
*Medicaid Administrative Claiming Program - MAC **	93.778	027-904	12,546
Total Direct Programs			12,546
Total U. S. Department of Health and Human Services			12,546
U. S. DEPARTMENT OF EDUCATION			
Direct Program:			
ESEA Title X Part C - Education for Homeless Children and Youth	84.196	027-904	1,000
Passed Through State Department of Education:			
*ESEA Title I Part A - Improving Basic Programs **	84.010A	1510101027904	888,078
*IDEA-B Formula **	84.027A	156600010279046600	718,845
*IDEA-B Discretionary **	84.027A	156600120279046677	197,761
Total CFDA Number 84.027A			916,606
Career and Technical - Basic Grant	84.048A	15420006027904	48,759
*IDEA-B Preschool **	84.173A	156610010279046610	12,399
SSA Title IV Part B 21st Century Community Learning Centers	84.287C	156950197110013	1,467,880
ESEA, Title VI, Part B, Subpart 2 - Rural and Low Income School	84.358B	15696001027904	71,306
Title III Part A English Language Acquisition and Language Enhancement	84.365A	15671001027904	42,049
ESEA Title II Part A - Teacher & Principal Training & Recruiting	84.367A	15694501027904	120,093
Total Passed Through State Department of Education			3,567,170
Total U. S. Department of Education			$ 3,568,170
U. S. DEPARTMENT OF AGRICULTURE			
Passed Through State Department of Education:			
School Breakfast Program *	10.553	714015	$ 353,071
National School Lunch Program *	10.555	713015	1,105,540
National School Lunch Program (Non-cash) *	10.555	027-904	112,590
Total CFDA Number 10.555			1,218,130
Total Passed Through State Department of Education			1,571,201
Total U. S. Department of Agriculture			1,571,201
TOTAL EXPENDITURES OF FEDERAL AWARDS			$ 5,151,917

* Indicates clustered program under OMB Circular A-133 Compliance Supplement

The accompanying notes are an integral part of this schedule.

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

NOTES TO THE SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE TEN MONTHS ENDED JUNE 30, 2015

Basis of Presentation

The accompanying schedule of expenditures of federal awards includes the federal grant activity of Marble Falls Independent School District and is presented on the modified accrual basis of accounting. The information in this schedule is presented in accordance with the requirements of OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations.* Therefore, some amounts presented in this schedule may differ from amounts presented in, or used in the preparation of, the general purpose financial statements.

MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

SCHEDULE OF REQUIRED RESPONSES TO SELECTED SCHOOL FIRST INDICATORS
AS OF JUNE 30, 2015

Data Control Codes		Responses
SF2	Were there any disclosures in the Annual Financial Report and/or other sources of information concerning nonpayment of any terms of any debt agreement at fiscal year end?	No
SF4	Was there an unmodified opinion in the Annual Financial Report?	Yes
SF5	Did the Annual Financial Report disclose any instances of material weaknesses in internal controls over financial reporting and compliance for local, state or federal funds?	No
SF6	Was there any disclosure in the Annual Financial Report of material noncompliance for grants, contracts and laws related to local, state or federal funds?	No
SF7	Did the school district make timely payments to the Teachers Retirement System (TRS), Texas Workforce Commission (TWC), Internal Revenue Service (IRS), and other governmental agencies?	Yes
SF8	Did the school district not receive an adjusted repayment schedule for more than one fiscal year for an over allocation of Foundation School Program (FSP) funds as a result of a financial hardship?	Yes
SF10	What was the total accumulated accretion on capital appreciation bonds (CABs) included in government-wide financial statements at fiscal year-end?	$ 8,791,830
SF11	Net Pension Assets (object 1920) at fiscal year-end.	$ --
SF12	Net Pension Liabilities (object 2540) at fiscal year-end.	$ 4,759,648
SF13	Pension Expense (object 6147) at fiscal year-end.	$ 439,945

MARBLE FALLS
INDEPENDENT SCHOOL DISTRICT

LETTER ON INTERNAL CONTROL
AND ACCOUNTING PROCEDURES

JUNE 30, 2015

November 11, 2015

Board of Trustees
Marble Falls Independent School District
Marble Falls, Texas

Members of the Board:

We have audited the financial statements of Marble Falls Independent School District (the District) for the ten month period ended June 30, 2015, and have issued our report thereon dated November 11, 2015. In planning and performing our audit of the District's financial statements, we considered its internal control structure in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements and not to provide assurance on the internal control structure. We have not considered the internal control structure since the date of our report.

We offer the following as improvements to the internal control structure.

CURRENT YEAR RECOMMENDATIONS

Recommendation 15-01: We recommended that the District update and or establish policies and procedures manuals relating to purchasing.

The District has established a Fiscal Manual with an implementation date of September 1, 2012.

We recommend that this manual be updated and include additional procedures and controls relating to the following:

A written procedure for the addition of new vendors, including documentation required to request the addition of a new vendor and the designation of independent District personnel to review and approve these additions. These procedures would include verifying the legitimacy of the vendor.

We also recommend that the Director of Business Operations review the vendor list frequently and on a reoccurring basis.

We also recommend that procurement practices be founded on strict segregation of duties. We understand that the District has limited staff, however, a system of independent reviews of procurement will limit the possibility of error or abuse in circumstances where individuals evaluate, recommend and manage the procurement process.

****

This report is intended solely for the information and use of the Board of Trustees and management of the District. This restriction is not intended to limit the distribution of this report, which is a matter of public record.

We wish to take this opportunity to express our appreciation for the assistance and cooperation given to members of our professional staff during the course of our audit. We will be glad to discuss any questions concerning our comments and recommendations at your convenience.

Very truly yours,

West, Davis & Company

West, Davis & Company, LLP

West, Davis & Company

a limited liability partnership

November 11, 2015

Board of Trustees
Marble Falls Independent School District
Marble Falls, Texas

We have audited the June 30, 2015, financial statements of the Marble Falls Independent School District (the District) and have issued our report thereon dated November 11, 2015. Professional standards require that we provide you with the following information related to our audit. We will be pleased to discuss the contents of this letter or any related questions of the Board of Trustees at your convenience.

This information is intended solely for the use of the District and should not be used for any other purpose. This restriction is not intended to limit the distribution of this report, which is a matter of public record.

RESPONSIBILITY OF INDEPENDENT ACCOUNTANTS

Our responsibility under auditing standards generally accepted in the United States of America is to express an opinion on the financial statements of the District based on our audit. In carrying out this responsibility, we assessed the risk that the financial statements may contain a material misstatement, either intentional or unintentional, and designed and conducted an audit to provide reasonable, but not absolute, assurance of detecting misstatements that are material to the financial statements. We have completed the audit of the District's financial statements in accordance with generally accepted auditing standards.

As part of obtaining reasonable assurance about whether the District's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit. Also, in accordance with OMB Circular A-133, we examined, on a test basis, evidence about the District's compliance with the types of compliance requirements described in the U.S. Office of Management and Budget (OMB) Circular A-133 Compliance Supplement applicable to each of its major federal programs for the purpose of expressing an opinion on the District's compliance with those requirements. While our audit provides a reasonable basis for our opinion, it does not provide a legal determination on the District's compliance with those requirements.

REPORT ISSUED ON 2015 AUDIT

We have issued our report, dated November 11, 2015, on the June 30, 2015, financial statements of the District. Our report is unqualified as to scope and accounting.

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Telephone 512.340.0222 ◆ **Facsimile** 512.340.0333 ◆ **www**.westdavis.com

INTERNAL ACCOUNTING CONTROL

We considered the internal control structure in order to gain a basic understanding of the internal control policies and procedures in order to design an effective and efficient audit approach, not for the purpose of providing assurance on the internal control structure. We also considered internal control over compliance with requirements that could have a direct and material effect on a major federal program in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with OMB Circular A-133.

We have separately issued our letter on internal control and accounting procedures dated November 11, 2015.

MANAGEMENT COOPERATION

We were given full access to accounting records, supporting documents and other information, which we requested.

ACCOUNTING PRINCIPLES

Management employed appropriate accounting principles as described in Note A to the financial statements and made all required disclosures in the financial statements. We noted no transactions entered into by the District during the year that were both significant and unusual, and of which, under professional standards, we are required to inform you, or transactions for which there is a lack of authoritative guidance or consensus.

MANAGEMENT JUDGMENTS AND ACCOUNTING ESTIMATES

Significant judgments or estimates included in the financial statements are estimates of asset useful lives, depreciation expense, uncollectible receivables, certain liabilities including accrued expenses, and claims and judgments.

SIGNIFICANT AUDIT ADJUSTMENTS

We made adjustments as detailed in the accompanying schedule titled, "Adjusting Journal Entries-All Entries." In addition, we made certain government-wide adjustments noted in the attached schedule titled, "Government-Wide Adjustment Journal." There were no uncorrected misstatements at June 30, 2015.

MAJOR ISSUES DISCUSSED WITH MANAGEMENT PRIOR TO RETENTION

There were no major issues discussed with management prior to our retention regarding the application of accounting principles and auditing standards.

DISAGREEMENTS WITH MANAGEMENT

We had no disagreements with management of the District regarding the application of accounting principles, the scope of our audit, disclosures to be included in the financial statements or the wording of our report on the financial statements.

CONSULTATION WITH OTHER ACCOUNTANTS

Management informed us that there were no consultations with other independent accountants regarding the application of accounting or auditing matters during 2015.

DIFFICULTIES ENCOUNTERED IN PERFORMING THE AUDIT

None.

Very truly yours,

West, Davis & Company

Marble Falls Independent School District — June 30, 2015
Adjusting Journal Entries - Adjusting & Reclassifying Entries — Accountant: GD
All Fund Types
Funds: 147, 163, 199, 206, 211, 224, 225, 226, 240, 242, 244, 255, 263, 270, 272, 289, 352, 397, 410, 429, 461, 472, 482
599, 622, 634, 636, 651, 653, 699, 806, 821, 824, 825, 865, 876, 901, 902

CL	Fund	Fn	Obj	So	Org	Y	Pr	S	Pd	Description	Ref	Debits	Credits	AJE#	Explanation of Adjustment
LI	199	0	2110	0	0	0	0	0	0	Accounts Payable	PBC		3,470.20	1	TO RECORD A/P PER CLIENT
EX	199	11	6399	0	0	0	11	0	0	General Supplies	PBC	3,470.20		1	TO RECORD A/P PER CLIENT
AS	199	0	1222	0	0	0	0	0	0	Receiv: Prop. Taxes-	C	313,300.13		2	TO ADJUST TAX REC AT 06.30.15
AS	199	0	1230	0	0	0	0	0	0	Receiv.: Allow. for Ur	C		34,462.66	2	TO ADJUST TAX REC AT 06.30.15
LI	199	0	2311	0	0	0	0	0	0	Deferred Revenue - I	C		278,837.47	2	TO ADJUST TAX REC AT 06.30.15
OR	199	0	7912	0	0	0	0	0	0	Sale of Real & Perso	wtb	4,981.04		3	TO REFLECT SALE
RE	199	0	5749	0	0	0	0	0	0	Other Revenues from	wtb		4,981.04	3	TO REFLECT SALE
EQ	199	0	3410	0	0	0	0	0	0	Nonspend. Fund Bal.	WTB	7,296.84	0.00	4	TO ADJUST RESERVE
EQ	199	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	0.00	7,296.84	4	TO ADJUST RESERVE
EQ	199	0	3440	0	0	0	0	0	0	Nonspend. Fund Bal.	WTB		60,040.67	4	TO ADJUST RESERVE
EQ	199	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	60,040.67		4	TO ADJUST RESERVE
EQ	199	0	3510	0	0	0	0	0	0	Committed Fund Bal.	WTB	828,136.00		5	TO ELIMINATE COMMITTED FB
EQ	199	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB		828,136.00	5	TO ELIMINATE COMMITTED FB
	Totals---------->											1,217,224.88	1,217,224.88		
EX	2405	35	6341	0	0	0	99	0	0	Food	WTB	4,984.93		1	TO CORRECT FUND 242 EXP PER CLIENT
LI	2405	0	2172	0	0	0	0	0	0	Due to Special Rever	WTB		4,984.93	1	TO CORRECT FUND 242 EXP PER CLIENT
EQ	2405	0	3410	0	0	0	0	0	0	Nonspend. Fund Bal.	WTB	40,679.39		2	TO RECLASS RESERVE
EQ	2405	0	3450	0	0	0	0	0	0	Restricted FB for Fed	WTB		40,679.39	2	TO RECLASS RESERVE
EQ	2405	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	7,906.24		2	TO RECLASS RESERVE
EQ	2405	0	3450	0	0	0	0	0	0	Restricted FB for Fed	WTB		7,906.24	2	TO RECLASS RESERVE
	Totals---------->											53,570.56	53,570.56		
AS	2420	0	1262	0	0	0	0	0	0	Due from Special Re	WTB	4,984.93		1	TO CORRECT FUND 242 EXP PER CLIENT
EX	2420	35	6341	0	0	0	99	0	0	Food	WTB		4,984.93	1	TO CORRECT FUND 242 EXP PER CLIENT
	Totals---------->											4,984.93	4,984.93		
EQ	2440	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB		90.75	1	TO RECLASS TO FASRG
EQ	2440	0	3450	0	0	0	0	0	0	Restricted FB for Fed	WTB	90.75		1	TO RECLASS TO FASRG
	Totals---------->											90.75	90.75		
EQ	2890	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	2,226.00		1	TO RECLASS TO FASRG
EQ	2890	0	3450	0	0	0	0	0	0	Restricted FB for Fed	WTB		2,226.00	1	TO RECLASS TO FASRG
	Totals---------->											2,226.00	2,226.00		
EQ	3975	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB		1,664.41	1	TO RECLASS TO FASRG
EQ	3975	0	3450	0	0	0	0	0	0	Restricted FB for Fed	WTB	1,664.41		1	TO RECLASS TO FASRG
	Totals---------->											1,664.41	1,664.41		
EQ	4105	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	320.90		1	TO RECLASS FD BAL CODE

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Marble Falls Independent School District — June 30, 2015
Adjusting Journal Entries - Adjusting & Reclassifying Entries — Accountant: GD
All Fund Types
Funds: 147, 163, 199, 206, 211, 224, 225, 226, 240, 242, 244, 255, 263, 270, 272, 289, 352, 397, 410, 429, 461, 472, 482
599, 622, 634, 636, 651, 653, 699, 806, 821, 824, 825, 865, 876, 901, 902

