

## Agenda of Regular Meeting

### The Board of Trustees Westwood Independent School District

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A Regular Meeting of the Board of Trustees of Westwood Independent School District will be held March 9, 2026, beginning at 5:30 PM in the Westwood Administration Office.

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

1. **Call to Order and Establish Quorum**
2. **Roll Call**
3. **Action Items**
4. **Board to Consider Approval of Agenda**
5. **Closed Session**
  - A. Personnel
  - B. Acknowledge Professional Contracts
  - C. Acknowledge Teacher Contracts for the 2026-2027 School Year
  - D. Real Property
  - E. Intruder Detection Audit
6. **Invocation**
7. **Pledge of Allegiance/ Texas Pledge**
8. **Recognition of Students and Staff**
9. **Public Comments**
10. **Board to vote on items discussed in closed session**
11. **Information Items**
  - A. Presentation of Westwood ISD Delinquent Tax Collections Report
  - B. Finance Update
  - C. Curriculum Moment

# Westwood ISD Agenda Item Information

**Meeting Date:** March 9, 2026

**Subject:** Curriculum Moment

**Administrator Responsible:** Laura Jones

**Summary:** This month's Curriculum Moment focuses on the role of the Instructional Coach at Westwood ISD.

**Administration's Recommendation:**

**Board Approval Required**      YES      **NO**

[Curriculum Moment](#)

# March 2026 Curriculum Update

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*Laura Jones*

Assistant Superintendent of Curriculum,  
Instruction & Leadership

March 9, 2026

# INSTRUCTIONAL LEARNING

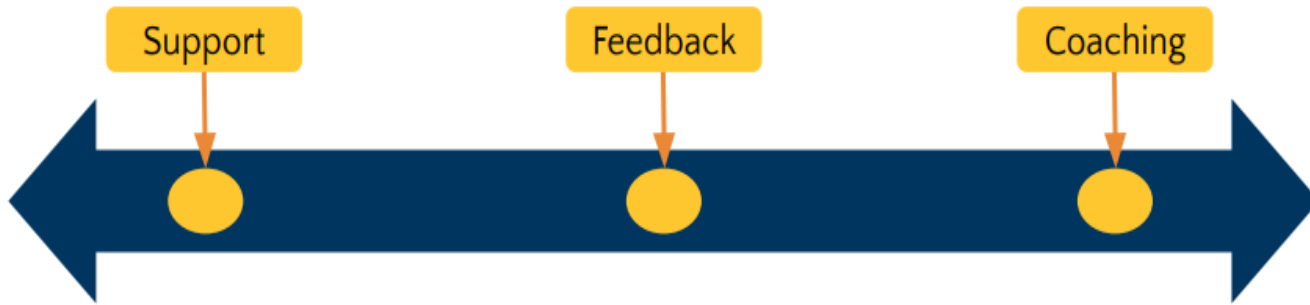
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“Simply put, the more questions you ask, the more answers you’ll receive and the more solutions you’ll uncover. But it’s important to be asking the questions that nobody else is asking. By simply asking a different question, you can open up the possibility of having dozens of different answers and ways to solve a problem.”

Forbes, *The Power of Asking the Right Questions*





**Support:** Providing **resources** (training suggestions for HQIM implementation, books, articles, videos, planning guides etc.) that can have a positive on the student learning experience

**Feedback:** Observing instruction and giving **bite-sized suggestions** for improvement (via email, sticky note, quick verbal aside, etc.) to have a positive impact on the student learning experience

**Coaching:** Engaging in cycles of observations & **dialogic conversations** in which teachers set measurable goals and receive consistent feedback and support to accomplish them; results in both technical and adaptive changes





Intelligence plus character—that  
is the goal of true education.

Martin Luther King Jr.

Every student can  
learn, just not on the  
same day or in the  
same way.

George Evans

@weareteachers



# INSTRUCTIONAL COACHING:

## WHAT IT IS AND WHAT IT IS NOT

### What Instructional Coaching IS

- Job-embedded professional learning
- Focused on one academic area or a set of pedagogical components
- Individualized
- A continuous improvement cycle to provide ongoing support
- A non-evaluative, collaborative partnership
- Active involvement in classrooms

A coach uses intangible consultation skills, such as gaining teacher buy-in, fostering a willingness to be vulnerable, and establishing trust.

### What Instructional Coaching IS NOT

- A summer Professional Development workshop
- Covering reading, math, writing, and behavior management all at the same time
- One size fits all
- One and done
- Evaluative and reported to your principal or district
- Administrative tasks such as substitute teaching, teaching intervention groups, crisis intervention, or secretarial work

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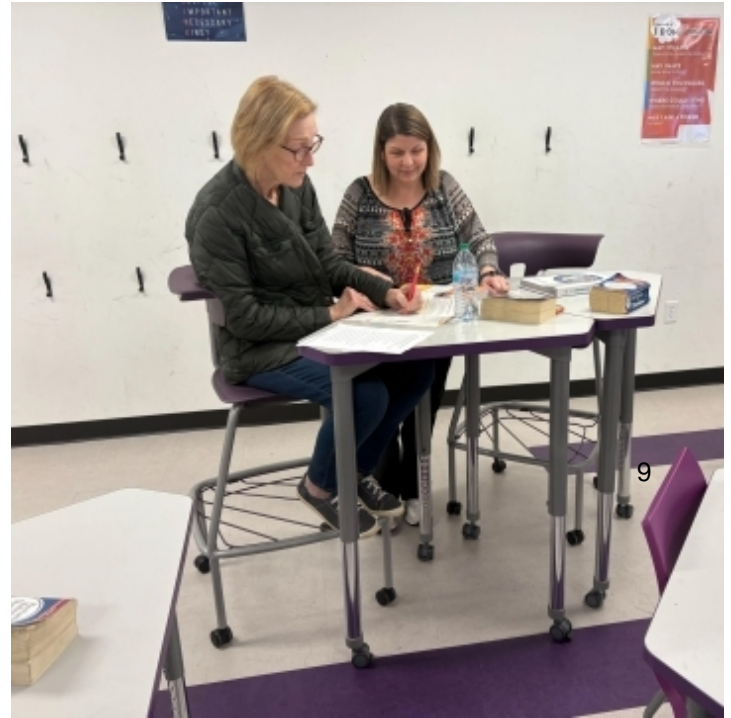
National Center on Improving Literacy. (n.d.). *What instructional coaching is and is not.*

<https://improvingliteracy.org/resource/what-instructional-coaching-is-and-is-not/>

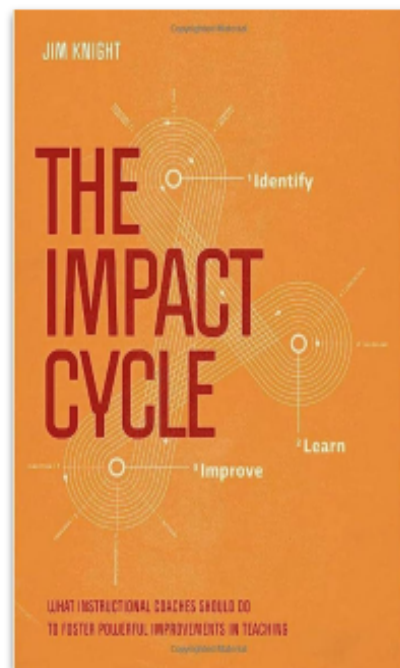
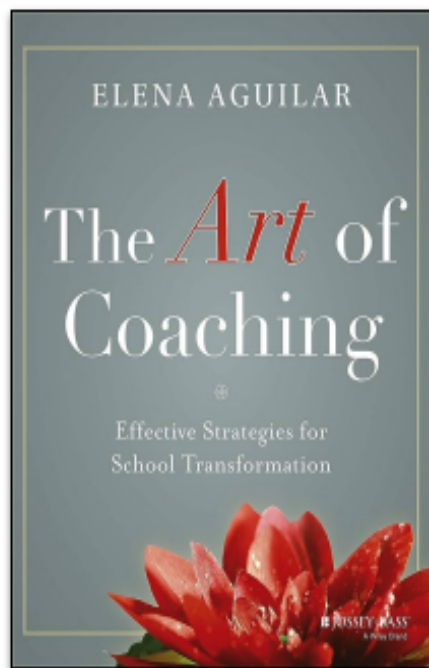
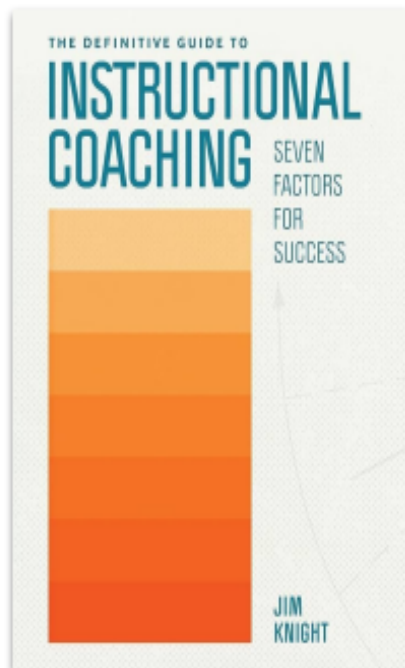




Education  
is your  
best tool



Instructional coaching can be described as the non-evaluative cycle of classroom observations and debrief conversations intended to improve classroom instruction and student outcomes.



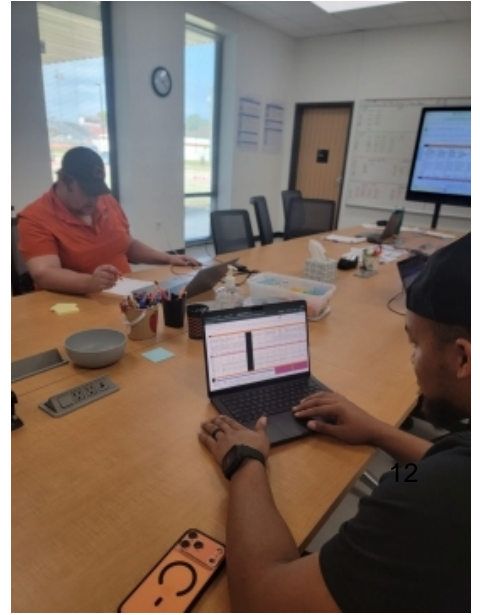
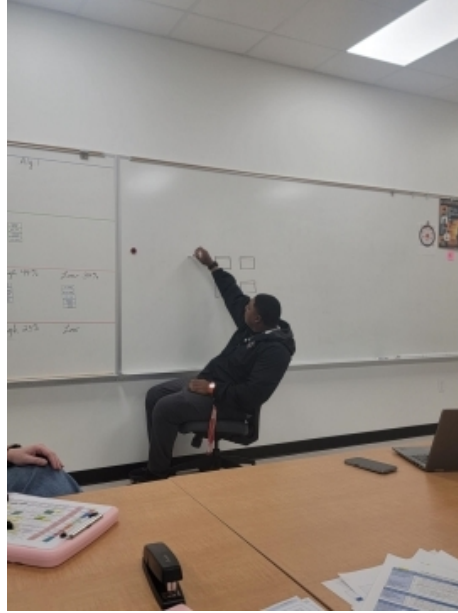
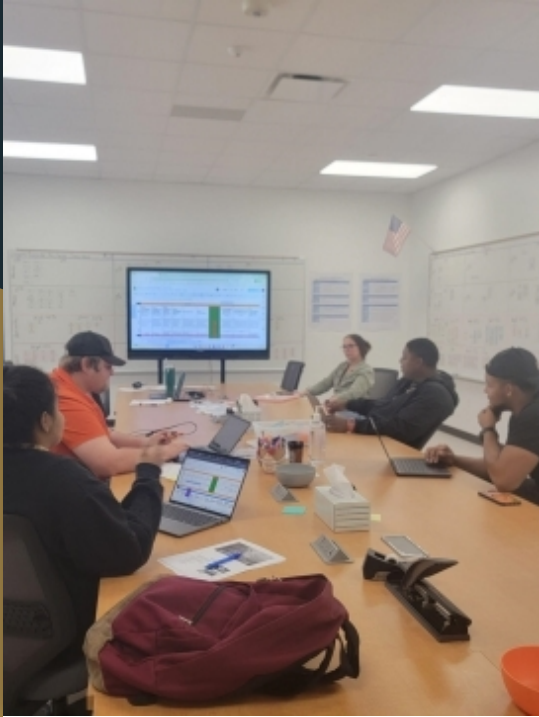
Instructional coaching improves both instructional practice and student achievement—more so than other professional development and school-based interventions. In fact, the quality of teachers’ instruction improves by as much as—or even more than—the difference in effectiveness between a new teacher and one with five to 10 years of experience, the research shows.

Will, M. (2018, July 31). *Instructional coaching works, says a new analysis. But there’s a catch.* Education Week. <https://www.edweek.org/leadership/instructional-coaching-works-says-a-new-analysis-but-theres-a-catch/2018/07>

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- Instructional coaching is one of the **most evidence-based professional learning strategies available**.
- Research consistently shows **large improvements in teaching quality and meaningful gains in student achievement**.
- Coaching is most effective when it is **job-embedded, ongoing, and focused on specific instructional practices**.
- Compared to many traditional initiatives, coaching produces **stronger and more durable changes in classroom practice**.





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# Job-embedded support outperforms one-time PD

Research on professional learning (Darling-Hammond et al., 2017) shows that effective PD must be:

- sustained
- job-embedded
- collaborative
- focused on practice

Instructional coaching is one of the **few structures that meets all four criteria simultaneously**.

Darling-Hammond, L., Hyer, M. E., & Gardner, M. (2017). *Effective teacher professional development*. Learning Policy Institute. <https://doi.org/10.54300/122.311>





## Coaching is one of the highest impact ways to improve teaching

The gold-standard meta-analysis by Matthew Kraft, David Blazar, and Dylan Hogan (2018) found:

- **Teacher practice improvement:** ES = **0.49** (large)
- **Student achievement impact:** ES = **0.18**

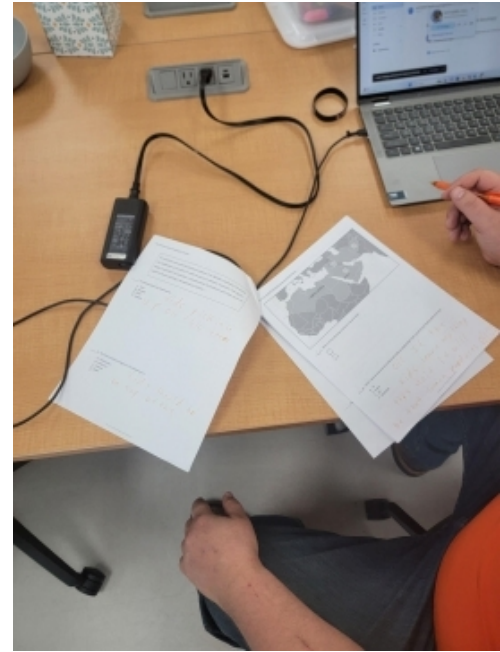
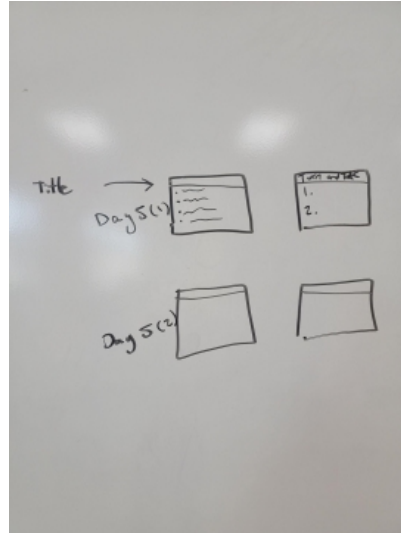
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In education research, 0.49 is considered **substantial**.

An effect size of 0.49 means the average teacher receiving coaching performs better than about 69% of teachers who did not receive coaching (Coe, 2002).

Kraft, M. A., Blazar, D., & Hogan, D. (2018). *The effect of teacher coaching on instruction and achievement: A meta-analysis of the causal evidence*. *Review of Educational Research*, 88(4), 547–588. <https://doi.org/10.3102/0034654318759268>





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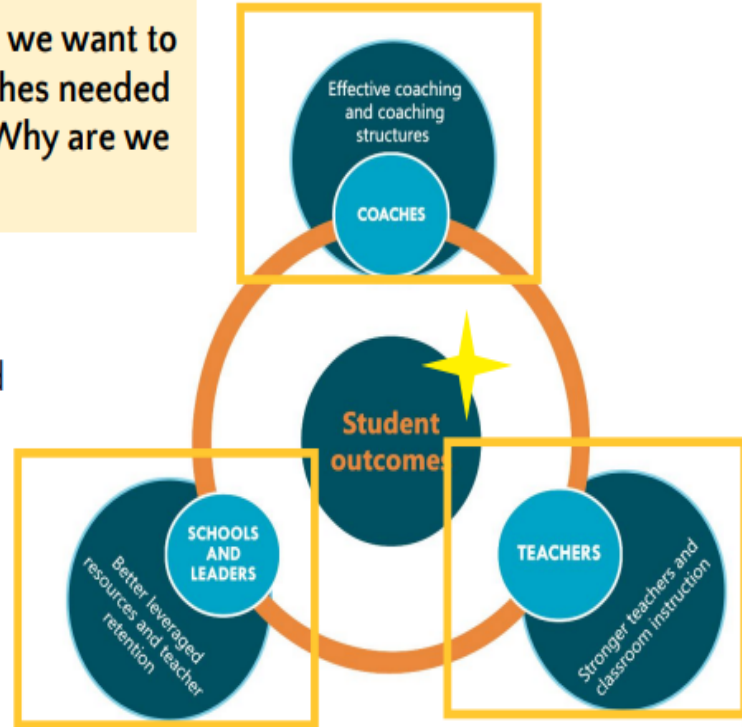
A theory of action articulates the desired outcome we want to be true and the activities, resources, and approaches needed to achieve it. It helps answer: What is the work? Why are we doing it? How will we do it?