CL	Fund	Fn	Obj	So	Org	Y	Pr	S	Pd	Description	Ref	Debits	Credits	AJE#	Explanation of Adjustment
EQ	4105	0	3490	0	0	0	0	0	0	Other Restrictions of	WTB		320.90	1	TO RECLASS FD BAL CODE
EQ	4105	0	3490	0	0	0	0	0	0	Other Restrictions of	WTB		14,040.00	2	TO ADJUST BEG FD BAL
EX	4105	11	6399	0	0	0	11	0	0	General Supplies	WTB	8,168.04		2	TO ADJUST BEG FD BAL
EX	4105	11	6399	0	0	0	25	0	0	General Supplies	WTB	5,871.96		2	TO ADJUST BEG FD BAL
	Totals---------->											14,360.90	14,360.90		
EQ	462	0	3545	0	0	0	0	0	0	Other Committed Fur	WTB	51,315.00		1	TO RECLASS TO FASRG
EQ	462	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB		22,911.76	1	TO RECLASS TO FASRG
EQ	462	0	3490	0	0	0	0	0	0	Other Restrictions of	WTB		28,403.24	1	TO RECLASS TO FASRG
EQ	463	0	3545	0	0	0	0	0	0	Other Committed Fur	WTB	3,246.97		1	TO RECLASS TO FASRG
EQ	463	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	2,022.48		1	TO RECLASS TO FASRG
EQ	463	0	3490	0	0	0	0	0	0	Other Restrictions of	WTB		5,269.45	1	TO RECLASS TO FASRG
EQ	464	0	3545	0	0	0	0	0	0	Other Committed Fur	WTB	21,081.47		1	TO RECLASS FASRG
EQ	464	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB		1,557.33	1	TO RECLASS FASRG
EQ	464	0	3490	0	0	0	0	0	0	Other Restrictions of	WTB		19,524.14	1	TO RECLASS FASRG
EQ	465	0	3545	0	0	0	0	0	0	Other Committed Fur	WTB	40,167.68		1	TO RECLASS TO FASRG
EQ	465	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB		3,366.04	1	TO RECLASS TO FASRG
EQ	465	0	3490	0	0	0	0	0	0	Other Restrictions of	WTB		36,801.64	1	TO RECLASS TO FASRG
EQ	466	0	3545	0	0	0	0	0	0	Other Committed Fur	WTB	16,467.12		1	TO RECLASS TO FASRG
EQ	466	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB		4,751.56	1	TO RECLASS TO FASRG
EQ	466	0	3490	0	0	0	0	0	0	Other Restrictions of	WTB		11,715.56	1	TO RECLASS TO FASRG
EQ	467	0	3545	0	0	0	0	0	0	Other Committed Fur	WTB	49,399.20		1	TO RECLASS TO FASRG
EQ	467	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	469.34		1	TO RECLASS TO FASRG
EQ	467	0	3490	0	0	0	0	0	0	Other Restrictions of	WTB		49,868.54	1	TO RECLASS TO FASRG
EQ	468	0	3545	0	0	0	0	0	0	Other Committed Fur	WTB	30,591.94		1	TO RECLASS TO FASRG
EQ	468	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	4,685.37		1	TO RECLASS TO FASRG
EQ	468	0	3490	0	0	0	0	0	0	Other Restrictions of	WTB		35,277.31	1	TO RECLASS TO FASRG
EQ	469	0	3545	0	0	0	0	0	0	Other Committed Fur	WTB		37.58	1	TO RECLASS TO FASRG
EQ	469	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	461.28		1	TO RECLASS TO FASRG
EQ	469	0	3490	0	0	0	0	0	0	Other Restrictions of	WTB		423.70	1	TO RECLASS TO FASRG
EQ	471	0	3545	0	0	0	0	0	0	Other Committed Fur	WTB	616.93		1	TO RECLASS TO FASRG
EQ	471	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	513.01		1	TO RECLASS TO FASRG
EQ	471	0	3490	0	0	0	0	0	0	Other Restrictions of	WTB		1,129.94	1	TO RECLASS TO FASRG
	Totals---------->											221,037.79	221,037.79		
EQ	472	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	1,082.06		1	TO RECLASS TO FASRG
EQ	472	0	3490	0	0	0	0	0	0	Other Restrictions of	WTB		1,082.06	1	TO RECLASS TO FASRG
	Totals---------->											1,082.06	1,082.06		
EQ	482	0	3450	0	0	0	0	0	0	Restricted FB for Fed	WTB	3,125.39		1	TO RECLASS TO FASRG
EQ	482	0	3490	0	0	0	0	0	0	Other Restrictions of	WTB		3,125.39	1	TO RECLASS TO FASRG

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Marble Falls Independent School District — June 30, 2015
Adjusting Journal Entries - Adjusting & Reclassifying Entries — Accountant: GD
All Fund Types
Funds: 147, 163, 199, 206, 211, 224, 225, 226, 240, 242, 244, 255, 263, 270, 272, 289, 352, 397, 410, 429, 461, 472, 482
599, 622, 634, 636, 651, 653, 699, 806, 821, 824, 825, 865, 876, 901, 902

CL	Fund	Fn	Obj	So	Org	Y	Pr	S	Pd	Description	Ref	Debits	Credits	AJE#	Explanation of Adjustment
	Totals----------					->						3,125.39	3,125.39		
RE	599	0	5742	0	0	0	0	0	0	Earnings from Temp.	CC	31,143.06		1	TO RECORD REFUNDING
LI	599	0	2311	1	0	0	0	0	0	Deferred Revenue - L	CC		31,143.06	1	TO RECORD REFUNDING
OR	599	0	7916	0	0	0	0	0	0	Premium or Discount	CC		1,032,370.91	1	TO RECORD REFUNDING
OR	599	0	7901	0	0	0	0	0	0	Refunding Bonds Iss	CC		8,685,000.00	1	TO RECORD REFUNDING
EX	599	71	6599	0	0	0	0	0	0	Other Debt Service F	CC	100,333.73		1	TO RECORD REFUNDING
OU	599	0	8940	0	0	0	0	0	0	Payment to Bond Re	CC	9,617,037.18		1	TO RECORD REFUNDING
LI	599	0	2110	0	0	0	0	0	0	Accounts Payable	CC	5,485,911.25		2	TO REVERSE AP FOR DEBT PAYMENTS
EX	599	71	6511	0	0	0	99	0	0	Bond Principal	CC		4,125,000.00	2	TO REVERSE AP FOR DEBT PAYMENTS
EX	599	71	6521	0	0	0	99	0	0	Interest on Bonds	CC		1,360,911.25	2	TO REVERSE AP FOR DEBT PAYMENTS
AS	599	0	1220	0	0	0	0	0	0	Receiv: Property Tax	C	67,541.95		3	TO ADJUST TAX REC TO 06.30.15
AS	599	0	1230	0	0	0	0	0	0	Receiv.: Allow. for Ur	C		7,429.32	3	TO ADJUST TAX REC TO 06.30.15
LI	599	0	2311	0	0	0	0	0	0	Deferred Revenue - L	C		60,112.63	3	TO ADJUST TAX REC TO 06.30.15
EQ	599	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	289,441.54		4	TO REFLECT FASRG CODE
EQ	599	0	3480	0	0	0	0	0	0	Restricted for Retiren	WTB		289,441.54	4	TO REFLECT FASRG CODE
	Totals----------					->						15,591,408.71	15,591,408.71		
EQ	622	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	1,986,093.79		1	TO RECLASS TO FASRG
EQ	622	0	3470	0	0	0	0	0	0	Restricted FB for Cap	WTB		1,986,093.79	1	TO RECLASS TO FASRG
	Totals----------					->						1,986,093.79	1,986,093.79		
EQ	634	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	500,000.00		1	TO RECLASS TO FASRG
EQ	634	0	3470	0	0	0	0	0	0	Restricted FB for Cap	WTB		500,000.00	1	TO RECLASS TO FASRG
	Totals----------					->						500,000.00	500,000.00		
EQ	636	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	515,200.00		1	TO RECLASS TO FASRG
EQ	636	0	3470	0	0	0	0	0	0	Restricted FB for Cap	WTB		515,200.00	1	TO RECLASS TO FASRG
	Totals----------					->						515,200.00	515,200.00		
EQ	651	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	1,500,000.00		1	TO RECLASS TO FASRG
EQ	651	0	3470	0	0	0	0	0	0	Restricted FB for Cap	WTB		1,500,000.00	1	TO RECLASS TO FASRG
	Totals----------					->						1,500,000.00	1,500,000.00		
EQ	653	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	923,000.00		1	TO RECLASS TO FASRG
EQ	653	0	3470	0	0	0	0	0	0	Restricted FB for Cap	WTB		923,000.00	1	TO RECLASS TO FASRG
	Totals----------					->						923,000.00	923,000.00		
EQ	699	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	610.16		1	TO RECLASS TO FASRG
EQ	699	0	3470	0	0	0	0	0	0	Restricted FB for Cap	WTB		610.16	1	TO RECLASS TO FASRG
	Totals----------					->						610.16	610.16		

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Marble Falls Independent School District — June 30, 2015
Adjusting Journal Entries - Adjusting & Reclassifying Entries — Accountant: GD
All Fund Types
Funds: 147, 163, 199, 206, 211, 224, 225, 226, 240, 242, 244, 255, 263, 270, 272, 289, 352, 397, 410, 429, 461, 472, 482 599, 622, 634, 636, 651, 653, 699, 806, 821, 824, 825, 865, 876, 901, 902

CL	Fund	Fn	Obj	So	Org	Y	Pr	S	Pd	Description	Ref	Debits	Credits	AJE#	Explanation of Adjustment
EQ	806	0	3490	0	0	0	0	0	0	Other Restrictions of	WTB	20,905.11		1	TO RECLASS TO FASRG
EQ	806	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB		1,422.35	1	TO RECLASS TO FASRG
EQ	806	0	3800	0	0	0	0	0	0	Restricted Net Assets	WTB		19,482.76	1	TO RECLASS TO FASRG
	Totals---------->											20,905.11	20,905.11		
EQ	821	0	3490	0	0	0	0	0	0	Other Restrictions of	WTB	26,655.02		1	TO RECLASS TO FASRG
EQ	821	0	3800	0	0	0	0	0	0	Restricted Net Assets	WTB		26,655.02	1	TO RECLASS TO FASRG
	Totals---------->											26,655.02	26,655.02		
EQ	824	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	293.07		1	TO RECLASS TO FASRG
EQ	824	0	3800	0	0	0	0	0	0	Restricted Net Assets	WTB		293.07	1	TO RECLASS TO FASRG
	Totals---------->											293.07	293.07		
EQ	825	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	150.00		1	TO RECLASS TO FASRG
EQ	825	0	3800	0	0	0	0	0	0	Restricted Net Assets	WTB		150.00	1	TO RECLASS TO FASRG
	Totals---------->											150.00	150.00		
EQ	876	0	3600	0	0	0	0	0	0	Unassigned Fund Ba	WTB	225.00		1	TO RECLASS TO FASRG
EQ	876	0	3800	0	0	0	0	0	0	Restricted Net Assets	WTB		225.00	1	TO RECLASS TO FASRG
	Totals---------->											225.00	225.00		
LI	902	0	2121	0	0	0	0	0	0	Bonds Payable - Cur	CC		35,000.00	1	TO REFLECT AMOUNT DUE IN 1 YEAR
LI	902	0	2510	0	0	0	0	0	0	Bonds Payable - Lon	CC	35,000.00		1	TO REFLECT AMOUNT DUE IN 1 YEAR
	Totals---------->											35,000.00	35,000.00		