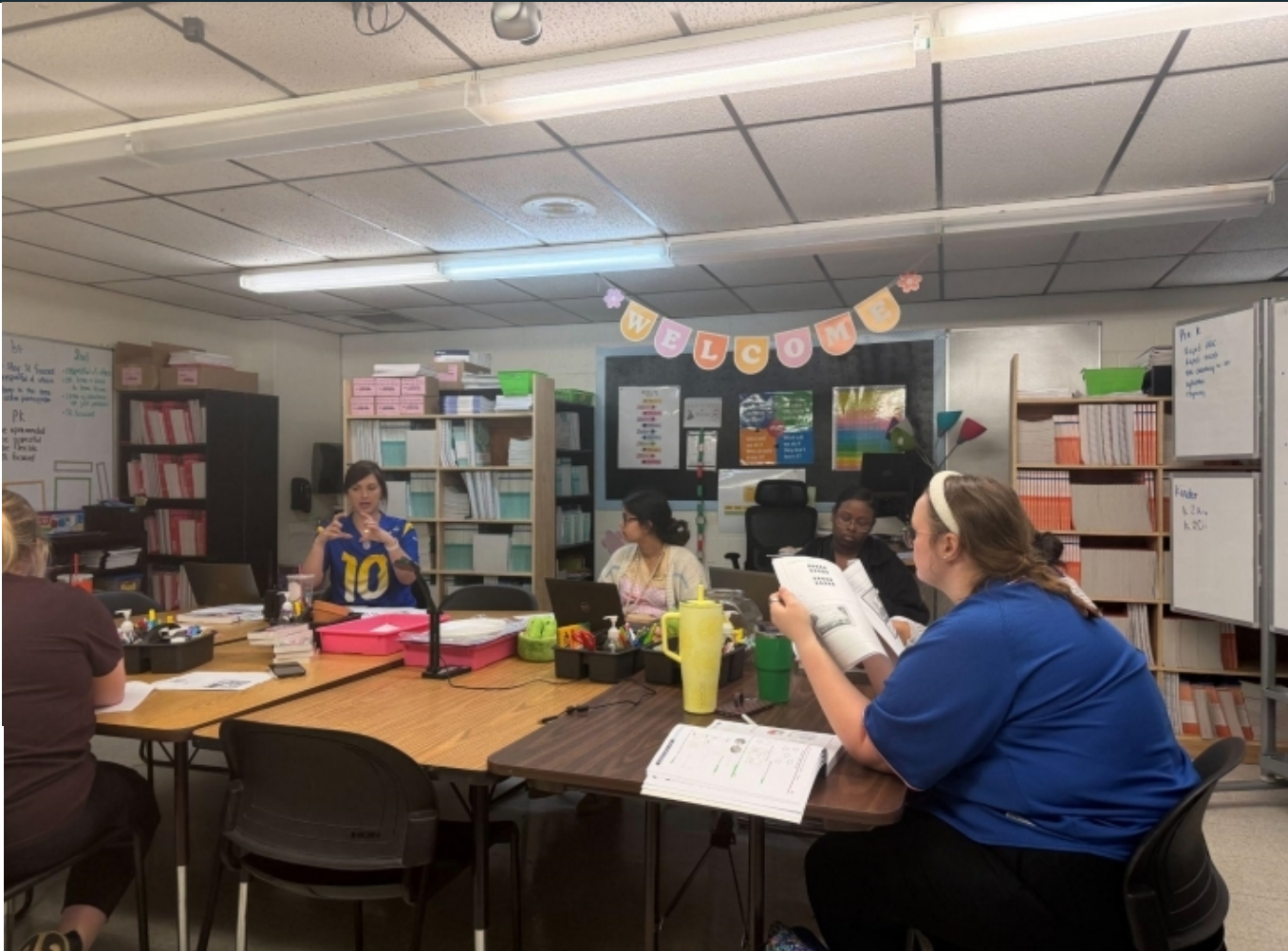
If coaches and coaching structures are effective...

...**then** teachers will deepen their knowledge of and ability to deliver stronger classroom instruction

...**then** schools and building leaders will be better equipped to develop and retain their talent

...**then** students will have stronger academic performance and experience a learning environment that maintains high expectations.





# High-quality materials alone are not enough

Research from the Carnegie Foundation for the Advancement of Teaching and multiple implementation studies shows:

Teachers rarely implement new curriculum with fidelity without sustained support.

Common findings:

- Teachers adapt materials heavily without guidance
- Rigor often decreases during first years of adoption
- Variability across classrooms widens

Eliopoulos, T. (2025). *Why curriculum alone is not enough*. Fordham Institute.  
<https://fordhaminstitute.org/national/commentary/why-curriculum-alone-not-enough>

IRIS Center, Vanderbilt Peabody College. (n.d.). *Provide ongoing supports*.  
<https://iris.peabody.vanderbilt.edu/module/fid/cresource/q2/p07/>

Texas Association of School Boards. (n.d.). *Implementation fidelity tips*. <https://www.tasb.org/news-insights/tips-for-implementing-curriculum-with-fidelity>

Carnegie Corporation of New York (2020) notes, “Curriculum alone is not enough to improve learning — educators must also develop the professional capacity to use it well through aligned professional learning and support structures” (p. 14)



Research shows that instructional coaches provide ongoing, job-embedded support that helps improve teacher instruction and student outcomes more effectively than traditional professional development alone (Texas Association of School Boards, 2020; Brookings Institution, 2017; New Teacher Center, n.d.).

**Texas Association of School Boards. (2020).** *The impact of instructional coaches.* <https://www.tasb.org/news-insights/the-impact-of-instructional-coaches>

**Dai, H. (2017).** *Instructional coaching holds promise as a method to improve teachers' impact.* Brookings Institution.<sup>20</sup> <https://www.brookings.edu/articles/instructional-coaching-holds-promise-as-a-method-to-improve-teachers-impact/>

**TCEA. (2021).** *Five benefits of instructional coaching.* TCEA TechNotes Blog. <https://blog.tcea.org/five-benefits-instructional-coaching/>

**New Teacher Center. (n.d.).** *Instructional coaching.* <https://newteachercenter.org/what-we-offer/coaching/>

**National Center on Improving Literacy. (2025).** *Instructional coaching: Understanding the role with ready-to-resources.* <https://improvingliteracy.org/resource/instructional-coaching-guide-and-free-resources/>



Carnegie Corporation of New York. (2020). *The role of curriculum in teaching and learning*. <https://www.carnegie.org>





# Westwood ISD Agenda Item Information

**Meeting Date:** March 9, 2026

**Subject:** TEKS Certification

**Administrator Responsible:** Laura Jones

**Summary:**

Each year, the district is required to certify to the Texas Education Agency (TEA) that the Texas Essential Knowledge and Skills (TEKS) have been fully addressed in the district's curriculum for all required grade levels and subject areas. District and campus administrators review instructional materials, curriculum documents, and instructional practices to ensure alignment with the TEKS and state requirements. This certification affirms that the district's curriculum provides students the opportunity to learn all required standards.

**Administration's Recommendation:**

**Board Approval Required**      YES      **NO**

[TEKS Certification](#)



## Westwood ISD Agenda Item Information

**Meeting Date:** March 09, 2026

**Subject:** Bluebonnet Reading

**Administrator Responsible:** Laura Jones

**Summary:**

Administration is currently exploring the potential adoption of the Bluebonnet Learning reading curriculum for grades K–5. Bluebonnet Learning is a high-quality instructional material developed through the Texas Education Agency to support strong literacy instruction aligned with the Texas Essential Knowledge and Skills (TEKS). The district is reviewing the curriculum to determine its alignment with instructional goals, teacher support needs, and student learning outcomes. This item is being shared with the Board of Trustees for informational purposes as the district continues its evaluation process. Additional information and recommendations may be presented at a future meeting should the district move forward with adoption.

**Administration’s Recommendation:**

**Board Approval Required**      YES      **NO**

- F. Discussion of a Vertical Bridge Tower
- G. Discussion of Long Range Facility Plan



# Westwood ISD Agenda Item Information

**Meeting Date:** March 9, 2026

**Subject:** Discussion of Long Range Facility Plan

**Administrator Responsible:** Wade Stanford

**Summary:**

The Board of Trustees will have a discussion from the District Team of 8 regarding the Long Range Facility Plan.

**Administration's Recommendation:** None – this item is for informational purposes only.

**Board Approval Required**      YES      **NO**



**Westwood ISD Agenda Item Information**

**Meeting Date:** March 9, 2026

**Subject:** Westwood Primary Local Improvement Plan (LIP)

**Administrator Responsible:** Laura Jones

**Summary:**

The Westwood Primary Local Improvement Plan (LIP) outlines the district’s key priorities, strategies, and measurable goals to support continuous improvement in student achievement, instructional practices, and campus operations.