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Adj Num	W.P. Ref	Class	Fund	Function	Object	Org.	Pr	Rev Fn	AW	Adjustment Amount	Adj Type	Account Description	Reconciliation Description	Reconcil. Name	Post Date	Post Time	Explanation or User Comment
1	C1	LI	199	0	2310	0	0			134,015	A	Deferred Revenue	Prop taxes not available	SNA2	04-Nov-2015	06:54 PM	TO ELIMINATE DEF TAX REVENUE
1	C1	RE	199	0	5711	0	0			(134,015)	A	Taxes, Cur. Yr. Lev	Property taxes not collected th	SOA7	04-Nov-2015	06:54 PM	TO ELIMINATE DEF TAX REVENUE
1	C1	LI	599	0	2310	0	0			33,942	A	Deferred Revenue	Prop taxes not available	SNA2	04-Nov-2015	06:54 PM	TO ELIMINATE DEF TAX REVENUE
1	C1	RE	599	0	5711	0	0			(33,942)	A	Taxes, Cur. Yr. Lev	Property taxes not collected th	SOA7	04-Nov-2015	06:54 PM	TO ELIMINATE DEF TAX REVENUE
2	CC1	LI	902	0	2510	0	0		110	0	A	Bonds Payable - Lo	L/T bonds payable	SNA5	11-Nov-2015	03:46 PM	TO ELIMINATE BOND PRINCIPLE PAYMEN
2	CC1	EX	902	71	6511	0	0			0	A	Bond Principal	Bond principal payments	SOA10	11-Nov-2015	03:46 PM	TO ELIMINATE BOND PRINCIPLE PAYMEN
3	CC1	LI	902	0	2140	0	0			(892,758)	A	Interest Payable	L/T bond interest payable	SNA7	11-Nov-2015	03:46 PM	TO ACCRUE INTEREST PAYABLE
3	CC1	EX	902	71	6521	0	0			892,758	A	Interest on Bonds	Change in accrued interest	SOA15	11-Nov-2015	03:46 PM	TO ACCRUE INTEREST PAYABLE
4	D	AS	901	0	1510	0	0		100	169,222	A	Land Purchase and	gov cap assets not in the fund	SNA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	AS	901	0	1580	0	0		100	(411,266)	A	Construction in Proc	gov cap assets not in the fund	SNA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	AS	901	0	1580	0	0		100	0	A	Construction in Proc	gov cap assets not in the fund	SNA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	AS	901	0	1520	0	0		100	3,591,016	A	Bldgs. & Improveme	gov cap assets not in the fund	SNA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	AS	901	0	1520	0	0		100	0	A	Bldgs. & Improveme	gov cap assets not in the fund	SNA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	AS	901	0	1530	0	0		100	942,397	A	Furn. & Equip.	gov cap assets not in the fund	SNA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	34	6631	0	0			(179,482)	A	Vehicles	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	36	6639	0	0			0	A	Furniture, Equipmer	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	51	6631	0	0			(21,736)	A	Vehicles	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	51	6639	0	0			(50,204)	A	Furniture, Equipmer	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	36	6619	0	0			(134,122)	A	Land Purchase & Im	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	81	6619	0	0			(5,778)	A	Land Purchase & Im	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	81	6629	0	0			(29,322)	A	Bldg. Purch., Consti	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	81	6629	0	0			(3,121,886)	A	Bldg. Purch., Consti	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	81	6629	0	0			0	A	Bldg. Purch., Consti	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	11	6631	0	0			(36,316)	A	Vehicles	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	35	6629	0	0			(57,864)	A	Bldg. Purch., Consti	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	35	6639	0	0			(90,834)	A	Furniture, Equipmer	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	11	6638	0	0			0	A	Furniture & Equipme	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	11	6639	0	0			(38,875)	A	Furniture, Equipmer	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	51	6639	0	0			(9,949)	A	Furniture, Equipmer	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	53	6639	0	0			(285,748)	A	Furniture, Equipmer	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	11	6639	0	0			(39,041)	A	Furniture, Equipmer	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	53	6649	0	0			0	A	Fixed Assets-Furn/E	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	34	6631	0	0			(190,212)	A	Vehicles	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	81	6410	0	0			(110)	A	Travel & Subsistenc	Undefined	NONE	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	51	6410	0	0			110	A	Travel & Subsistenc	Undefined	NONE	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	81	6219	0	0			(32,054)	A	Professional Service	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	EX	901	51	6219	0	0			32,054	A	Professional Service	Cap. outlay not in SOA	SOA1	11-Nov-2015	05:10 PM	TO ELIMINATE CAPITAL OUTLAY
4	D	AS	901	0	1530	0	0		100	(103,465)	A	Furn. & Equip.	gov cap assets not in the fund	SNA1	11-Nov-2015	05:10 PM	TO RECORD DELETION
4	D	AS	901	0	1573	0	0		100	41,331	A	Accum. Deprec. - Fi	gov cap assets not in the fund	SNA1	11-Nov-2015	05:10 PM	TO RECORD DELETION
4	D	EX	901	51	6429	0	0			62,134	A	Insurance and Bonc	Trade-in or disposal of capital	SOA3	11-Nov-2015	05:10 PM	TO RECORD DELETION
4	D	AS	901	0	1520	0	0		100	0	A	Bldgs. & Improveme	gov cap assets not in the fund	SNA1	11-Nov-2015	05:10 PM	TO RECORD DELETION
4	D	AS	901	0	1571	0	0		100	0	A	Accum. Deprec. - B	gov cap assets not in the fund	SNA1	11-Nov-2015	05:10 PM	TO RECORD DELETION
5	D	AS	901	0	1571	0	0		100	(2,892,616)	A	Accum. Deprec. - B	gov cap assets not in the fund	SNA1	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE
5	D	AS	901	0	1571	0	0		100	0	A	Accum. Deprec. - B	gov cap assets not in the fund	SNA1	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE
5	D	AS	901	0	1571	0	0		100	0	A	Accum. Deprec. - B	gov cap assets not in the fund	SNA1	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE
5	D	AS	901	0	1573	0	0		100	(712,616)	A	Accum. Deprec. - Fi	gov cap assets not in the fund	SNA1	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE
5	D	EX	901	11	6499	0	0			2,013,771	A	Misc. Operating Cos	Deprec. in SOA	SOA2	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE
5	D	EX	901	12	6499	0	0			41,573	A	Misc. Operating Cos	Deprec. in SOA	SOA2	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE
5	D	EX	901	13	6499	0	0			13,442	A	Misc. Operating Cos	Deprec. in SOA	SOA2	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE
5	D	EX	901	21	6499	0	0			65,993	A	Misc. Operating Cos	Deprec. in SOA	SOA2	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE
5	D	EX	901	23	6499	0	0			177,441	A	Misc. Operating Cos	Deprec. in SOA	SOA2	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE
5	D	EX	901	31	6499	0	0			120,173	A	Misc. Operating Cos	Deprec. in SOA	SOA2	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE
5	D	EX	901	33	6499	0	0			37,371	A	Misc. Operating Cos	Deprec. in SOA	SOA2	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE
5	D	EX	901	34	6499	0	0			301,843	A	Misc. Operating Cos	Deprec. in SOA	SOA2	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE
5	D	EX	901	35	6499	0	0			189,123	A	Misc. Operating Cos	Deprec. in SOA	SOA2	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE

Adj Num	W.P. Ref	Class	Fund	Function	Object	Org.	Pr	Rev Fn	AW	Adjustment Amount	Adj Type	Account Description	Reconciliation Description	Reconcil. Name	Post Date	Post Time	Explanation or User Comment
5	D	EX	901	36	6499	0	0			99,269	A	Misc. Operating Cos	Deprec. in SOA	SOA2	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE
5	D	EX	901	41	6499	0	0			140,579	A	Misc. Operating Cos	Deprec. in SOA	SOA2	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE
5	D	EX	901	51	6499	0	0			324,243	A	Misc. Operating Cos	Deprec. in SOA	SOA2	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE
5	D	EX	901	52	6499	0	0			1,608	A	Misc. Operating Cos	Deprec. in SOA	SOA2	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE
5	D	EX	901	53	6499	0	0			50,178	A	Misc. Operating Cos	Deprec. in SOA	SOA2	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE
5	D	EX	901	61	6499	0	0			28,625	A	Misc. Operating Cos	Deprec. in SOA	SOA2	11-Nov-2015	05:10 PM	TO RECORD DEPR EXPENSE
6	CC2	LI	902	0	2512	0	0		110	(654,749)	A	Accumulated Accrel	L/T capital leases payable	SNA6	11-Nov-2015	03:46 PM	TO RECORD ACCUM ACCR ON CABs
6	CC2	EX	902	71	6522	0	0			654,749	A	Capital Lease Intere	Accret. of interest on cap appr	SOA14	11-Nov-2015	03:46 PM	TO RECORD ACCUM ACCR ON CABs
7	CC1	LI	902	0	2510	0	0		110	(8,685,000)	A	Bonds Payable - Lo	L/T bonds payable	SNA5	11-Nov-2015	03:46 PM	TO ELIMINATE BOND PROCEEDS
7	CC1	LI	902	0	2510	0	0		110	9,065,000	A	Bonds Payable - Lo	L/T bonds payable	SNA5	11-Nov-2015	03:46 PM	TO ELIMINATE BOND PROCEEDS
7	CC1	LI	902	0	2516	0	0			(1,032,371)	A	Premium & Discoun	L/T compens. absences payat	SNA9	11-Nov-2015	03:46 PM	TO ELIMINATE BOND PROCEEDS
7	CC1	OR	902	0	7901	0	0			8,685,000	A	Refunding Bonds Is	Special termination benefits re	SOA19	11-Nov-2015	03:46 PM	TO ELIMINATE BOND PROCEEDS
7	CC1	OR	902	0	7916	0	0			1,032,371	A	Premium or Discour	Compensated absences repor	SOA18	11-Nov-2015	03:46 PM	TO ELIMINATE BOND PROCEEDS
7	CC1	OU	902	0	8940	0	0			(9,617,037)	A	Payment to Bond Re	Change in deferred fine reveni	SOA20	11-Nov-2015	03:46 PM	TO ELIMINATE BOND PROCEEDS
7	CC1	LI	902	0	2511	0	0			552,037	A	Deferred Gain/Loss	L/T contracts payable	SNA10	11-Nov-2015	03:46 PM	TO ELIMINATE BOND PROCEEDS
7	CC2	EX	902	71	6594	0	0				A	Other Debt Service	Bond issuance cost amortizati	SOA13	11-Nov-2015	03:46 PM	TO RECORD ACCUM ACCR ON CABs
8	CC	LI	902	0	2516	0	0			119,602	A	Premium & Discoun	L/T compens. absences payat	SNA9	11-Nov-2015	03:46 PM	TO AMORTIZE BOND PREMIUM
8	CC	EX	902	71	6523	1	0			(119,602)	A	Interest on Debt	Bond premiums not in SOA	SOA29	11-Nov-2015	03:46 PM	TO AMORTIZE BOND PREMIUM
9	CC	LI	902	0	2511	0	0			(37,645)	A	Deferred Gain/Loss	L/T contracts payable	SNA10	11-Nov-2015	03:46 PM	TO ELIMINATE BOND PROCEEDS
9	CC	EX	901	71	6523	2	0			37,645	A	Interest on Debt	Note proceeds not revenue in	SOA27	11-Nov-2015	05:10 PM	RECLASS
10	WRB	OU	902	0	8949	0	0			0	A	Other Uses	Unrelated to reconciliations	None	11-Nov-2015	03:46 PM	RECLASS
10	WRB	EX	902	35	6434	0	0			0	A	Election Costs - Loc	Unrelated to reconciliations	None	11-Nov-2015	03:46 PM	RECLASS
10	WRB	RE	901	0	5749	2	0			0	A	Other Revenues fro	Unrelated to reconciliations	None	11-Nov-2015	05:10 PM	RECLASS
10	WRB	OR	901	0	7912	2	0			0	A	Sale of Real & Pers	Unrelated to reconciliations	None	11-Nov-2015	05:10 PM	RECLASS
11	GASB	EQ	902	0	3900	0	0			5,844,459	A	Unrestricted Net As	None		11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	LI	902	0	2540	0	0			(5,844,459)	A	Net Pension Liabiliti	Net Pension Liability not in fun	SNA18	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EQ	902	0	3900	0	0			(384,654)	A	Unrestricted Net As	None		11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	LI	902	0	2540	0	0			384,654	A	Net Pension Liabiliti	Net Pension Liability not in fun	SNA18	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	LI	902	0	2540	0	0			0	A	Net Pension Liabiliti	Net Pension Liability not in fun	SNA18	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EQ	902	0	3900	0	0			0	A	Unrestricted Net As	None		11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	LI	902	0	2540	0	0			(739,371)	A	Net Pension Liabiliti	Net Pension Liability not in fun	SNA18	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	11	6146	5	0			465,270	A	Teacher Retirement	Change in joint venture equity	SOA32	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	12	6146	5	0			6,411	A	Teacher Retirement	Change in joint venture equity	SOA32	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	13	6146	5	0			19,593	A	Teacher Retirement	Change in joint venture equity	SOA32	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	21	6146	5	0			28,468	A	Teacher Retirement	Change in joint venture equity	SOA32	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	23	6146	5	0			40,797	A	Teacher Retirement	Change in joint venture equity	SOA32	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	31	6146	5	0			20,174	A	Teacher Retirement	Change in joint venture equity	SOA32	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	32	6146	5	0			1,074	A	Teacher Retirement	Change in joint venture equity	SOA32	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	33	6146	5	0			7,615	A	Teacher Retirement	Change in joint venture equity	SOA32	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	34	6146	5	0			18,327	A	Teacher Retirement	Change in joint venture equity	SOA32	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	35	6146	5	0			45,945	A	Teacher Retirement	Change in joint venture equity	SOA32	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	36	6146	5	0			19,576	A	Teacher Retirement	Change in joint venture equity	SOA32	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	41	6146	5	0			22,211	A	Teacher Retirement	Change in joint venture equity	SOA32	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	51	6146	5	0			30,946	A	Teacher Retirement	Change in joint venture equity	SOA32	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	52	6146	5	0			1,074	A	Teacher Retirement	Change in joint venture equity	SOA32	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	53	6146	5	0			11,270	A	Teacher Retirement	Change in joint venture equity	SOA32	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	61	6146	5	0			620	A	Teacher Retirement	Change in joint venture equity	SOA32	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	LI	902	0	2540	0	0			299,426	A	Net Pension Liabiliti	Net Pension Liability not in fun	SNA18	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	11	6146	2	0			(188,421)	A	Teacher Retirement	Certain TRS-related DRIs & D	SOA35	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	12	6146	2	0			(2,596)	A	Teacher Retirement	Certain TRS-related DRIs & D	SOA35	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	13	6146	2	0			(7,935)	A	Teacher Retirement	Certain TRS-related DRIs & D	SOA35	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	21	6146	2	0			(11,529)	A	Teacher Retirement	Certain TRS-related DRIs & D	SOA35	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	23	6146	2	0			(16,522)	A	Teacher Retirement	Certain TRS-related DRIs & D	SOA35	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	31	6146	2	0			(8,170)	A	Teacher Retirement	Certain TRS-related DRIs & D	SOA35	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	32	6146	2	0			(435)	A	Teacher Retirement	Certain TRS-related DRIs & D	SOA35	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68