**Administration’s Recommendation:** None – this is for informational purposes.

**Board Approval Required**      YES      **NO**

[Westwood Primary Local Improvement Plan](#)

I. Board to receive and accept Certification of Unopposed Candidates and Order Cancellation of Election for Unopposed School Board Candidates

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**CERTIFICATION OF UNOPPOSED CANDIDATES FOR OTHER  
POLITICAL SUBDIVISIONS (NOT COUNTY) CERTIFICACIÓN DE  
CANDIDATOS ÚNICOS  
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

To: Presiding Officer of Governing Body  
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 2, 2024.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el May 2, 2024

List offices and names of candidates:  
Lista de cargos y nombres de los candidatos:

Office(s) Cargo(s)  
District 2  
District 5  
District 6  
Malane Rhodes  
Signature (Firma)  
Malane Rhodes  
Printed name (Nombre en letra de molde)  
Administrative Assistant  
Title (Puesto)  
2/23/24  
Date of signing (Fecha de firma)

Candidate(s) Candidato(s)  
Jeff Cooper  
Jed Barron  
Angela Thompson

(Seal) (sello)

See reverse side for instructions  
(Instrucciones en el reverso)

# Westwood ISD Agenda Item Information

**Meeting Date:** March 9, 2026

**Subject:** Board to Receive and Accept Certification of Unopposed Candidates and Order Cancellation of Election for Unopposed School Board Candidates

**Administrator Responsible:** Wade Stanford

**Summary:**

In the Westwood ISD School Board May election, Districts 2, 5 and 6 candidates are unopposed. The authority responsible for preparing the ballot certifies the unopposed status. Then the Board must meet, accept the certification of unopposed status, and issue an order declaring the election cancelled for Districts 2, 5 and 6.

**Administration's Recommendation:** None – this item is for informational purposes only.

**Board Approval Required**      YES      NO



**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**

*Nondiscrimination*

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*

Adverse Action  
Prohibited

Notwithstanding any other law, a district may not take any adverse action against any person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization. *Gov't Code 2400.002*

*Definitions*

"Adverse action" means any action taken by a district to:

1. Withhold, reduce, exclude, terminate, or otherwise deny any grant, contract, subcontract, cooperative agreement, loan, scholarship, license, registration, accreditation, employment, or other similar status from or to a person;
2. Withhold, reduce, exclude, terminate, or otherwise deny any benefit provided under a benefit program from or to a person;
3. Alter in any way the tax treatment of, cause any tax, penalty, or payment assessment against, or deny, delay, or revoke a tax exemption of a person;
4. Disallow a tax deduction for any charitable contribution made to or by a person;
5. Deny admission to, equal treatment in, or eligibility for a degree from an educational program or institution to a person; or
6. Withhold, reduce, exclude, terminate, or otherwise deny access to a property, educational institution, speech forum, or charitable fundraising campaign from or to a person.

"Benefit program" means any program administered or funded by a governmental entity or federal agency that provides assistance in the form of payments, grants, loans, or loan guarantees.

"Person" has the meaning assigned by Government Code 311.005, except the term does not include:

1. An employee of a governmental entity acting within the employee's scope of employment;
2. A contractor of a governmental entity acting within the scope of the contract; or
3. An individual or a medical or residential custodial health-care facility while the individual or facility is providing medically necessary services to prevent another individual's death or imminent serious physical injury.

"Religious organization" means an organization that is a religious organization under Civil Practice and Remedies Code 110.011(b).

*Gov't Code 2400.001*

*Exception for  
Prohibited  
Contracts or  
Investments*

This prohibition does not apply to an investment or contract with a company that boycotts Israel prohibited under Government Code Chapters 808 or 2271. [See CH] *Gov't Code 2400.0015*

*Interpretation*

This prohibition may not be construed to:

1. Preempt a state or federal law that is equally or more protective of the free exercise of religious beliefs or to narrow the meaning or application of a state or federal law protecting the free exercise of religious beliefs; or
2. Prevent a district from providing, either directly or through a person who is not seeking protection under this prohibition, any benefit or service authorized under state or federal law.

*Gov't Code 2400.005*

**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)*

**Public Information  
Defined**

For purposes of Government Code Chapter 552 (Public Information Act), "public information" means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

1. By a board;
2. For a board and the board:
  - a. Owns the information;
  - b. Has a right of access to the information; or
  - c. Spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
3. By an individual officer or employee of a district in the officer's or employee's official capacity and the information pertains to official business of the district.

"Official business" means any matter over which the board or district has any authority, administrative duties, or advisory duties.

Information is "in connection with the transaction of official business" if the information is created by, transmitted to, received by, or maintained by an officer or employee of the district in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of a district, and pertains to official business of the district.

The definition of "public information" above applies to and includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.

*Gov't Code 552.002(a)-(a-2), .003(2-a)*

**Forms of Public  
Information**

The general forms in which the media containing public information exist include a book, paper, letter, document, email, internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory.

The media on which public information is recorded include:

1. Paper;
2. Film;
3. A magnetic, optical, solid state, or other device that can store an electronic signal;

4. Tape;
5. Mylar; and
6. Any physical material on which information may be recorded, including linen, silk, and vellum.

*Gov't Code 552.002(b)–(c)*

**Preservation of Information**

A district may determine a time for which information that is not currently in use will be preserved, subject to any applicable rule or law governing the destruction and other disposition of state and local government records or public information.

The provisions of Chapter 441, Government Code and Title 6, Local Government Code (Local Government Records Act), governing the preservation, destruction, or other disposition of records or public information apply to records and public information held by a temporary custodian.

*Gov't Code 552.004(a), (c)* [See BBI, CPC, DH]

Temporary Custodians

“Temporary custodian” means an officer or employee of a district who, in the transaction of official business, creates or receives public information that the officer or employee has not provided to the officer for public information or the officer’s agent. The term includes a former officer or employee who created or received public information in the officer’s or employee’s official capacity that has not been provided to the officer for public information or the officer’s agent. *Gov't Code 552.003(7)*

Ownership of Public Information

A current or former board member or employee of a district does not have, by virtue of the board member’s or employee’s position or former position, a personal or property right to public information the board member or employee created or received while acting in an official capacity.

Surrender or Return of Public Information

A temporary custodian with possession, custody, or control of public information shall surrender or return the information to the district not later than the 10th day after the date the officer for public information or the officer’s agent requests the temporary custodian to surrender or return the information.

*Disciplinary Action*

A temporary custodian’s failure to surrender or return public information as required is grounds for disciplinary action by the district or any other applicable penalties provided by the Public Information Act or other law.

*Gov't Code 552.233*

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**Note:** For forms prescribed by the attorney general, see the [Attorney General's Public Information website](#).<sup>1</sup>

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**Public Information**

See GB(LEGAL) for the definition of public information.

**Availability of Public Information**

Public information is available to the public at a minimum during the normal business hours of a district. Government Code Chapter 552 (Public Information Act [PIA]) does not authorize the withholding of public information or limit the availability of public information to the public, except as expressly provided by the PIA. *Gov't Code 552.006, .021*

Special Rights of Access

*Person Whose Information the District Holds*

A person or a person'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 person and that is protected from public disclosure by laws intended to protect that person's privacy interests. A district may not deny this access on the grounds that the information is considered confidential by privacy principles under the Public Information Act but may assert as grounds for denial other provisions of the PIA or other law not intended to protect the person's privacy interests. Access to information under this provision shall be provided in the manner prescribed by Government Code 552.229 (consent to release) and 552.307 (timely release), below. *Gov't Code 552.023(a), (b), (e)*

*Board Members*

For information on board members' special access rights to district information, see BBE.

*Parents*

A district that receives a request from a parent for public information relating to the parent's child shall comply with the Public Information Act. *Education Code 26.0085(e)*

For information on parents' special access rights to their child's education records, see FL.

**Information That Must Be Disclosed**

The following categories of information are public information and not excepted from required disclosure unless made confidential under the Public Information Act or other law:

1. A completed report, audit, evaluation, or investigation made of, for, or by a board or district, 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 or other funds by a board.