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Adj Num	W.P. Ref	Class	Fund	Function	Object	Org.	Pr	Rev Fn	AW	Adjustment Amount	Adj Type	Account Description	Reconciliation Description	Reconcil. Name	Post Date	Post Time	Explanation or User Comment
11	GASB	EX	902	33	6146	2	0			(3,084)	A	Teacher Retirement	Certain TRS-related DRIs & D	SOA35	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	34	6146	2	0			(7,422)	A	Teacher Retirement	Certain TRS-related DRIs & D	SOA35	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	35	6146	2	0			(18,607)	A	Teacher Retirement	Certain TRS-related DRIs & D	SOA35	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	36	6146	2	0			(7,928)	A	Teacher Retirement	Certain TRS-related DRIs & D	SOA35	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	41	6146	2	0			(8,995)	A	Teacher Retirement	Certain TRS-related DRIs & D	SOA35	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	51	6146	2	0			(12,532)	A	Teacher Retirement	Certain TRS-related DRIs & D	SOA35	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	52	6146	2	0			(435)	A	Teacher Retirement	Certain TRS-related DRIs & D	SOA35	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	53	6146	2	0			(4,564)	A	Teacher Retirement	Certain TRS-related DRIs & D	SOA35	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	61	6146	2	0			(251)	A	Teacher Retirement	Certain TRS-related DRIs & D	SOA35	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	LI	902	0	2540	0	0			67,102	A	Net Pension Liabiliti	Net Pension Liability not in fun	SNA18	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	11	6146	3	0			(42,226)	A	Teacher Retirement	Franch. tax revenue not in fun	SOA24	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	12	6146	3	0			(582)	A	Teacher Retirement	Franch. tax revenue not in fun	SOA24	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	13	6146	3	0			(1,778)	A	Teacher Retirement	Franch. tax revenue not in fun	SOA24	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	21	6146	3	0			(2,584)	A	Teacher Retirement	Franch. tax revenue not in fun	SOA24	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	23	6146	3	0			(3,703)	A	Teacher Retirement	Franch. tax revenue not in fun	SOA24	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	31	6146	3	0			(1,831)	A	Teacher Retirement	Franch. tax revenue not in fun	SOA24	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	32	6146	3	0			(97)	A	Teacher Retirement	Franch. tax revenue not in fun	SOA24	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	33	6146	3	0			(691)	A	Teacher Retirement	Franch. tax revenue not in fun	SOA24	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	34	6146	3	0			(1,663)	A	Teacher Retirement	Franch. tax revenue not in fun	SOA24	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	35	6146	3	0			(4,170)	A	Teacher Retirement	Franch. tax revenue not in fun	SOA24	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	36	6146	3	0			(1,777)	A	Teacher Retirement	Franch. tax revenue not in fun	SOA24	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	41	6146	3	0			(2,016)	A	Teacher Retirement	Franch. tax revenue not in fun	SOA24	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	51	6146	3	0			(2,808)	A	Teacher Retirement	Franch. tax revenue not in fun	SOA24	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	52	6146	3	0			(97)	A	Teacher Retirement	Franch. tax revenue not in fun	SOA24	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	53	6146	3	0			(1,023)	A	Teacher Retirement	Franch. tax revenue not in fun	SOA24	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	61	6146	3	0			(56)	A	Teacher Retirement	Franch. tax revenue not in fun	SOA24	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	DRO	902	0	1705	0	0			628,822	A	Deferred Outflows -	DRO related to TRS not in fun	SNA20	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	11	6146	4	0			(395,703)	A	Teacher Retirement	Certain pension contributions	SOA34	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	12	6146	4	0			(5,452)	A	Teacher Retirement	Certain pension contributions	SOA34	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	13	6146	4	0			(16,664)	A	Teacher Retirement	Certain pension contributions	SOA34	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	21	6146	4	0			(24,212)	A	Teacher Retirement	Certain pension contributions	SOA34	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	23	6146	4	0			(34,697)	A	Teacher Retirement	Certain pension contributions	SOA34	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	31	6146	4	0			(17,158)	A	Teacher Retirement	Certain pension contributions	SOA34	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	32	6146	4	0			(913)	A	Teacher Retirement	Certain pension contributions	SOA34	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	33	6146	4	0			(6,476)	A	Teacher Retirement	Certain pension contributions	SOA34	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	34	6146	4	0			(15,587)	A	Teacher Retirement	Certain pension contributions	SOA34	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	35	6146	4	0			(39,076)	A	Teacher Retirement	Certain pension contributions	SOA34	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	36	6146	4	0			(16,649)	A	Teacher Retirement	Certain pension contributions	SOA34	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	41	6146	4	0			(18,890)	A	Teacher Retirement	Certain pension contributions	SOA34	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	51	6146	4	0			(26,319)	A	Teacher Retirement	Certain pension contributions	SOA34	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	52	6146	4	0			(913)	A	Teacher Retirement	Certain pension contributions	SOA34	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	53	6146	4	0			(9,585)	A	Teacher Retirement	Certain pension contributions	SOA34	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	EX	902	61	6146	4	0			(528)	A	Teacher Retirement	Certain pension contributions	SOA34	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	LI	902	0	2540	0	0			(382,991)	A	Net Pension Liabiliti	Net Pension Liability not in fun	SNA18	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	DRO	902	0	1705	0	0			382,991	A	Deferred Outflows -	DRO related to TRS not in fun	SNA20	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	LI	902	0	2540	0	0			1,455,991	A	Net Pension Liabiliti	Net Pension Liability not in fun	SNA18	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
11	GASB	DRI	902	0	2605	0	0			(1,455,991)	A	Deferred Inflows - P	DRI related to TRS not in fund	SNA19	11-Nov-2015	03:46 PM	TO IMPLEMENT GASB 68
12		AS	902	0	1261	0	0			(1)	A	Due from General F	Undefined	NONE	11-Nov-2015	03:46 PM	ROUNDING
12		AS	902	0	1291	0	0			1	A	Other Receivables -	Undefined	NONE	11-Nov-2015	03:46 PM	ROUNDING

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Learners Today...
Leaders Tomorrow...
Mustangs Forever!

Marble Falls ISD

Board of Trustees

Agenda Item Information

Meeting Date: NOV. 16, 2015

Meeting Type:
- [x] Regular Meeting
- [ ] Special Meeting/Workshop
- [ ] Hearing

Date Submitted:

Agenda Placement:
- [ ] Public Hearing
- [ ] Open Session
- [ ] Executive Session
- [ ] Recognition
- [ ] Administrative Report
- [ ] Consent Agenda
- [x] Regular Agenda
- [ ] Information/Discussion

Subject: FLORIDA GIRLS GOLF TOURNAMENT

Executive Summary:

SPECIAL OPPORTUNITY FOR GIRLS GOLF TEAM TO COMPETE AGAINST OUT-OF-STATE COMPETITION AND FOR A UNIQUE TEAM BUILDING EXPERIENCE. (NO LOSS OF SCHOOL TIME)

Fiscal Impact:

Cost:
- [ ] Recurring
- [x] One-Time
- [ ] No Fiscal Impact

Funding Source:
- [ ] General Fund
- [ ] Grant Funds
- [x] Other Funds (Specify)

GOLF ACTIVITY ACCT.

Fiscal Year:
Amendment Required?
- [ ] Yes
- [x] No

Administrator's Recommendation:

Approve girl's golf team trip to Florida as presented.

Department Submitting: HS ATHLETIC DEPT.

Requested By: LONNIE TACKITT

Cabinet Member's Approval:

Board Approval Required: [x] Yes [ ] No

Florida Golf Trip Itinerary December 27-31, 2015

Participants: Blaire Hambrick, Delaney Kelley, Kassidy Reitan, Kelsie Tackitt

Sponsor: Lonnie Tackitt

Chaperone: Lisa Hambrick (family going also but paying their way)

Estimated package cost: Flight, Hotel, Car – $6996 ($1166 each) to $10,560 ($1760 each)

Sunday, December 27: School SUV for transport to Austin airport

Monday, December 28: Golf practice at tournament course

Tuesday, December 29: Golf tournament

Wednesday, December 30: Day at Disney World Park (self-paid)

Thursday, December 31: Fly back to Austin (School SUV for

Meal package may be included at time of package purchase depending on what is included

Learners Today...
Leaders Tomorrow...
Mustangs Forever!

Marble Falls ISD

Board of Trustees

Agenda Item Information

Meeting Date: November 16, 2015

Meeting Type:
- [x] Regular Meeting
- [ ] Special Meeting/Workshop
- [ ] Hearing

Date Submitted:

Agenda Placement:
- [ ] Public Hearing
- [x] Open Session
- [ ] Executive Session
- [ ] Recognition
- [ ] Administrative Report
- [ ] Consent Agenda
- [ ] Regular Agenda
- [x] Information/Discussion

Subject: Official Ballot & Resolution for the Board of Directors for the Burnet Central Appraisal District for 2016-2017

Executive Summary:

This item provides the Official Ballot and Resolution for the purpose of selecting the Board of Directors for the Burnet Central Appraisal District for 2016-2017. The Marble Falls ISD Board of Trustees has 1,983 votes they may choose to distribute among 7 candidates.

Fiscal Impact:

Cost:
- [ ] Recurring
- [ ] One-Time
- [x] No Fiscal Impact

Funding Source:
- [ ] General Fund
- [ ] Grant Funds
- [ ] Other Funds (Specify)

Fiscal Year:
Amendment Required?
- [ ] Yes
- [x] No

Superintendent's Recommendation:

Cast votes and approve the Resolution related to the Burnet County Central Appraisal District as prescribes.

Department Submitting: Administration

Requested By: Burnet Central Appraisal District

Cabinet Member's Approval: Chris Allen

Board Approval Required: [x] Yes [ ] No

BURNET CENTRAL APPRAISAL DISTRICT
P. O. BOX 908 / 223 SOUTH PIERCE
BURNET, TEXAS 78611
PHONE (512) 756-8291
FAX (512) 756-7873

October 20, 2015

Marble Falls I.S.D
1800 Colt Circle
Marble Falls TX 78654

Dear Superintendent:

The enclosed Official Ballot and Resolution are submitted for the purpose of selecting the Board of Directors for the Burnet Central Appraisal District for 2016 – 2017. The ballot and resolution must be returned to the Appraisal District Office by December 15, 2015.

Should you have any questions regarding this ballot and resolution, or if I may be of any assistance in this process, please let me know.

Sincerely yours,

Stan Hemphill
Stan Hemphill
Chief Appraiser

Enclosure: Official Ballot & Resolution

OFFICIAL BALLOT

Marble Falls I.S.D

TO ELECT

BOARD OF DIRECTORS FOR THE BURNET CENTRAL APPRAISAL DISTRICT
FOR THE YEAR 2016 – 2017

DIRECTIONS: Please enter the number of votes cast in the blank space opposite the name of the candidate. You may cast all of your votes for one candidate, or you may divide your votes among any number of candidates that you desire. **You have 1,983 total votes you may cast.**

NAMES OF CANDIDATES	NUMBER OF VOTES
CHAMNESS, CALVIN	
DALKE, A. EDGAR	
HENSLEY, BOBBYE	
KITHIL, DAVE	
RENICK, KAY	
ROGERS, ALLEN	
SHELL, PAUL	

Marble Falls I.S.D
RESOLUTION OF VOTES CAST TO ELECT DIRECTORS FOR THE BURNET CENTRAL APPRAISAL DISTRICT FOR THE YEAR 2016 – 2017

WHEREAS, SB 621, Section 6.03 (g) requires that each taxing unit entitled to vote, cast their vote by resolution and to submit to the Chief Appraiser of the Burnet Central Appraisal District by December 15, 2015.

THEREFORE, The Marble Falls I.S.D submits the attached Official Ballot, as issued by the Chief Appraiser, stating our vote for candidates for election of the Board of Directors for Burnet Central Appraisal District for 2016 –2017.

ACTION TAKEN, _____ day of _____, 2015 in Open Session of the Board of the above mentioned taxing unit, which is entitled under SB 621 to cast votes to elect the Board of Directors of the Burnet Central Appraisal District of Burnet County.

By :_____

_____
TITLE

ATTEST:

By: _____

_____
TITLE

Learners Today...
Leaders Tomorrow...
Mustangs Forever!

Marble Falls ISD

Board of Trustees

Agenda Item Information

Meeting Date: November 16, 2015

Meeting Type:
- ☑ Regular Meeting
- ☐ Special Meeting/Workshop
- ☐ Hearing

Date Submitted:

Agenda Placement:
- ☐ Public Hearing
- ☐ Open Session
- ☐ Executive Session
- ☐ Recognition
- ☐ Administrative Report
- ☐ Consent Agenda
- ☑ Regular Agenda
- ☐ Information/Discussion

Subject: Ratification of Amendment of Lease Agreement with The Falls on the Colorado Museum

Executive Summary:

Possible action regarding the ratification of the Administration's action to amend the current Lease Agreement by and between Marble Falls ISD and The Falls on the Colorado Museum, as set forth in the Amendment to Lease Agreement dated November 12, 2015.

Current Lease agreement ended on November 14th, 2015. This amendment allows for Administration's action to renew such Lease Agreement for an additional 15 year term in accordance with the terms of the Lease Agreement as amended.

Fiscal Impact:

Cost:
- ☐ Recurring
- ☐ One-Time
- ☑ No Fiscal Impact

Funding Source:
- ☐ General Fund
- ☐ Grant Funds
- ☐ Other Funds (Specify)

Fiscal Year:
Amendment Required?
- ☐ Yes
- ☑ No

Administrator's Recommendation:

I move that the Board ratify the Administration's action to amend the current Lease Agreement by and between Marble Falls ISD and The Falls on the Colorado Museum, as presented.

Department Submitting:

Requested By: Dr. Chris Allen

Cabinet Member's Approval: Dr. Chris Allen

Board Approval Required: ☑ Yes ☐ No

AMENDMENT TO LEASE AGREEMENT

Date: November 12 , 2015

Lessor: MARBLE FALLS INDEPENDENT SCHOOL DISTRICT, a political subdivision of the State of Texas

Lessee: THE FALLS ON THE COLORADO MUSEUM, a domestic non-profit corporation

Leased Premises: Granite school building located at 2001 Broadway, Marble Falls, Texas

Lessor and Lessee agree to amend the Lease Agreement ("Lease") by and between Lessor and Lessee with a commencement date of November 15, 2010 as follows:

1. Modify the first paragraph on page 1 of the Lease as follows:

WITNESSETH, that said Lessor does by these presents lease and demise unto said Lessee the following described property:

Granite school building located at 2001 Broadway, Marble Falls, TX 78654.

for the term of five (5) years beginning the 15th day of November, 2010, and ending the 14th day of November, 2015, paying therefore the total sum of $5.00, payable in the amount of $1.00 annually, which shall be due on the 15th day of November of every year during the term of the lease. At the end of the term, this lease will renew for one additional fifteen (15) year term subject to approval by the Marble Falls Board of Trustees. At any time, this lease may be terminated by either party upon written notice provided not fewer than thirty (30) days prior to the intended date of termination. All notices under this Lease must be provided by hand delivery or by certified mail return receipt requested to the respective address listed above.

2. Modify page 2, Item 4. as follows:

4. All the Premises are to be utilized in a prudent manner and according to the best practices and customs in the community. Lessee understands and acknowledges that Lessee and the Lessee's guests and visitors to the Premises are obligated to comply with Board Policy regarding use of District Facilities, including GKA (LEGAL), GKC (LEGAL), and (LOCAL), GKD (LEGAL) and (LOCAL). Lessor has received a copy of these policies.

3. Modify page 2, Item 7. as follows:

7. Lessee has examined and accepts the Premises, building(s), and any appurtenance(s) thereto as is, and as suitable for the purposes for which same are leased. Lessor makes no representation whatsoever regarding the condition of

the Premises or any aspect thereof, including, any representations or warranties that the Premises are fit for a particular use or purpose.

4. Modify page 3, Item 19. as follows:

19. Throughout the term of this Lease Agreement, Lessee shall maintain, at its sole cost and expense, liability insurance coverage and personal property insurance coverage, and shall provide Lessor with a copy of the Lessee's certificate of insurance evidencing such coverage.

5. Modify page 3, Item 24. as follows:

24. Lessee will retain sole ownership of its collections and other personal property items Lessee brings into the building during the term of the lease. Upon the termination or expiration of this Lease Agreement, Lessee shall remove all such collections and other personal property from the Leased Premises.