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 central and campus organization, including 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, a description of forms available or the places at which 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 as authorized by law, and a statement of general policy or interpretation of general applicability formulated and adopted by the board.
10. Each amendment, revision, or repeal of the information described in items 6-9.
11. Final opinions and orders issued in the 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*

Contracting Information	Contracting information, as that term is defined in Government Code 552.003(1-a) [see GBAA], is public and must be released unless excepted from disclosure under the Public Information Act. The exceptions to disclosure provided by Government Code 552.110 (trade secrets) and 552.1101 (proprietary information) do not apply to the types of contracting information listed at Government Code 552.0222(b). <i>Gov't Code 552.0222(a), (b)</i> [See GBAA for additional procedures related to contracting information.]
Investment Information	Certain categories of information held by a district relating to its investments, as specified by Government Code 552.0225(b), are public information and not excepted from disclosure under the Public Information Act. <i>Gov't Code 552.0225</i>
<b>Confidential Information That Must Not Be Disclosed</b>	A person commits an offense if the person distributes information considered confidential under the terms of the Public Information Act. A violation under this provision also constitutes official misconduct. <i>Gov't Code 552.352</i>
Confidential by Law	Information is excepted from public disclosure if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision. <i>Gov't Code 552.101</i>
<hr/> <b>Note:</b> For confidentiality and access provisions addressed by specific statutes other than Government Code Chapter 552 (Public Information Act), see the applicable policy code.	
Privileged Attorney-Client Information	The Texas Rules of Civil Procedure and the Texas Rule of Evidence are "other law" within the meaning of Government Code 552.022 (allowing "other law" to make information confidential from required disclosure). A district does not forfeit the attorney-client privilege by failing to timely request an attorney general's decision, and the privilege is sufficiently compelling to rebut the presumption of public disclosure after an untimely request. <i>In re City of Georgetown, 53 S.W.3d 328, 336 (Tex. 2001); Paxton v. City of Dallas, 509 S.W.3d 247 (Tex. 2017)</i>  The attorney-client privilege does not apply if the attorney or attorney's representative acts in a capacity other than that of providing or facilitating professional legal services to the client. <i>Harlandale Indep. Sch. Dist. V. Cornyn, 25 S.W.3d 328 (Tex. App.—Austin 2000, pet. Denied)</i>
Closed Meeting Records	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. <i>Gov't Code 551.104(c); Atty. Gen. ORD 684 (2009)</i>

[For information regarding minutes or recording of an open meeting, see BE.]

Student Education  
Records

The Public Information Act does not require the release of information contained in education records of the district, except in conformity with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g (FERPA).

In this provision, "student record" means information that constitutes education records as that term is defined by FERPA or information in a record of an applicant for admission to an educational institution, including a transfer applicant.

Information is confidential and excepted from required disclosure if it is information in a student record at a district.

The district is not prohibited from disclosing or providing information included in an education record if the disclosure or provision is authorized by FERPA or other federal law. In addition, a student record shall be made available on the request of district personnel, the student, the student's parents, legal guardian, or spouse, or a person conducting a child abuse investigation required by Family Code Chapter 261, Subchapter D.

Except as provided by Government Code 552.114(e) (information in enrollment or transfer records, below), a district may redact information in a student record from information required to be disclosed under the Public Information Act without requesting a decision from the attorney general.

*Gov't Code 552.026, .114 [See FL]*

*Enrollment or  
Transfer  
Information*

If an applicant, or a parent or legal guardian of a minor applicant, for admission to an educational institution funded wholly or partly by state revenue 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 552.114(e)*

*Student Victim  
Information*

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)*

Juvenile Law  
Enforcement  
Records

Except as provided by Family Code 58.008(c) (person with a determinate sentence), law enforcement records concerning a child, as defined by Family Code 51.02(2), and information concerning a child that are stored by electronic means or otherwise and from which a record could be generated may not be disclosed to the public. *Family Code 58.008(b)*

Law enforcement records concerning a child may be inspected or copied by:

1. A juvenile justice agency, as defined by Family Code 58.101;
2. A criminal justice agency, as defined by Government Code 411.082;
3. The child;
4. The child's parent or guardian; or
5. The chief executive officer or the officer's designee of a primary or secondary school where the child is enrolled only for the purpose of conducting a threat assessment or preparing a safety plan related to the child. [See FFB]

*Family Code 58.008(d), (d-1)*

*Exclusions*

These provisions do not apply to a record relating to a child that is required or authorized to be maintained under the laws regulating the operation of motor vehicles in Texas or subject to disclosure under Code of Criminal Procedure Chapter 62 (registered sex offenders). *Family Code 58.008(a)*

Certain Personnel  
Information

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**Note:** For previous determinations by the attorney general allowing governmental bodies to withhold specific categories of information in personnel records, including direct deposit forms; employment forms I-9, W-2, W-4; and fingerprints, without the necessity of requesting an attorney general decision, see Attorney General Open Records Decision (ORD) 684 (2009).

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*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)*

*Invasion of  
Privacy*

Information is excepted from public disclosure if it is information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, except that all information in the personnel file of a district employee is to be made available to that employee or the employee's designated representative as public information is made available under the Public Information Act. The exception to public disclosure created by this provi-

sion is in addition to any exception created by Government Code 552.024. Public access to personnel information covered by Government Code 552.024 is denied to the extent provided by that provision. *Gov't Code 552.102(a)*

*Employee Birth Dates*

Disclosure of employee birth dates would constitute a clearly unwarranted invasion of personal privacy, and thus such dates are excepted from disclosure under Government Code 552.102(a). *Texas Comptroller of Public Accts. v. Atty. Gen'l of Texas, 354 S.W.3d 336 (Tex. 2010)*

*College Transcripts*

Information is excepted from public disclosure if it is a transcript from an institution of higher education maintained in the personnel file of a professional employee, except that this provision does not exempt from disclosure the degree obtained or the curriculum on a transcript in the personnel file of the employee. *Gov't Code 552.102(b)*

*Evaluations*

A document evaluating the performance of a teacher or administrator is confidential and is not subject to disclosure under the Public Information Act.

At the request of a school district, open-enrollment charter school, or private school at which a teacher or administrator has applied for employment, a district shall give the requesting district or school a document evaluating the performance of a teacher or administrator employed by the school.

A district shall give the Texas Education Agency (TEA) a document evaluating the performance of a teacher or administrator employed by the district for purposes of an investigation conducted by TEA.

*Education Code 21.355(a), (c), (d)*

*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)*

*Employee Accused of Improper Relationship with Student*

A primary or secondary school may not release externally to the general public the name of an employee who is accused of committing an offense under Penal Code 21.12 (improper relationship between educator and student) until the employee is indicted for the offense. The school may release the name of the accused employee regardless of whether the employee has been indicted for the offense as necessary for the school to:

1. Report the accusation:

- a. To TEA, another state agency, or local law enforcement or as otherwise required by law; or
- b. To the school's community in accordance with the school's policies or procedures; or

2. Conduct an investigation of the accusation.

*Penal Code 21.12(d-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(e) 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*

Email Addresses of the Public

An email 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.

This confidentiality does not apply to an email 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 provision includes a state agency permit, certificate, approval, registration, or similar form of permission required by law.

A district may also disclose an email address for any reason to another governmental body or to a federal agency.

*Gov't Code 552.137, 2001.003(2); Atty. Gen. ORD 684 (2009)*

Individuals Who  
Inform of Legal  
Violations

An informer's name or information that would substantially reveal the identity of an informer is excepted from public disclosure.

"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.

This exception does not apply if the informer:

1. If the informer is a student or former student, and the student, student's legal guardian, or student's spouse consents to disclosure of the student's name;
2. If the informer is an employee or former employee who consents to disclosure of the employee's name; or
3. The informer planned, initiated, or participated in the possible violation.

Information 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 Public Information Act.

*Gov't Code 552.135*

Crime Victim  
Information

*Address  
Confidentiality  
Program*

Information relating to a participant in the Address Confidentiality Program for Certain Crime Victims (including from family violence, sexual assault or abuse, stalking, child abduction, or trafficking of persons under Code of Criminal Procedure Chapter 58, Subchapter B) is confidential, except as provided by Code of Criminal Procedure 58.061, and may not be disclosed under the Public Information Act. *Code of Criminal Procedure 58.060*

*Employee  
Victims*

A district employee who is a victim under Code of Criminal Procedure Chapter 56B (Crime Victims' Compensation Act) regardless of whether the employee has filed an application for compensation 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 district 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(d)*

*Victims of Certain  
Crimes*

Information is confidential and excepted from public disclosure if the information identifies an individual as a victim of:

1. A criminal offense specified by Government Code 552.1315(a)(1)(A) and (B), or
2. Any criminal offense if the victim was younger than 18 years of age when any element of the offense was committed.

Notwithstanding the above, information may be disclosed:

1. To any victim identified by the information;
2. To the parent or guardian of a victim described by item 2 above who is identified by the information;
3. To a law enforcement agency for investigative purposes; or

4. In accordance with a court order requiring the disclosure.

*Gov't Code 552.1315*

Location or Layout  
of Shelter Centers

Information that relates to the location or physical layout of a family violence shelter center or victims of trafficking shelter center is confidential. A district may redact this information from any information the district discloses 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 552.138(e) 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.

Restriction on  
Release of  
Licensee  
Information

A district may not sell or otherwise release certain information listed about a person who holds, previously held, or is an applicant for a license issued by the district if the person meets the requirements under Government Code 552.138.

*Gov't Code 552.138(b-1), (c), (d), (f)*

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*

A district may not release or disclose to any person criminal history record information (CHRI) obtained from the Federal Bureau of Investigation.