6. Modify page 3, Item 25. as follows:

25. Lessee shall be responsible for paying for all sun screens that Lessee believes are necessary for the preservation of Lessee's collections located in the Leased Premises. Lessee shall be responsible for installing all said sun screens. Any sun screens installed shall be considered attachments to the property and will become property of the Lessor upon the termination or expiration of this Lease Agreement.

7. Modify page 4, Item 27. as follows:

27. Lessor shall be responsible for maintaining the inside of the building only to the extent it involves the cleaning of restrooms, and other general operational maintenance such as replacing light bulbs, replacing AC filters, plumbing repairs, and pest control. Lessee shall be responsible for the cost of any damages to the Leased Premises occurring during the term of this Lease Agreement, ordinary wear and tear excepted, and shall be responsible for reimbursement to the Lessor for the cost of any needed repairs of all damage to the Leased Premises directly resulting from the use of the Leased Premises by the Lessee and/or Lessee's guests, but not for reasonable wear and tear.

8. Modify page 4, Item 29. as follows:

29. Lessor shall provide criminal background checks on all Lessee volunteers or employees, at least annually, and shall be responsible for all expenses associated with the background checks. Lessee shall immediately remove any employee or volunteer who was convicted of a felony or a misdemeanor involving moral turpitude from the Lessor's property or other

location where students are regularly present. The Lessor shall determine what constitutes "moral turpitude" or "a location where students are regularly present." Lessee understands that failure to comply with the requirements of this section may be grounds for termination of this Lease Agreement.

9. Modify page 5, Item 36. as follows:

36. Lessor shall be responsible for installing and maintaining locks on the building. Lessor will distribute keys to proper Lessee and Lessor personnel. Lessee shall not produce or reproduce any keys distributed to them, nor shall Lessee change any locks on the building. Lessee shall not provide the keys to any person not specifically designated by Lessee to direct and operate the Leased Premises. During the term of this Lease Agreement Lessee shall be responsible for ensuring that the Leased Premises is locked and secured after each use. Additionally, Lessee shall be responsible for any damages or loss caused by its failure to secure the Leased Premises. Lessee will ensure that all keys are returned to Lessor upon the termination or expiration of this Lease Agreement.

10. Add the following provision:

In addition to the other payments due to Lessor by Lessee under this Lease Agreement, Lessee shall also submit payment to Lessor in an amount equal to the cost to maintain the RAPTOR system as required by Lessor. Such payment shall be immediately due and payable by Lessee to Lessor upon Lessor's request.

11. Except as amended herein, the terms and conditions of the Lease Agreement shall continue in full force and effect and are hereby ratified in their entirety.

12. This Amendment may be executed in one (1) or more counterparts, each of which when taken together shall constitute but one and same Amendment.

Lessor:
MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

By: _____ _____
Dr. Chris Allen, Superintendent Date

Lessee:
THE FALLS ON THE COLORADO MUSEUM

By: Darlene D Oestermeyer 11/10/15
Date

Name: DARLENE D F OESTERMEYER

Title: Chairman

Marble Falls Independent School District
Board Meeting Minutes
October 19, 2015

Rick Edwards, President, called the regular meeting to order at 6:04 p.m. at the Marble Falls ISD Administration Building. A quorum was present; notice of this meeting was posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Board Members Present:	Rick Edwards, Larry Berkman, Kevin Naumann, Kelly Fox, Mike Savage, Karl Westerman and Lee Ann Johnson
Board Members Absent:	None
Administrators Present:	Dr. Chris Allen, Wade Stanford, Wes Cunningham, Leslie Baty, Bruce Peckover, Manny Lunoff, Bethany Birdwell, Lisa LeMon, Roger Barr, Melissa Fields, Michael Phillips, Michael Haley, Keith Powell, Susan Maughan, Robert Keith, Deborah Canup, Peggy Little, Susan Cox and Phyllis Campbell.
Members of the Press:	None

Public Hearing
Mr. Edwards opened a public hearing at 6:05 p.m. regarding the Financial Integrity Rating System of Texas (FIRST). Lisa LeMon, Director of Business Operations, reviewed several of the indicators used in scoring the district as well as upcoming changes to the rating system. The district scored a perfect score. No patrons asked to be heard and the public hearing was closed at 6:10 p.m.

Citizen Comments
No one requested to speak.

Recognitions of Excellence
Superintendent Award- Highland Lakes Elementary
Bethany Birdwell, Highland Lakes Elementary Principal, presented a certificate and gift card to fifth graders Gretchen Hanneman and Adon Stephens. Mrs. Birdwell presented a video for each student with their current and past teachers expressing their thoughts about the recipients.

Spotlight on Excellence- Marble Falls Middle School
Roger Barr, Marble Falls Middle School Principal, awarded Mihaela Hammond with a certificate and gift card. Mr. Barr read to the board the qualities about Mrs. Hammond that qualified her for this award.

Spotlight on Excellence- Special Olympians
Dr. Susan Maughan, Executive Director of Special Services, called each student and their teachers and coaches to the front to present them with a certificate and shake hands with the school board. The students were from the middle and high school campuses.

National Principals Month
Dr. Chris Allen, Superintendent, asked all the principals to stand to be recognized. Dr. Allen also read the proclamation from Governor Abbot making October Principals Month and thanked the principals for their leadership.

Karl Westerman arrived at 6:33 p.m.

Presentation/ Discussion Items
Inter-local Agreement- Road & Bridge Services with the Commissioners Court
Joe Don Dockery, Burnet County Commissioner, addressed the board regarding the inter-local agreement between the country and the school district. The county will provide the man power and equipment for updating the Spicewood Elementary track, the district will provide the material and Spicewood Elementary students and staff will offset some of the expense incurred through local fundraising.

Upon a motion by Kelly Fox, second by Karl Westerman, the Board approved the inter-local agreement as recommended.

For: 6 Against: 0 Absent: 1

Information Items
Financial Report
Quarterly Investment Report
Annual Investment Report

Lee Ann Johnson arrived at 6:46 p.m.

Presentation/ Discussion Items
STAR Academy
Dr. Wes Cunningham, Assistant Superintendent of Curriculum and Instruction, described the turnkey 3 year grant project to the Board. This program could possibly replace the Freshman Academy currently being held at Falls Career High School and include up to 80 students.

Bond Projects Update
Dr. Chris Allen, Superintendent, reviewed the summary sheet of all bond projects with the amount spent to date in each category and percent complete. Dr. Allen will include this update in the future to continue to be transparent with the funds from the bond.

Maintenance Projects Out for Bid
Michael Phillips, Director of Maintenance, presented to the Board projects from Highland Lakes Elementary, Marble Falls Elementary and Marble Falls Middle School that need to be taken out to bid. Mr. Phillips included pictures in his presentation and will come back next month with prices for the Board to possibly approve.

The Board took a 5 minute recess and reconvened at 7:42 p.m.

Consideration Items

District and Campus Improvement Plans

Dr. Wes Cunningham, Assistant Superintendent of Curriculum and Instruction, presented the school board with the district improvement plan along with each campus improvement plan.

Upon a motion by Kelly Fox, second by Lee Ann Johnson, the Board approved the District Improvement Plan and Campus Improvement Plans with the name correction made to the Middle School CIP.

For: 7 Against: 0 Absent: 0

Staff Development Waiver Request

Dr. Wes Cunningham, Assistant Superintendent of Curriculum and Instruction, requested permission to request for the staff development waiver.

Upon a motion by Kelly Fox, second by Kevin Naumann, the Board approved the waiver as recommended.

For: 7 Against: 0 Absent: 0

Modified Schedule Waiver Request

Dr. Wes Cunningham, Assistant Superintendent of Curriculum and Instruction, requested permission to request for the modified schedule waiver.

Upon a motion by Karl Westerman, second by Kevin Naumann, the Board approved the waiver as recommended.

For: 7 Against: 0 Absent: 0

Foreign Exchange Waiver Request

Dr. Wes Cunningham, Assistant Superintendent of Curriculum and Instruction, requested permission to request for the foreign exchange waiver.

Upon a motion by Lee Ann Johnson, second by Mike Savage, the Board approved the waiver as recommended.

For: 7 Against: 0 Absent: 0

Early Release Waiver Request

Dr. Wes Cunningham, Assistant Superintendent of Curriculum and Instruction, requested permission to request for the early release waiver.

Upon a motion by Kelly Fox, second by Mike Savage, the Board approved the waiver as recommended.

For: 7 Against: 0 Absent: 0

Pest Control Bids
Michael Phillips, Director of Maintenance, recommended to approve Quality Pest Control for the districts pest control needs.

Upon a motion by Karl Westerman, second by Kevin Naumann, the Board approved the Pest Control company as recommended.

For: 7 Against: 0 Absent: 0

Lawn Bids
Michael Phillips, Director of Maintenance, recommended for approval of two companies: Matt Kuenstler and Integrity Lawn.

Upon a motion by Lee Ann Johnson, second by Larry Berkman, the Board approved the lawn care companies as recommended.

For: 7 Against: 0 Absent: 0

Consent Agenda
Upon a motion by Kevin Naumann, second by Larry Berkman, the Board approved the minutes from the September 21st Regular Meeting.

For:	Lee Ann Johnson, Kevin Naumann, Rick Edwards, Larry Berkman, Mike Savage and Kelly Fox
Against:	None
Absent:	None
Abstained:	Karl Westerman

Upon a motion by Kevin Naumann, second by Mike Savage, the Board approved the budget amendments.

For: 7 Against: 0 Absent: 0

Upcoming Meetings
November 16, 2015 – Regular Board Meeting
December 7, 2015 – Team of 8 Training
December 14, 2015 – Regular Board Meeting

Executive Session
At 7:56 p.m. the Board adjourned into executive session to discuss professional personnel (TX Govt. Code 551.074) as well as discuss real property. (TX Govt. Code 551.072)

The Board reconvened from executive session at 9:02 p.m.

Discussion and Possible Approval of Action Arising from Executive Session
None

Adjournment
Hearing no objection, the Board adjourned at 9:02 p.m.

Approved:

Rick Edwards, President

Lee Ann Johnson, Secretary

Marble Falls Independent School District
Board Meeting Minutes
November 9, 2015

Rick Edwards, President, called this special meeting to order at 8:15 a.m. at the Marble Falls ISD Superintendents Conference Room, 1800 Colt Circle, Marble Falls, TX 78654. A quorum was present; notice of this meeting was posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Board Members Present: Rick Edwards, Kevin Naumann, Lee Ann Johnson, Mike Savage and Larry Berkman

Board Members Absent: Karl Westerman and Kelly Fox

Individuals Present: Dr. Chris Allen

Members of the Press: None

Consideration Items
Girls' Golf Trip to Disney World
Dr. Chris Allen, Superintendent, presented the Board with a request to travel to Orlando, Florida during Christmas Break. No action was taken.

Mike Savage arrived at 8:38 a.m. and Kevin Naumann left at 8:45 a.m.

The Board proceeded with visits to the Maintenance Department, Falls Career High School, Transportation Department and Spicewood Elementary.

Adjournment:
Hearing no objection the Board adjourned at 11:45 a.m.

Approved:

_____
Rick Edwards, President

_____
Lee Ann Johnson, Secretary

Marble Falls Independent School District

INTEROFFICE MEMORANDUM

Date: November 10, 2015

To: Board of Trustees and Dr. Allen

From: David Hemond, Accounting Supervisor

Subject: Consider Approval of Budget Amendments

Budget amendments included for approval (copies follow):

15-00024	Increase budget for Curriculum & Instruction consulting services - $2,000
15-00025	Increase budget for Spicewood Elementary teacher travel - $100
15-00026	Increase budget for TASPA leadership travel - $2,695
15-00027	Increase budget for Marble Falls High School teacher travel - $25
15-00028	Increase budget for PEIMS / TSDS consulting services - $7,500
15-00029	Increase budget for Marble Falls High School cafeteria remodel - $225,944
15-00030	Increase budget for REM4 annual software license - $5,000

MARBLE FALLS ISD
BUDGET AMENDMENT

RECEIVED
OCT 21 2015

Batch #:	15-00024	**Reason for amendment:**	to move travel funds budgeted for Instructional Coach HS/MS Campus Administrator travel (position which doesn't exist anymore) to Curriculum & Instruction Professional Development Consulting Services
Fiscal Year:	2015-2016		

	Account Number	Account Description	Debit	Credit
EXPENDITURES			**Increase**	**Decrease**
1	199 E 23 6411 20 999 0 99 0 00	TRAVEL - INSTRUCTIONAL COACH - CAMPUS ADMIN		2,000.00
2	199 E 13 6291 00 999 0 99 0 00	PROF DEV CONSULTANT SERVICES - C&I	2,000.00	
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REVENUE			**Decrease**	**Increase**
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Totals			2,000.00	2,000.00

Board Approval Required	Prepared by:	C.Dowell	Approved by:	W.Cunningham	Reviewed by:		Entered by: AD
☒ Yes ☐ No	Date:	10/20/15	Date:	10/20/2015	Date:	10/22/15	Date: 10/22/15

Revised 8/01/05

668

MARBLE FALLS ISD
BUDGET AMENDMENT

DRAFT

OCT 26 2015

Batch #:	15-00025	Reason for amendment:	to transfer funds to Function 13 for Staff Travel
Fiscal Year:	2015-2016		

	Account Number	Account Description	Debit	Credit
EXPENDITURES			Increase	Decrease
1	199-E-11-6399-00-104-0-11-0-00	Instructional Supplies		100.00
2	199-E-13-6411-00-104-0-99-0-00	Staff Travel	100.00	
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REVENUE			Decrease	Increase
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Totals			- 100.00	100.00

Board Approval Required	Prepared by: Delight Dehorty	Approved by: Susan Cox	Reviewed by: DA	Entered by: AB
☒ Yes ☐ No	Date: 10/22/15	Date: 10/22/15	Date: 10/26/15	Date: 10/26/15

Revised 8/01/05

006

MARBLE FALLS ISD
BUDGET AMENDMENT

Batch #:	15-00026	**Reason for amendment:**	TRANSFER SUPERINTENDENT UNDISTRIBUTED PROG FUNDS TO LEADERSHIP TRAVEL FUND FOR TASPA WORKSHOP
Fiscal Year:	2015-16		