CHRI obtained by the district or obtained by an entity that contracts to provide services to a district from the Texas Department of Public Safety or any other Texas criminal justice agency may not be released to any person in the original form or any subsequent form except:

1. The individual who is the subject of the information;
2. TEA;
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)* [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 public disclosure, regardless of the date that the image was taken or recorded. A district may not permit a person to view or copy the image unless the person is one of the individuals specified by Government Code 552.1085(d) and the district is not otherwise asserting an exception to disclosure under another provision of the Public Information Act or another law.

*Gov't Code 552.1085*

Computer Security  
*Computer  
Networks*

Information is excepted from public disclosure if it is 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.

The following information is confidential:

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;
3. A photocopy or other copy of an identification badge issued to an official or employee of a district; and
4. Information directly arising from a governmental body's routine efforts to prevent, detect, investigate, or mitigate a computer security incident, including information contained in or derived from an information security log. This does not affect the notification requirements related to a breach of system security as defined by Business and Commerce Code 521.053. [See CQB]

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 [see Voluntary Disclosure, below].

*Gov't Code 552.139*

*Cybersecurity  
Information*

A cyber threat indicator or defensive measure shared with the federal government under Title 6, United States Code, shall be:

1. Exempt from disclosure under federal freedom of information law and any state or local provision of public information law requiring disclosure of information or records; and
2. Withheld, without discretion, from the public under federal freedom of information law and any state or local provision of public information law requiring disclosure of information or records.

*6 U.S.C. 1504(d)(4)(B) [See CQB]*

*Texas VIRT  
Information*

Information written, produced, collected, assembled, or maintained by a participating district or a volunteer from the district in the implementation of Government Code Chapter 2054, Subchapter N-2 (Texas Volunteer Incident Response Team) is confidential and not subject to disclosure under the Public Information Act if the information:

1. Contains the contact information for a volunteer;
2. Identifies or provides a means of identifying a person who may, as a result of disclosure of the information, become a victim of a cybersecurity event;
3. Consists of a participating district's cybersecurity plans or cybersecurity-related practices; or
4. Is obtained from a participating district or from a participating district's computer system in the course of providing assistance under Subchapter N-2.

*Gov't Code 2054.52010*

*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. During that period, the district may only permit inspection, copying, or disclosure of the information contained in the record only in accordance with Government Code 552.140 or a court order. The district is authorized to withhold a Form DD-214 or other military discharge record that is first recorded with or that otherwise first comes into the possession of the district on or after September 1, 2003, under this provision without the necessity of requesting an attorney general decision. *Gov't Code 552.140(a), (b); Atty. Gen. ORD 684 (2009)*

<i>Limited Use</i>	A district that obtains this information from another governmental body shall limit the district's use and disclosure of the information to the purpose for which the information was obtained. <i>Gov't Code 552.140(e)</i>
Firefighter or EMS Work Schedules	A work schedule or a time sheet of a firefighter or volunteer fire-fighter or emergency medical services personnel as defined by Health and Safety Code 773.003 is confidential and excepted from public disclosure. <i>Gov't Code 552.159</i>
Out-of-State Health-Care Provider Information	Information obtained by a district that was provided by an out-of-state health-care provider in connection with a quality management, peer review, or best practices program that the out-of-state health-care provider pays for is confidential and excepted from public disclosure. <i>Gov't Code 552.162</i>
Applicant for Disaster Recovery Funds	<p>The following information maintained by a district is confidential:</p> <ol style="list-style-type: none"><li>1. The name, social security number, house number, street name, and telephone number of an individual or household that applies for state or federal disaster recovery funds;</li><li>2. The name, tax identification number, address, and telephone number of a business entity or an owner of a business entity that applies for state or federal disaster recovery funds; and</li><li>3. Any other information the disclosure of which would identify or tend to identify a person or household that applies for state or federal disaster recovery funds.</li></ol> <p>The street name and census block group of and the amount of disaster recovery funds awarded to a person or household are not confidential after the date on which disaster recovery funds are awarded to the person or household.</p> <p><i>Gov't Code 552.160(b), (c)</i></p>
Threat of Physical Harm	Information in the custody of a district that relates to an employee or officer of the district is excepted from public disclosure 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. <i>Gov't Code 552.152</i>
<b>Exceptions to Disclosure</b>	The Public Information Act does not prohibit a district or its officer for public information from voluntarily making part or all of its information available to the public, unless the disclosure is expressly prohibited by law or the information is confidential under law. Information voluntarily made available as allowed under this provision must be made available to any person and cannot be withheld from further disclosure. <i>Gov't Code 552.007; Atty. Gen. ORD 518 (1989)</i>
Voluntary Disclosure	

Right of Access After 75 Years	Except for social security numbers, the confidentiality provisions of the Public Information Act, or as otherwise provided by law, information that is not confidential but is excepted from required disclosure under Government Code Chapter 552, Subchapter C, 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 the district. This paragraph does not limit the authority of a district to establish retention periods for records under applicable law. <i>Gov't Code 552.0215</i>
Information Relating to Litigation	Information is excepted from public disclosure if it is 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 on the date the district's public information officer receives the request. <i>Gov't Code 552.103(a), (c)</i>
<i>Election Information</i>	The litigation exception to disclosure does not apply to information requested under the Public Information Act if the information relates to a general, primary, or special election and the information is in the possession of a governmental body that administers elections. <i>Gov't Code 551.103(d)</i>
Information Related to Competition or Bidding	Information is excepted from public disclosure if the district demonstrates that the release of the information would harm its interests by providing an advantage to a competitor or bidder in a particular ongoing competitive situation or in a particular competitive situation where the district establishes the situation at issue is set to reoccur or there is a specific and demonstrable intent to enter into the competitive situation again in the future. Required disclosure under Government Code 552.022 does not apply to information that is excepted from required disclosure under this provision.
<i>Parades, Concerts, and Entertainment Events</i>	Information relating to the receipt or expenditure of public or other funds by a district for a parade, concert, or other entertainment event paid for in whole or part with public funds is not excepted from public disclosure. A person, including a district, may not include a provision in a contract related to an event that prohibits or would otherwise prevent the disclosure of this information. A contract provision that violates Government Code 552.104(c) is void.  <i>Gov't Code 552.104</i>
Certain Information on Real or Personal Property	Information is excepted from public disclosure if it is information relating to the location of real or personal property for a public purpose prior to public announcement of the project, or information relating 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*

Drafts Involving  
Legislation

A draft or working paper involved in the preparation of proposed legislation is excepted from public disclosure. *Gov't Code 552.106*

Certain Legal  
Information

Information is excepted from public disclosure if it is not privileged information but information that an attorney of a district is prohibited from disclosing because of a duty to the board 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*

Certain Law  
Enforcement  
Information

Information (other than basic information about an arrested person, an arrest, or a crime) held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from public disclosure if:

1. Release of the information would interfere with the detection, investigation, or prosecution of crime; or
2. It is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.

An internal record or notation of a law enforcement agency that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from public disclosure if:

1. Release of the internal record or notation would interfere with law enforcement or prosecution; or
2. The internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication.

*Basic Information*

A district shall promptly release basic information about an arrested person, an arrest, or a crime responsive to a Public Information Act request unless the district seeks to withhold the information as provided by another provision of the PIA. The district shall promptly release the information regardless of whether the district requests an attorney general decision regarding other information subject to the request.

*Certain Crime  
Information*

Information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication is not excepted from disclosure of information, records, or notations if:

1. A person who is described by or depicted in the information, record, or notation, other than a peace officer, is deceased or incapacitated; or
2. Each person who is described by or depicted in the information, record, or notation, other than a person who is deceased or incapacitated, consents to the release of the information, record, or notation.

*Gov't Code 552.108*

Private  
Correspondence of  
Elected Official

Private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy are excepted from public disclosure. *Gov't Code 552.109; Industrial Foundation of the South v. Texas Indus. Acc. Bd., 540 S.W.2d 668 (Tex. 1976)*

Trade Secrets

Except as provided by Government Code 552.0222 (disclosure of contracting information), information is excepted from public disclosure if it is demonstrated based on specific factual evidence that the information is a trade secret, as defined by Government Code 552.110(a). *Gov't Code 552.110(b)*

Certain Commercial  
and Financial  
Information

Except as provided by Government Code 552.0222 (disclosure of contracting information), 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 is excepted from public disclosure. *Gov't Code 552.110(c)*

Proprietary  
Information

Except as provided by Government Code 552.0222 (disclosure of contracting information), information submitted to a district by a vendor, contractor, potential vendor, or potential contractor in response to a request for a bid, proposal, or qualification is excepted from public disclosure if the vendor, contractor, potential vendor, or potential contractor demonstrates based on specific factual evidence that disclosure of the information would be proprietary as specified under Government Code 552.1101(a).

This exception to disclosure may be asserted only by a vendor, contractor, potential vendor, or potential contractor in the manner described by Government Code 552.305(b) for the purpose of protecting the interests of the vendor, contractor, potential vendor, or potential contractor.