	Account Number	Account Description	Debit	Credit
EXPENDITURES			**Increase**	**Decrease**
1	199 E 23 6411 00 104 0 99 000	SWES LEADERSHIP TRAVEL FUND	245.00	
2	199 E 23 6411 00 103 0 99 000	HLES LEADERSHIP TRAVEL FUND	735.00	
3	199 E 23 6411 00 041 0 99 000	MFMS LEADERSHIP TRAVEL FUND	490.00	
4	199 E 23 6411 00 001 0 99 000	MFHS LEADERSHIP TRAVEL FUND	245.00	
5	199 E 23 6411 00 101 0 99 000	MFES LEADERSHIP TRAVEL FUND	490.00	
6	199 E 23 6411 00 102 0 99 000	COES LEADERSHIP TRAVEL FUND	245.00	
7	199 E 21 6411 00 999 0 99 000	DISTRICT WIDE LEADERSHIP TRAVEL FUND	245.00	
8				
9				
10	199 E 41 6499 00 701 0 99 000	SUPERINT. OFFICE MISC OPERATING COST, UNDISTRIBUTED PROG		2,695.00
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REVENUE			**Decrease**	**Increase**
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Totals			- 2,695.00	2,695.00

Board Approval Required ☑ Yes ☐ No	Prepared by: AG	Approved by: Lisa Lum	Reviewed by: DJ	Entered by: AG
	Date: 11/2/15	Date: 11-9-15	Date: 11/09/15	Date: 11/2/15

Revised 8/01/05

901

MARBLE FALLS ISD
BUDGET AMENDMENT

RECEIVED
NOV 05 2015
BY:

Batch #:	15-00027	**Reason for amendment:**	TRANSFER FUNDS TO APPROPRIATE ACCOUNT FOR TRAVEL EXPENSE
Fiscal Year:	15-16		

	Account Number	Account Description	Debit	Credit
EXPENDITURES			**Increase**	**Decrease**
1	199 E 11 6399 00 001 0 11 A 00	GENERAL SUPPLIES-ART		25.00
2	199 E 13 6411 00 001 0 99 A 00	EMPLOYEE TRAVEL-ART	25.00	
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REVENUE			**Decrease**	**Increase**
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Totals			25.00	25.00

Board Approval Required ☑ Yes ☐ No	Prepared by: J. SHAFFER	Approved by:	Reviewed by:	Entered by: AG
	Date: 11/04/15	Date: 11/4/15	Date: 11/9/15	Date: 11/6/15

Revised 8/01/05

902

MARBLE FALLS ISD
BUDGET AMENDMENT

Batch #:	15-00028	Reason for amendment:	To set up budgets for PEIMS Training and Support
Fiscal Year:	2015-16		

	Account Number	Account Description	Debit	Credit
EXPENDITURES			Increase	Decrease
1	199-41-6291.00-750-099-099	Consulting Services	7,500.00	
2	199-11-6399.00-999-011-X00	General Supplies		7,500.00
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REVENUE			Decrease	Increase
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Totals			- 7,500.00	7,500.00

Board Approval Required	Prepared by: Lisa LeMon	Approved by: Lisa LeMon	Reviewed by: JK	Entered by: AG
☑ Yes ☐ No	Date: 11/06/15	Date: 11/06/15	Date: 11/09/15	Date: 11/9/2015

Revised 8/01/05

903

MARBLE FALLS ISD
BUDGET AMENDMENT

Batch #:	15-00029	Reason for amendment:	To set up budgets for Cafeteria remodel
Fiscal Year:	2015-16		

	Account Number	Account Description	Debit	Credit
	EXPENDITURES		Increase	Decrease
1	199-81-6299.00-001-099-000	Contracted Services	3,053.07	
2	199-81-6399.00-001-099-000	General Supplies	22,890.88	
3				
4	240-35-6299.00-999-099-000	Contracted Services	14,791.93	
5	240-35-6639.00-999-099-000	Capital Outlay	185,208.07	
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	REVENUE		Decrease	Increase
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Totals			225,943.95	225,943.95 -

Board Approval Required	Prepared by: Lisa LeMon	Approved by: Lisa LeMon	Reviewed by:	Entered by: AG
☑Yes ☐No	Date: 11/09/15	Date: 11/09/15	Date: 11/10/15	Date: 11-10-15

Revised 8/01/05

904

MARBLE FALLS ISD
BUDGET AMENDMENT

Batch #:	15-00030	Reason for amendment:	INCREASE BUDGET FOR REM4 ANNUAL SOFTWARE LICENSE
Fiscal Year:	2015-16		

	Account Number	Account Description	Debit	Credit
EXPENDITURES			Increase	Decrease
1	199-52-6299-00-999-099-000	CONTRACTED SERVICES	5,000.00	
2	199-11-6399-00-999-011-X00	GENERAL SUPPLIES		3,400.00
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REVENUE			Decrease	Increase
21	199-00-5744-00-000-000-000	GIFTS AND BEQUESTS		1,600.00
22				
23				
24				
Totals			- 5,000.00	5,000.00

Board Approval Required	Prepared by: David Hemond	Approved by: David Hemond	Reviewed by:	Entered by: AG
☑ Yes ☐ No	Date: 11/10/15	Date: 11/10/15	Date: 11/10/15	Date: 11-10-2015

905

Learners Today...
Leaders Tomorrow...
Mustangs Forever!

Marble Falls ISD

Board of Trustees

Agenda Item Information

Meeting Date: November 16, 2015

Meeting Type:
- ☑ Regular Meeting
- ☐ Special Meeting/Workshop
- ☐ Hearing

Date Submitted:

Agenda Placement:
- ☐ Public Hearing
- ☑ Open Session
- ☐ Executive Session
- ☐ Recognition
- ☐ Administrative Report
- ☑ Consent Agenda
- ☐ Regular Agenda
- ☐ Information/Discussion

Subject: Resolutions Providing for the Sale of Property Acquired by the Burnet CAD

Executive Summary:

Three resolutions are presented for consideration. Supporting documents are attached as background information for the following properties:
1) Lot 41116, Plat 41.8, City of Horseshoe Bay, Burnet County, Texas
2) Lots 445 & 446, Greencastle Section of Sherwood Shores, City of Granite Shoals, Burnet County, Texas
3) Lots 534, 535, & 536, Tanglewood Section, Sherwood Shores, City of Granite Shoals, Burnet County, Texas

Fiscal Impact:

Cost:
- ☐ Recurring
- ☐ One-Time
- ☐ No Fiscal Impact

Funding Source:
- ☐ General Fund
- ☐ Grant Funds
- ☐ Other Funds (Specify)

Fiscal Year:
Amendment Required?
- ☐ Yes
- ☐ No

Administrator's Recommendation:

Approve the Resolutions Providing for the Sale of Property Acquired by the Burnet CAD for: 1) Lot 41116, Plat 41.8, City of Horseshoe Bay, Burnet County, Texas, 2) Lots 445 & 446, Greencastle Section of Sherwood Shores, City of Granite Shoals, Burnet County, Texas, 3) Lots 534, 535, & 536, Tanglewood Section, Sherwood Shores, City of Granite Shoals, Burnet County, Texas

Department Submitting: Business and Finance

Requested By: Wade Stanford

Cabinet Member's Approval:

Board Approval Required: ☑ Yes ☐ No

BURNET CENTRAL APPRAISAL DISTRICT
P.O. Box 908/223 South Pierce
Burnet, Texas 78611
(512) 756-8291 Telephone
(512 756-7873 Fax

October 27, 2015

Rick Edwards
President, Board of Trustees
Marble Falls Independent School District
1800 Colt Circle
Marble Falls, TX 78654

Re: Lot 41116, Plat 41.8, City of Horseshoe Bay, Burnet County, Texas

Dear President Edwards,

Enclosed is information on a bid we received for the above referenced property. Please schedule time at your next Board of Trustees meeting to discuss this bid.

If the bid is approved, please return the dated and signed Resolution to the Burnet Central Appraisal District, Attn: Joy. If the bid is not approved, please call us at 512-756-8291 ext. 39 to inform us of the Board's decision.

Thank you for your attention to this matter. Please call us with any questions you may have.

Sincerely,

Stan Hemphill
Stan Hemphill
Chief Appraiser

Enc.

RESOLUTION PROVIDING FOR THE SALE OF PROPERTY ACQUIRED BY THE BURNET CENTRAL APPRAISAL DISTRICT AT DELINQUENT TAX SALE

WHEREAS, Lot 41116, Plat 41.8, City of Horseshoe Bay, Burnet County, Texas, being that property more particularly described in Volume 681, Page 570 of the Deed Records of Burnet County, Texas was offered for sale by the Sheriff at Burnet County, Texas at public auction pursuant to a judgment of foreclosure for delinquent taxes by the District Court; and

WHEREAS, no sufficient bid was received and the property was struck off to the Burnet Central Appraisal District or Lake LBJ Municipal Utility District, Trustee, and thereafter assigned to the Burnet Central Appraisal District, Trustee, pursuant to the "ASSIGNMENT OF TAX SALE TRUSTEESHIP" from the Lake LBJ Municipal Utility District to the Burnet Central Appraisal District of record in the Official Public Records of Burnet County, Texas File No. 011690 in Volume 1277, Page 264, pursuant to TEX.PROP.TAX CODE Section 34.01(c); and

WHEREAS, TEX.PROP.TAX CODE Section 34.05(a) provides that we may accept a sufficient bid. A bid of FIVE THOUSAND AND NO/100 DOLLARS ($5,000.00) has been made by JANA L. HILL AND CHRISTOPHER A. PAZ, said bid being less than the taxes due, and

THEREFORE, BE IT HEREBY RESOLVED by Board of Trustees of the Marble Falls Independent School District, that the President of the Board of Trustees of the Marble Falls Independent School District is hereby authorized to convey Lot 41116, Plat 41.8, City of Horseshoe Bay, Burnet County, Texas to JANA L. HILL AND CHRISTOPHER A. PAZ, for the sum of FIVE THOUSAND AND NO/100 DOLLARS ($5,000.00) payable to the Chief Appraiser of Burnet Central Appraisal District for distribution as provided by law.

PASSED, APPROVED AND ADOPTED THIS _____ day of _____, 20___.

_____

Rick Edwards
President, Board of Trustees
MARBLE FALLS INDEPENDENT SCHOOL DISTRICT
BURNET COUNTY EDUCATION DISTRICT

McCreary, Veselka, Bragg & Allen, P.C.
Attorneys at Law
223 South Pierce
Burnet, Texas 78611
(512) 756-8291

October 27, 2015

Mr. Stan Hemphill, Chief Appraiser
Burnet Central Appraisal District
P.O. Box 908
Burnet, TX 78611

RE: Distribution of Funds: Cause No. 35,046; Burnet Central Appraisal District vs. Joseph T. Jeter et al; Lot 41116, Plat 41.8, City of Horseshoe Bay, Burnet County, Texas Account Number 20848 (2015 Assessed Value = $15,000)

Dear Mr. Hemphill:

A bid of $5,000.00 has been made by Jana L. Hill & Christopher A. Paz, 4029 Barlow Drive, Round Rock, TX 78681 to purchase the property, the subject of the above-referenced suit. The money should be disbursed as follows:

CAUSE NO. 35,046

FEES:	AMOUNT:	TO WHOM:
Deed Recording Fee:	$ 32.00	Burnet Co. Clerk
Court Costs:	$ 588.00	Burnet Co. Dist. Clerk
Abstract Fee:	$ 150.00	MVBA
Due to Burnet Central Appraisal District		
City of Horseshoe Bay	$ 519.04	Burnet CAD
MLB	$ 180.18	
MLBD	$ 81.68	
Burnet County	$ 672.91	
Burnet County Special	$ 63.80	
Emergency Services District #1	$ 55.31	
Water Conservation District	$ 20.01	
Marble Falls ISD	$ 2,637.07	
TOTAL MONIES DISBURSED	$ 5,000.00	

Pursuant to Texas Property Tax Code Sec. 34.05(k), please remove any balance remaining on the account after all monies have been distributed as instructed above.

Please contact me if you have any questions or need further information.
Sincerely,
Darby Howell
Legal Assistant
DH/jb

ECEIVED
OCT 19 2015
CHIEF APPRAISER
Central Appr. Dist.

Bid for Property Held in Trust
(return to BCAD, PO Box 908, Burnet, TX 78611)
(512) 756-8291

Name (as it should appear on deed):
Jana L. Hill & Christopher A. Paz

Address (mailing address):
4029 BARLOW Drive
Round Rock, Tx. 78681

Phone number: 512.588.0128

Property Account number: 20848

Property Description:
S5220 Horseshoe Bay lot 41116, Plat 41.8

Bid Amount: $ 5,000

Other information for entities to consider (optional):

I understand this bid in trust property may be subject to a statutory right of redemption. This redemption period commenced to run from the date the Sheriff's Deed was filed for record in the County Clerk's office. Purchasers have the right of possession during the redemption period. There is a two year right of redemption for homestead property and property appraised as agricultural land. There is a 180 day right of redemption for all other property.

Signature: Jana Hill, Christopher A. Paz

Dear Burnet County Trustee Members,

We are writing this letter to let you all know how much we love this area. A few years ago we went to visit Rick Blackshear, who was my boyfriends boss. We fell in love with this friendly, prestigous community and everything it has to offer. We enjoyed the hill country views, LBJ lake, Hidden Falls adventure Park, wild life And so much more. We are ready for a change of pace and love nothing more than to build our dream home in Horseshoe Bay.

Thank you so much for taking the time to read our letter. We hope you consider our offer.

Sincerely,

Jana Hill

&

Christopher Paz

Summary of Resolution Providing for the Sale of Property Acquired by the Burnet Central Appraisal District at Delinquent Tax Sale

Lot 41116, Plat 41.8, City of Horseshoe Bay
Total 2015 appraised value is $15,000
Delinquent taxes due since 2003
First time property has been presented to the board

Bid of $5,000
Taxes due - $6,190.96
MFISD collects $2,637.07 ($6,190.96) -$3,553.89

https://propaccess.trueautomation.com/Map/View/Map/85/20848/2015

Home - Burnet CAD | Map

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Burnet CAD

Property Search | Map Search | Map Administration

Property Search Results > Property ID 20848 BURNET CENTRAL APPRAISAL for Year 2015

New Sear

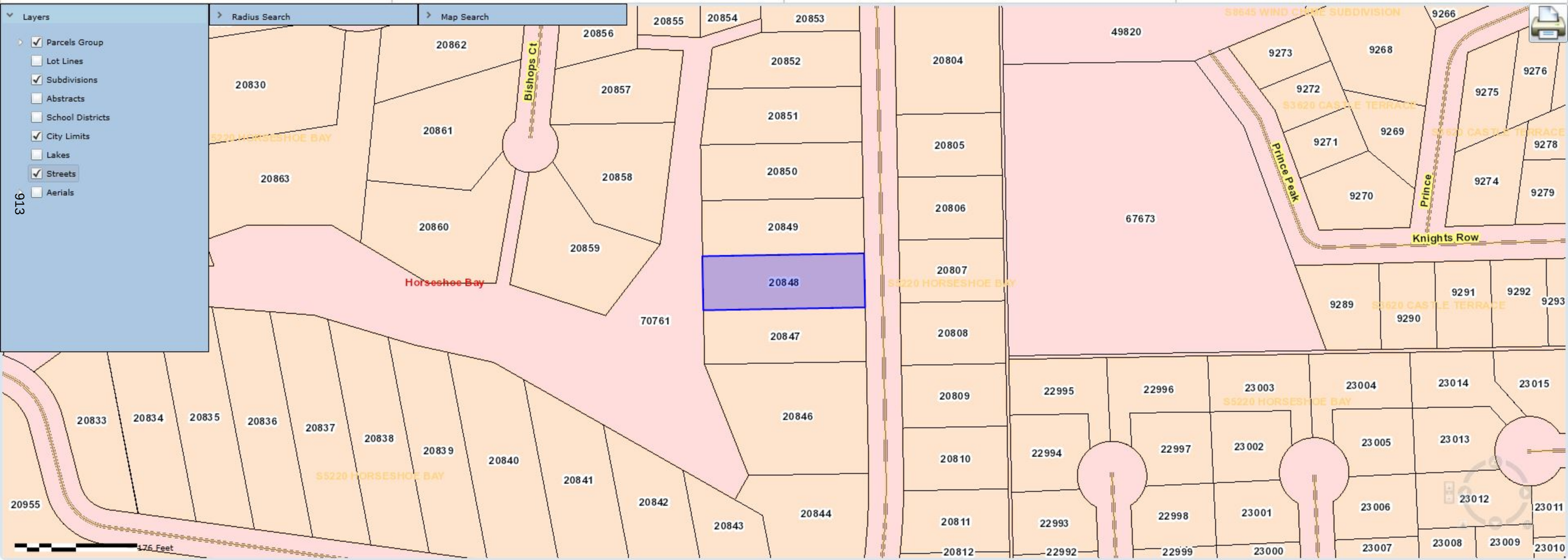
Details | Map

Account
Property ID: 20848
Geo. ID: 05220-4108-41116-000
Type: Real
Legal Description: S5220 HORSESHOE BAY LOT 41116, PLAT 41.8

Location
Situs Address: HI RIDGE ROAD HORSESHOE BAY, TX
Neighborhood: HSB HILLSIDE
Mapsco:
Jurisdictions: CHB, ESD, GBU, RSP, SMA, WCD, CAD

Owner
Owner Name: BURNET CENTRAL APPRAISAL
Mailing Address: DISTRICT TRUSTEE, PO BOX 908, , BURNET, TX 78611-0908

Property
Appraised Value: $15,000.00



DISCLAIMER

© N. Harris Computer Corporation

100%

https://propaccess.trueautomation.com/Map/View/Map/85/20848/2015

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Burnet CAD

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[Property Search Results](#) > Property ID 20848 BURNET CENTRAL APPRAISAL for Year 2015

New Search

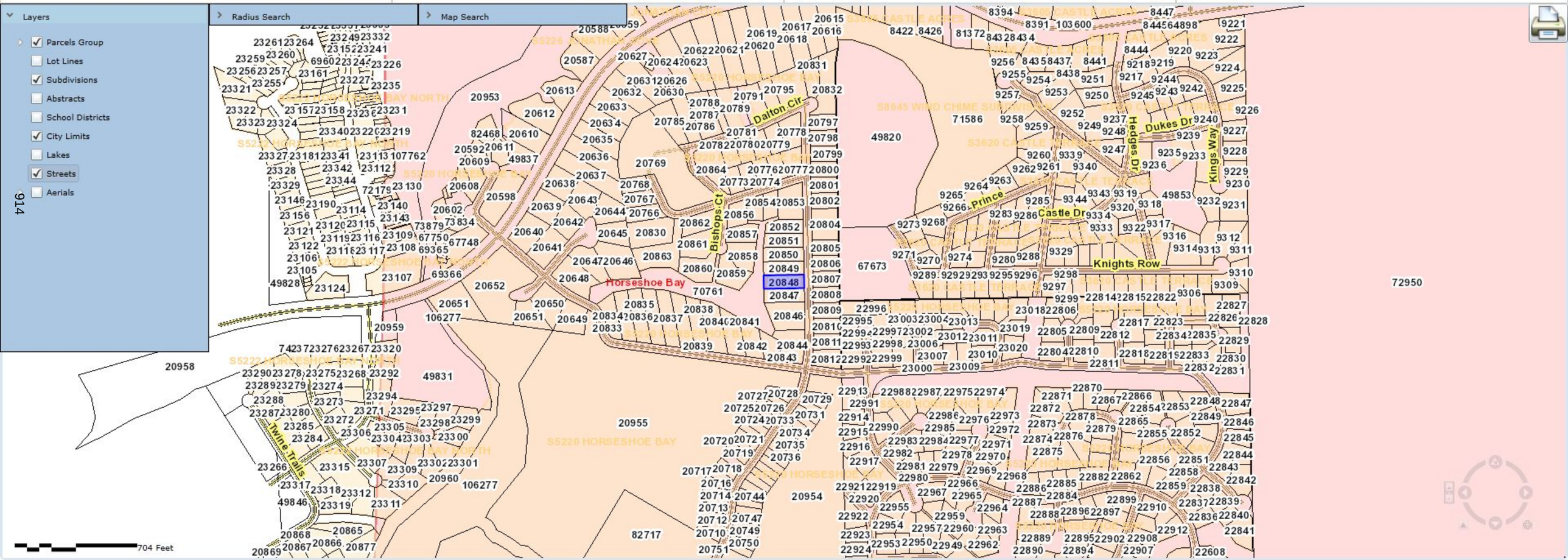
Details | Map | Help

Account
Property ID: 20848
Geo. ID: 05220-4108-41116-000
Type: Real
Legal Description: S5220 HORSESHOE BAY LOT 41116, PLAT 41.8

Location
Situs Address: HI RIDGE ROAD HORSESHOE BAY, TX
Neighborhood: HSB HILLSIDE
Mapsco:
Jurisdictions: CHB, ESD, GBU, RSP, SMA, WCD, CAD

Owner
Owner Name: BURNET CENTRAL APPRAISAL
Mailing Address: DISTRICT TRUSTEE, PO BOX 908, , BURNET, TX 78611-0908

Property
Appraised Value: $15,000.00



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BURNET CENTRAL APPRAISAL DISTRICT
P.O. Box 908/223 South Pierce
Burnet, Texas 78611
(512) 756-8291 Telephone
(512 756-7873 Fax

October 27, 2015

Rick Edwards
President, Board of Trustees
Marble Falls Independent School District
1800 Colt Circle
Marble Falls, TX 78654

Re: Lots 445 & 446, Greencastle Section, Sherwood Shores, City of Granite Shoals, Burnet County, Texas

Dear President Edwards,

Enclosed is information on a bid we received for the above referenced property. Please schedule time at your next Board of Trustees meeting to discuss this bid.

If the bid is approved, please return the dated and signed Resolution to the Burnet Central Appraisal District, Attn: Joy. If the bid is not approved, please call us at 512-756-8291 ext. 39 to inform us of the Board's decision.

Thank you for your attention to this matter. Please call us with any questions you may have.

Sincerely,

Stan Hemphill

Stan Hemphill
Chief Appraiser

Enc.

RESOLUTION PROVIDING FOR THE SALE OF PROPERTY ACQUIRED BY THE BURNET CENTRAL APPRAISAL DISTRICT AT DELINQUENT TAX SALE

WHEREAS, Lots 445 and 446, Greencastle Section of Sherwood Shores, City of Granite Shoals, Burnet County, Texas, being that property more particularly described in Volume 149, Page 373 of the Deed Records of Burnet County, Texas were offered for sale by the Sheriff at Burnet County, Texas at public auction pursuant to judgments of foreclosure for delinquent taxes by the District Court; and

WHEREAS, no sufficient bid was received and the property was struck off to the Burnet Central Appraisal District or Lake LBJ Municipal Utility District, Trustee, and thereafter assigned to the Burnet Central Appraisal District, Trustee, pursuant to the "ASSIGNMENT OF TAX SALE TRUSTEESHIP" from the Lake LBJ Municipal Utility District to the Burnet Central Appraisal District of record in the Official Public Records of Burnet County, Texas File No. 011690 in Volume 1277, Page 264, pursuant to TEX.PROP.TAX CODE Section 34.01(c); and

WHEREAS, TEX.PROP.TAX CODE Section 34.05(a) provides that we may accept a sufficient bid. A bid of ONE THOUSAND AND NO/100 DOLLARS ($1,000.00), BEING $500.00 ON EACH LOT, has been made by GRANITE SHOALS PROPERTIES, LLC, said bid being less than the taxes due, and

THEREFORE, BE IT HEREBY RESOLVED by Board of Trustees of the Marble Falls Independent School District, that the President of the Board of Trustees of the Marble Falls Independent School District is hereby authorized to convey Lots 445 and 446, Greencastle Section of Sherwood Shores, City of Granite Shoals, Burnet County, Texas to GRANITE SHOALS PROPERTIES, LLC, for the sum of ONE THOUSAND AND NO/100 DOLLARS ($1,000.00) payable to the Chief Appraiser of Burnet Central Appraisal District for distribution as provided by law.

PASSED, APPROVED AND ADOPTED THIS _____ day of _____, 20___.

_____

Rick Edwards
President, Board of Trustees
MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

McCreary, Veselka, Bragg & Allen, P.C.
Attorneys at Law
223 South Pierce
Burnet, Texas 78611
(512) 756-8291

October 27, 2015

Mr. Stan Hemphill, Chief Appraiser
Burnet Central Appraisal District
P.O. Box 908
Burnet, TX 78611

RE: Distribution of Funds: Cause No. 38,639; Burnet Central Appraisal District vs. Willard Hooper et al; Lots 445 & 446, Greencastle Section of Sherwood Shores, City of Granite Shoals, Burnet County, Texas Account #s 17559 & 17560 (2015 Assessed Value each lot = $2,250)

Dear Mr. Hemphill:

A bid of $1,000, being $500 for each lot, has been made by Granite Shoals Properties, LLC, 909 Canyon Wren Dr., Buda, Texas 78610 to purchase the property, the subject of the above-referenced suit. The money should be disbursed as follows:

CAUSE NO. 38,639 FEES:	AMOUNT:	TO WHOM:
Deed Recording Fee:	$ 28.00	Burnet Co. Clerk
Court Costs:	$ 525.00	Burnet Co. Dist. Clerk
Abstract Fee:	$ 150.00	MVBA
Attorney ad Litem Fee:	$ 250.00	MVBA
Due to Burnet Central Appraisal District		
City of Granite Shoals	$ 7.78	Burnet CAD
Burnet County	$ 7.47	
Burnet County Special	$ 0.63	
Water Conservation District	$ 0.10	
Marble Falls ISD	$ 31.02	
TOTAL MONIES DISBURSED	$ 1,000.00	

Pursuant to Texas Property Tax Code Sec. 34.05(k), please remove any balance remaining on the account after all monies have been distributed as instructed above.

Please contact me if you have any questions or need further information.
Sincerely,
Darby Howell
Legal Assistant
DH/jb

Summary of Resolution Providing for the Sale of Property Acquired by the Burnet Central Appraisal District at Delinquent Tax Sale

Lots 445 & 446, Greencastle Section, Sherwood Shores, City of Granite Shoals
2015 appraised value per lot is $2,250
Total 2015 appraised value is $4,500
Delinquent taxes due since 1992
First time property has been presented to the board

Bid of $500 per lot
Total Bid of $1,000
Lot 445 Taxes due - $989.04
Lot 446 Taxes due - $989.23
Total Taxes due - $1,978.27
MFISD collects $31.02 ($1,978.27) -$1,947.25

https://propaccess.trueautomation.com/Map/View/Map/85/17559/2015?cuser= Home - Burnet CAD Map

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Property Search Results > Property ID 17559 BURNET CENTRAL APPRAISAL for Year 2015

New Sear

Details Map

Account
Property ID: 17559
Geo. ID: 04970-0000-00445-000
Type: Real
Legal Description: S4970 GREENCASTLE (SHERWOOD SHORES) LOT 445

Location
Situs Address: CASTLEBERRY
Neighborhood:
Mapsco:
Jurisdictions: CGR, GBU, RSP, SMA, WCD, CAD

Owner
Owner Name: BURNET CENTRAL APPRAISAL
Mailing Address: DISTRICT TRUSTEE, PO BOX 908, , BURNET, TX 78611-0908

Property
Appraised Value: $2,250.00



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Burnet CAD

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Property Search Results > Property ID 17559 BURNET CENTRAL APPRAISAL for Year 2015

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Details | Map

Account
Property ID: 17559
Geo. ID: 04970-0000-00445-000
Type: Real
Legal Description: S4970 GREENCASTLE (SHERWOOD SHORES) LOT 445