A district must decline to release this information as provided by Government Code 552.305(a) to the extent necessary to allow a vendor, contractor, potential vendor, or potential contractor to as-

	<p>sert the exception to disclosure provided by Government Code 552.1101(a) (proprietary information).</p> <p><i>Gov't Code 552.1101</i> [See GBAA for additional procedures related to information involving proprietary interests of a vendor, contractor, or potential vendor or contractor.]</p>
Proprietary Records and Trade Secrets in Certain Partnerships	<p>Information in the custody of a district that relates to a proposal for a qualifying project authorized under Government Code Chapter 2267 is excepted from public disclosure if the information and records meet the criteria outlined at Government Code 552.153(b). The district is not authorized to withhold information as outlined by Government Code 552.153(c). <i>Gov't Code 552.153</i> [See CDH]</p>
Certain Memoranda	<p>An interagency or intra-agency memorandum or letter that would not be available by law to a party in litigation with a district is excepted from public disclosure. <i>Gov't Code 552.111</i>; <u><i>City of Garland v. Dallas Morning News</i>, 22 S.W.3d 351 (Tex. 2000)</u></p>
Audit Working Paper	<p>An audit working paper of an auditor of a school district, including any audit relating to the criminal history background check of a public school employee, is excepted from public disclosure. If information in an audit working paper is also maintained in another record, that other record is not excepted.</p> <p>“Audit” means an audit authorized or required by a statute of Texas or the United States or a resolution or other action of a board of trustees of a school district, including an audit by the district relating to the criminal history background check of a public school employee, and includes an investigation.</p> <p>“Audit working paper” includes all information, documentary or otherwise, prepared or maintained in conducting an audit or preparing an audit report, including intra-agency and interagency communications and drafts of the audit report or portions of those drafts. <i>Gov't Code 552.116</i></p>
Personal Information of Certain Individuals <i>Board Members and Others</i> Option to Restrict Access	<p>Information that relates to the home address, home telephone number, emergency contact information, date of birth, or social security number of an individual to whom Government Code 552.1175(a) applies (including a current or honorably retired peace officer, commissioned security officer, elected public officer, members of the military, or a firefighter or volunteer firefighter), or that reveals whether the individual has family members is confidential and may not be disclosed to the public if the individual to whom the information relates 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. This choice remains valid until rescinded in writing by the individual.</p>

Redaction and  
Notice to  
Requestor

In accordance with Government Code 552.1175(f), a district may redact information that must be withheld under this provision from any information the district discloses under the Public Information Act 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 552.1175(h) 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*

*Board Member  
and Employee  
Personnel  
Information*

Information is excepted from public disclosure if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the persons listed at Government Code 552.117(a) or that reveals whether the person has family members. Government Code 552.117(a) includes the following:

1. A current or former district employee or board member, except as provided by Government Code 552.024, below;
2. Certain peace officers, security officers, law enforcement personnel, and first responders; and
3. An elected public officer, regardless of whether the officer complies with Government Code 552.024, below, or .1175, above.

*Gov't Code 552.117*

Choice To Allow  
Access

Each current or former employee or board member of a district shall choose whether to allow public access to information in the custody of the district that relates to the person's home address, home telephone number, emergency contact information, or social security number, or that reveals whether the person has family members.

Each current or former employee and board member shall state that person's choice to the main personnel officer of the district in a signed writing not later than the 14th day after the date on which the employee begins employment with the district, the board member is elected or appointed, or the former employee or official ends service with the district.

If the current or former employee or board member fails to state the person's choice within the period established by this provision, the information is subject to public access.

A current or former employee or board member who wishes to close or open public access to the information may request in writing that the main personnel officer of the district close or open access.

Exercising the option to close public access to protect personal information does not apply to a public information request made before the option was exercised.

*Gov't Code 552.024; Atty. Gen. ORD 530 (1989)*

Redaction and  
Notice to  
Requestors

If the current or former employee or board member chooses not to allow public access to the information, the district may redact the information from any information the district discloses without the necessity of requesting a decision from the attorney general. *Gov't Code 552.024(c)*

A district that redacts or withholds information under this provision 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-1), (c-2)*

Photograph of  
Peace Officer

A photograph that depicts a peace officer, the release of which would endanger the life or physical safety of the officer, is excepted from public disclosure unless:

1. The officer is under indictment or charged with an offense by information;
2. The officer is a party in a fire or police civil service hearing or a case in arbitration; or
3. 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*

Testing Items

A test item developed by an educational institution that is funded wholly or in part by state revenue or by a district is excepted from public disclosure. *Gov't Code 552.122*

Certain Library  
Records

A record of a library or library system, supported in whole or in part by public funds, that identifies or serves to identify a person who requested, obtained, or used a library material or service is excepted from public disclosure, unless the record is disclosed:

1. 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;
2. To a person with a special right of access under Government Code 552.023; or
3. To a law enforcement agency or prosecutor under a court order or a subpoena obtained in compliance with this provision.

*Gov't Code 552.124*

Superintendent  
Applicants

The name of an applicant for superintendent of a district is excepted from public disclosure, except that the 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*

Certain Motor  
Vehicle and  
Personal  
Identification  
Information

Information is excepted from public disclosure if the information relates to:

1. A motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country;
2. A motor vehicle title or registration issued by an agency of this state or another state or country; or
3. 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 if, and in the manner, authorized by 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 (including a Texas driver's license number, a copy of a Texas driver's license, a Texas license plate number, the portion of a photograph that reveals a Texas license plate number, and the portion of any video depicting a discernible Texas license plate number) 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(e) 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; Atty. Gen. ORD 684 (2009)*

Economic  
Development  
Negotiations

Information is excepted from public disclosure if the information 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 and the information relates to:

1. A trade secret of the business prospect; or
2. 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)*

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 is excepted from public disclosure.

After an agreement is made, the exception no longer applies to information about a financial or other incentive being offered to the business prospect:

1. By the board; or
2. 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)*

[For information regarding economic development negotiations under Government Code Chapter 403, Subchapter T, including the confidentiality of information, see CCGB.]

Social Security  
Numbers of Any  
Living Person

Except for the social security number of a district employee in the custody of the district, the social security number of a living person is excepted from public disclosure, but is not confidential under the Public Information Act. 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(a), (c)*

**Exclusions from  
Public Information**

Protected Health  
Information

An individual's protected health information as defined by Health and Safety Code 181.006 is not public information and is not subject to disclosure under the Public Information Act. *Gov't Code 552.002(d)*

Subpoena or  
Discovery Request

A subpoena duces tecum or a request for discovery that is issued in compliance with a statute or a rule of civil or criminal procedure

is not considered to be a request for information under the Public Information Act. The Public Information Act does not affect the scope of civil discovery under the Texas Rules of Civil Procedure, and exceptions from disclosure under the PIA do not create new privileges from discovery. *Gov't Code 552.005, .0055*

**No Right of Access**

Commercially  
Available  
Publications

A district is not required under the Public Information Act 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.

*Exception*

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 board or district.

*Gov't Code 552.027*

Requests from  
Incarcerated  
Individuals

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 Public Information Act. This provision does not prohibit a district from disclosing to an incarcerated individual or the individual's agent information held by the district that pertains to the individual. *Gov't Code 552.028*

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 that are in the custody of the system or in the custody of an administering firm, a carrier, the district, or another governmental body, acting in cooperation with or on behalf of the retirement system are confidential and not subject to public disclosure.

An administering firm, carrier, or the 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 this provision, "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 re-

tirement system for the purpose of administering the terms of the plan, including for audit or investigative purposes.

*Gov't Code 552.0038(c), (h), 825.507(g)*

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<sup>1</sup> Office of the Attorney General and the Public Information Act:  
<https://www.texasattorneygeneral.gov/open-government/office-attorney-general-and-public-information-act>

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**Note:** For forms prescribed by the attorney general, see the [Attorney General's Public Information website](#).<sup>1</sup>

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**Officer for Public Information and Required Sign**

Officer and Agents

The superintendent of a district is the officer for public information. Each department head is an agent of the officer for public information for purposes of complying with Government Code Chapter 552 (Public Information Act [PIA]).

*Duties*

The officer is responsible for the release of public information as required by the Public Information Act. Subject to penalties provided by the Public Information Act, 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; and
4. Make reasonable efforts to obtain public information from a temporary custodian if:
  - a. The information has been requested from the district;
  - b. The officer is aware of facts sufficient to warrant a reasonable belief that the temporary custodian has possession, custody, or control of the information;
  - c. The officer is unable to comply with the duties imposed by the Public Information Act without obtaining the information from the temporary custodian; and
  - d. The temporary custodian has not provided the information to the officer or the officer's agent.

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; Keever v. Finlan, 988 S.W.2d 300 (Tex. App.—Dallas 1999, pet. dismiss'd) (a district's chief administrative officer is the superintendent)*

*Training*

This provision applies to an elected or appointed board member and the officer for public information.

Each person shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the district and its board members and employees under the Public Information Act not later than the 90th day after the date:

1. The board member takes the oath of office; or
2. The officer for public information assumes duties as officer for public information.