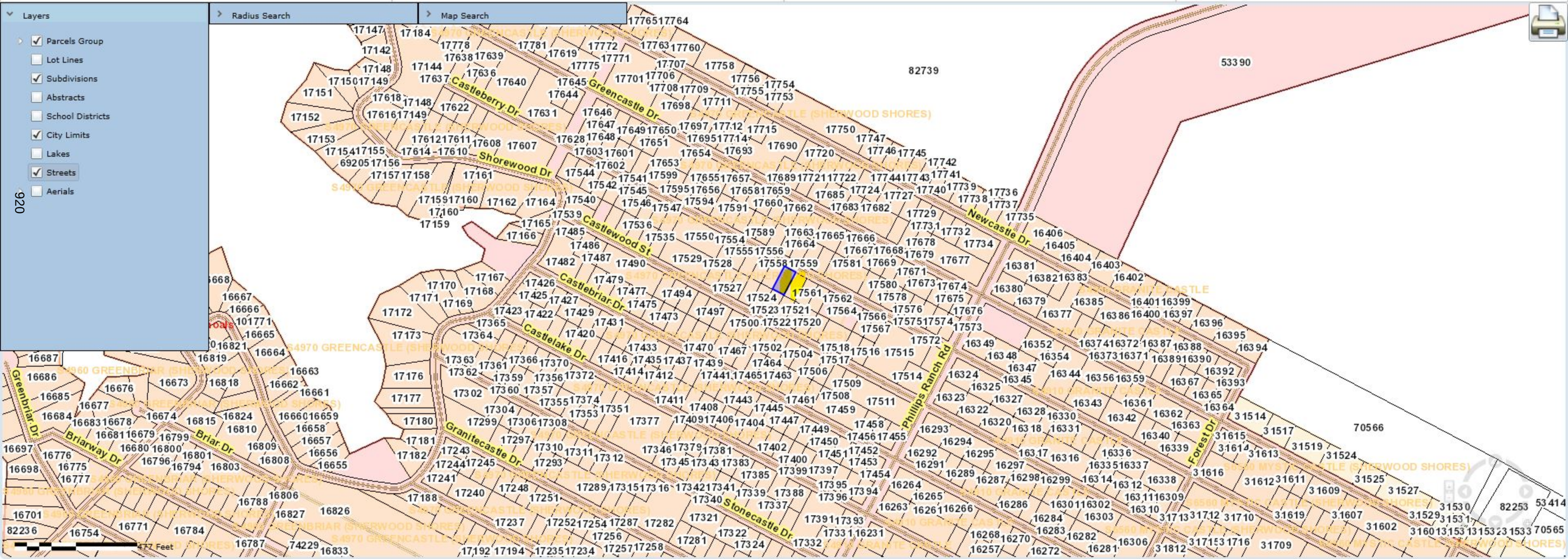
Location
Situs Address: CASTLEBERRY
Neighborhood:
Mapsco:
Jurisdictions: CGR, GBU, RSP, SMA, WCD, CAD

Owner
Owner Name: BURNET CENTRAL APPRAISAL
Mailing Address: DISTRICT TRUSTEE, PO BOX 908, , BURNET, TX 78611-0908

Property
Appraised Value: $2,250.00

Layers
- Parcels Group
- Lot Lines
- Subdivisions
- Abstracts
- School Districts
- City Limits
- Lakes
- Streets
- Aerials

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BURNET CENTRAL APPRAISAL DISTRICT
P.O. Box 908/223 South Pierce
Burnet, Texas 78611
(512) 756-8291 Telephone
(512 756-7873 Fax

October 27, 2015

Rick Edwards
President, Board of Trustees
Marble Falls Independent School District
1800 Colt Circle
Marble Falls, TX 78654

Re: Lots 534, 535 & 536, Tanglewood Section, Sherwood Shores, City of Granite Shoals, Burnet County, Texas

Dear President Edwards,

Enclosed is information on a bid we received for the above referenced property. Please schedule time at your next Board of Trustees meeting to discuss this bid.

If the bid is approved, please return the dated and signed Resolution to the Burnet Central Appraisal District, Attn: Joy. If the bid is not approved, please call us at 512-756-8291 ext. 39 to inform us of the Board's decision.

Thank you for your attention to this matter. Please call us with any questions you may have.

Sincerely,

Stan Hemphill
Chief Appraiser

Enc.

RESOLUTION PROVIDING FOR THE SALE OF PROPERTY ACQUIRED BY THE BURNET CENTRAL APPRAISAL DISTRICT AT DELINQUENT TAX SALE

WHEREAS, Lots 534, 535 and 536, Tanglewood Section of Sherwood Shores, City of Granite Shoals, Burnet County, Texas, being that property more particularly described in Volume 360, Page 142 of the Deed Records of Burnet County, Texas were offered for sale by the Sheriff at Burnet County, Texas at public auction pursuant to judgments of foreclosure for delinquent taxes by the District Court; and

WHEREAS, no sufficient bid was received and the property was struck off to the Burnet Central Appraisal District or Lake LBJ Municipal Utility District, Trustee, and thereafter assigned to the Burnet Central Appraisal District, Trustee, pursuant to the "ASSIGNMENT OF TAX SALE TRUSTEESHIP" from the Lake LBJ Municipal Utility District to the Burnet Central Appraisal District of record in the Official Public Records of Burnet County, Texas File No. 011690 in Volume 1277, Page 264, pursuant to TEX.PROP.TAX CODE Section 34.01(c); and

WHEREAS, TEX.PROP.TAX CODE Section 34.05(a) provides that we may accept a sufficient bid. A bid of ONE THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS ($1,500.00), BEING $500.00 ON EACH LOT, has been made by GRANITE SHOALS PROPERTIES, LLC, said bid being less than the taxes due, and

THEREFORE, BE IT HEREBY RESOLVED by Board of Trustees of the Marble Falls Independent School District, that the President of the Board of Trustees of the Marble Falls Independent School District is hereby authorized to convey Lots 534, 535 and 536, Tanglewood Section of Sherwood Shores, City of Granite Shoals, Burnet County, Texas to GRANITE SHOALS PROPERTIES, LLC, for the sum of ONE THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS ($1,500.00), payable to the Chief Appraiser of Burnet Central Appraisal District for distribution as provided by law.

PASSED, APPROVED AND ADOPTED THIS _____ day of _____, 20___.

_____

Rick Edwards
President, Board of Trustees
MARBLE FALLS INDEPENDENT SCHOOL DISTRICT

McCreary, Veselka, Bragg & Allen, P.C.
Attorneys at Law
223 South Pierce
Burnet, Texas 78611
(512) 756-8291

October 27, 2015

Mr. Stan Hemphill, Chief Appraiser
Burnet Central Appraisal District
P.O. Box 908
Burnet, TX 78611

RE: Distribution of Funds: Cause No. 40,431; Burnet Central Appraisal District vs. Alfred Leon Combs et al; Lots 534, 535 & 536, Tanglewood Section, Sherwood Shores, City of Granite Shoals, Burnet County, Texas Account #s 43855, 43856 & 43857 (2015 Assessed Value each lot = $2,250)

Dear Mr. Hemphill:

A bid of $1,500, being $500 for each lot, has been made by Granite Shoals Properties, LLC, 909 Canyon Wren Dr., Buda, Texas 78610 to purchase the property, the subject of the above-referenced suit. The money should be disbursed as follows:

CAUSE NO. 40,431 FEES:	AMOUNT:	TO WHOM:
Deed Recording Fee:	$ 28.00	Burnet Co. Clerk
Court Costs:	$ 311.00	Burnet Co. Dist. Clerk
Abstract Fee:	$ 175.00	MVBA
Due to Burnet Central Appraisal District		
City of Granite Shoals	$ 160.43	Burnet CAD
Burnet County	$ 154.50	
Burnet County Special	$ 15.81	
Water Conservation District	$ 2.06	
Marble Falls ISD	$ 653.20	
TOTAL MONIES DISBURSED	$ 1,500.00	

Pursuant to Texas Property Tax Code Sec. 34.05(k), please remove any balance remaining on the account after all monies have been distributed as instructed above.

Please contact me if you have any questions or need further information.
Sincerely,
Darby Howell
Legal Assistant
DH/jb

Summary of Resolution Providing for the Sale of Property Acquired by the Burnet Central Appraisal District at Delinquent Tax Sale

Lots 534, 535, 536, Tanglewood Section, Sherwood Shores, City of Granite Shoals

2015 appraised value per lot is $2,250
Total 2015 appraised value is $6,750
Lot 534 Delinquent taxes due since 1986
Lot 535 & 536 Delinquent taxes due since 1984
First time property has been presented to the board

Bid of $500 per lot
Total Bid of $1,500
Lot 534 Taxes due - $1,406.53
Lot 535 Taxes due - $1,464.21
Lot 536 Taxes due - $1,464.21
Total Taxes due - $4,334.95
MFISD collects $632.20 ($4,334.95) -$3,702.75

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[Property Search Results](#) > Property ID 43855 BURNET CENTRAL APPRAISAL for Year 2015

New Sear

Details | Map

Account
Property ID: 43855
Geo. ID: 08310-0000-00534-000
Type: Real
Legal Description: S8310 TANGLEWOOD LOT 534

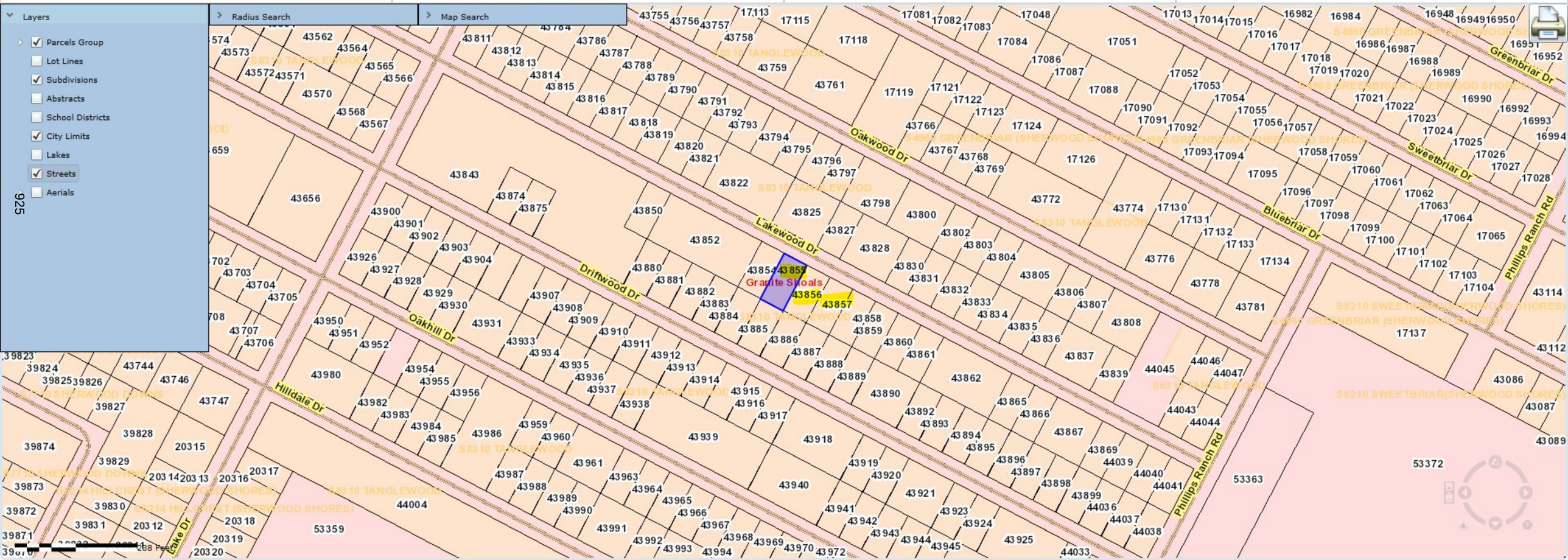
Location
Situs Address: LAKEWOOD DR ,
Neighborhood:
Mapsco:
Jurisdictions: CGR, GBU, RSP, SMA, WCD, CAD

Owner
Owner Name: BURNET CENTRAL APPRAISAL
Mailing Address: DISTRICT TRUSTEE, PO BOX 908, , BURNET, TX 78611-0908

Property
Appraised Value: $2,250.00

Layers
- Parcels Group
- Lot Lines
- Subdivisions
- Abstracts
- School Districts
- City Limits
- Lakes
- Streets
- Aerials

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Property Search Results > Property ID 43855 BURNET CENTRAL APPRAISAL for Year 2015

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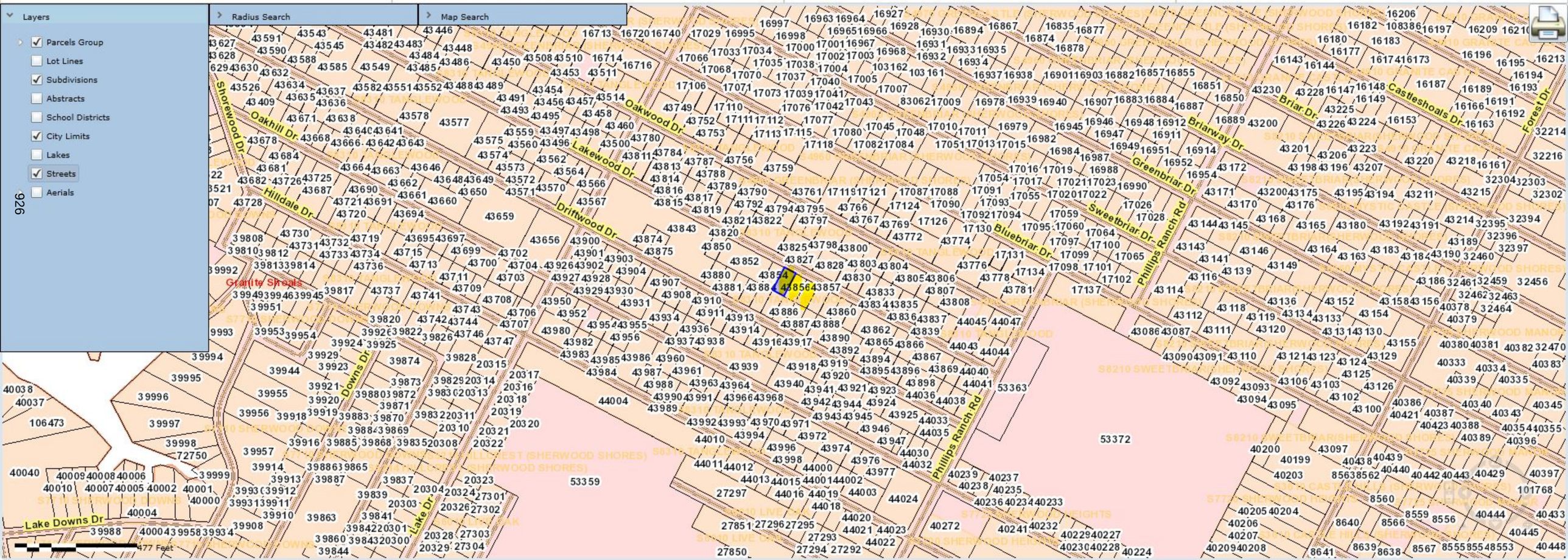
Details Map

Account
Property ID: 43855
Geo. ID: 08310-0000-00534-000
Type: Real
Legal Description: S8310 TANGLEWOOD LOT 534

Location
Situs Address: LAKEWOOD DR ,
Neighborhood:
Mapsco:
Jurisdictions: CGR, GBU, RSP, SMA, WCD, CAD

Owner
Owner Name: BURNET CENTRAL APPRAISAL
Mailing Address: DISTRICT TRUSTEE, PO BOX 908, , BURNET, TX 78611-0908

Property
Appraised Value: $2,250.00



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