A public information coordinator who is primarily responsible for administering the responsibilities of the board under the Public Information Act and designated for board members to satisfy the training requirement of this provision shall complete the training course regarding the responsibilities of the board and district employees under the PIA not later than the 90th day after the date the coordinator assumes the person's duties as coordinator. [See BBD, CPC(LOCAL)]

Designation of a public information coordinator does not relieve a board member from the duty to comply with any other requirement of the Public Information Act that applies to the board member.

A district shall maintain and make available for public inspection the record of its board members' or, if applicable, the public information coordinator's completion of the training.

*Gov't Code 552.012(a)-(c), (e)*

Training After  
Failure to Comply

The attorney general may require each elected or appointed board member and the officer for public information of a district to complete the course of training if the attorney general determines that the district has failed to comply with a requirement of the Public Information Act. The attorney general must notify each person in writing of the attorney general's determination and the requirement to complete the training. A person who receives notice from the attorney general under this provision must complete the training not later than the 60th day after the date the person receives the notice. *Gov't Code 552.012(a),(b-1)*

PIA Sign

The officer for public information shall prominently display a sign (PIA 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 Public Information Act. 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(a)*

**Requests for Public Information**

**Method of Requesting Public Information**

A person may make a written request for public information only by delivering the request by one of the following methods to the officer for public information or a person designated by that officer:

1. United States mail;
2. Electronic mail;
3. Hand delivery; or
4. Any other appropriate method approved by the district, including facsimile transmission and electronic submission through the district's website.

A district is considered to have approved another method only if the district includes a statement on the PIA sign or the district's website that states a request for public information may be made by that method.

*Designated Addresses to Receive Requests*

A district may designate one mailing address and one electronic mail address for receiving written requests for public information and shall provide the designated mailing address and electronic mailing address to any person on request.

A district that posts a designated mailing address or electronic mail address on the district's website or that prints those addresses on the PIA sign is not required to respond to a written request for public information unless the request is received:

1. At one of those addresses;
2. By hand delivery; or
3. By a method described above that has been approved by the district.

*Gov't Code 552.234(c), (d)*

*Optional Request Form*

The attorney general shall create a public information request form that provides a requestor the option of excluding from a request information that the district determines is:

1. Confidential; or
2. Subject to an exception to disclosure that the district would assert if the information were subject to the request.

A district that allows requestors to use the attorney general's form and maintains a website shall post the form on its website.

*Gov't Code 552.235*

**District Response to Requests**

Uniform Treatment

The officer for public information or the officer's 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. *Gov't Code 552.223*

Inquiries by District

The officer for public information and the officer's agent may not make an inquiry of a requestor except to establish proper identification or except as provided below.

*Requests to Clarify or Narrow*

If what information is requested is unclear to the district, the district may ask the requestor to clarify the request. 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.

*Additional Information for Vehicle Records*

If the information requested relates to a motor vehicle record, the officer for public information or agent may require the requestor to provide additional identifying information sufficient for the officer or agent to determine whether the requestor is eligible to receive the information under Transportation Code Chapter 730. In this provision, "motor vehicle record" has the meaning assigned that term by Transportation Code 730.003.

*Gov't Code 552.222(a)-(c)*

Statement of Consequences

A written request for clarification or discussion or for additional information, as described above, must include a statement as to the consequences of the failure by the requestor to timely respond to the request for clarification, discussion, or additional information. *Gov't Code 552.222(e)*

*Requestor's Failure to Respond*

If by the 61st day after the date the district sends a written request for clarification or discussion or for additional information, as described above, the district, officer for public information, or agent does not receive a written response from the requestor, the underlying request for public information is considered to have been withdrawn by the requestor.

Exception to Automatic Withdrawal

Except when the requestor's information request was sent by electronic mail, described below, if the requestor's information request included the requestor's physical or mailing address, the request may not be considered to have been withdrawn unless the district or officer for public information or agent sends the request for clari-

fication or discussion or for additional information, as described above, to that address by certified mail.

If the requestor's information request was sent by electronic mail, the request may be considered to have been withdrawn if:

1. The district, officer for public information, or agent sends 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; and
2. The district, officer for public information, or agent does not receive from the requestor a written response or response by electronic mail within the period described by Government Code 552.222(d).

*Gov't Code 552.222(d), (f)-(g)*

Time for Production  
*Promptly*

An officer for public information shall promptly produce public information for inspection, duplication, or both, on application by any person to the officer. "Promptly" means as soon as possible under the circumstances, that is, within a reasonable time, without delay. A district may not automatically withhold for 10 business days public information not excepted from disclosure. *Gov't Code 552.221(a); Atty. Gen. ORD 664 (2000)*

*Business Day*

In the Public Information Act, "business day" means a day other than a Saturday or Sunday, a national holiday, or a state holiday [see below].

Rosh Hashanah, Yom Kippur, or Good Friday are not business days of a district if the officer for public information of the district observes the optional holidays.

The Friday before or Monday after a national or state holiday is not a business day of a district if the holiday occurs on a Saturday or Sunday and the district observes the holiday on that Friday or Monday.

The fact that an employee works from an alternative work site does not affect whether a day is considered a business day.

Locally  
Designated  
Nonbusiness  
Days

A district may designate a day on which the district's administrative offices are closed or operating with minimum staffing as a nonbusiness day. The designation of a nonbusiness day for a district must be made by the board. A district may designate not more than 10 nonbusiness days under this subsection each calendar year.

*Gov't Code 552.0031(a)-(c), (e)-(f), 662.003(c)*

National  
Holidays

A national holiday includes only the following days:

1. The first day of January, "New Year's Day";
2. The third Monday in January, "Martin Luther King, Jr., Day" in observance of the birthday of Dr. Martin Luther King, Jr.;
3. The third Monday in February, "Presidents' Day";
4. The last Monday in May, "Memorial Day";
5. The fourth day of July, "Independence Day";
6. The first Monday in September, "Labor Day";
7. The 11th day of November, "Veterans Day," dedicated to the cause of world peace and to honoring the veterans of all wars in which Texans and other Americans have fought;
8. The fourth Thursday in November, "Thanksgiving Day"; and
9. The 25th day of December, "Christmas Day."

State Holidays

A state holiday includes only the following days:

1. The 19th day of January, "Confederate Heroes Day," in honor of Jefferson Davis, Robert E. Lee, and other Confederate heroes;
2. The second day of March, "Texas Independence Day";
3. The 21st day of April, "San Jacinto Day";
4. The 19th day of June, "Emancipation Day in Texas," in honor of the emancipation of the slaves in Texas in 1865;
5. The 27th day of August, "Lyndon Baines Johnson Day, in observance of the birthday of Lyndon Baines Johnson;
6. The Friday after Thanksgiving Day;
7. The 24th day of December; and
8. The 26th day of December.

*Gov't Code 662.003(a)-(b)*

*Certifications of  
Availability*

If an officer for public information cannot produce the public information for inspection or duplication within 10 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 at the time of the request to examine 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(c), (d)*

*Administrative  
Offices Closed*

Unless the district has initiated a temporary suspension of the Public Information Act during a catastrophe [see below], if a district closes its physical offices, but requires staff to work, including remotely, then the district shall make a good faith effort to continue responding to applications for public information, to the extent staff have access to public information responsive to an application while its administrative offices are closed.

Failure to respond to requests may constitute a refusal to request an attorney general's decision or a refusal to supply public information or information that the attorney general has determined is public information that is not excepted from disclosure.

*Gov't Code 552.2211*

Methods of  
Production

An officer for public information complies with the requirement to promptly produce public information by:

1. Providing the information for inspection or duplication in the offices of a district. The Public Information Act 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 United States mail, if the requestor requests that copies be provided and pays the postage and any other applicable charges that the requestor has accrued under Government Code Chapter 552, Subchapter F [see Authorized Costs and Charges, below]; or
3. 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 in the manner described above at items 1 and 2.

If the officer for public information provides by email an internet location or URL address as permitted by item 3, above, the email 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 at items 1 and 2.

*Gov't Code 552.221(b)-(b-2), .226*

Inspection and  
Duplication  
Procedures

A district may promulgate reasonable rules of procedure under which public information may be inspected and copied efficiently, safely, and without delay. These rules may not be inconsistent with any provision of the Public Information Act. *Gov't Code 552.230*

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 Public Information Act. *Gov't Code 552.224*

*Time For District  
to Provide Copies*

It shall be a 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(a)*

*Time for  
Requestor to  
Appear and  
Complete  
Inspection*

A request is considered to have been withdrawn if the requestor fails to inspect or duplicate the public information in district offices on or before the 60th day after the date the information is made available or fails to pay the postage and any other applicable charges accrued under Government Code Chapter 552, Subchapter F on or before the 60th day after the date the requestor is informed of the charges.

A requestor must complete the examination of the information not later than the 10th business day after the date the custodian of the information makes it available. If the requestor does not complete the examination within 10 business days and does not file a request for additional time under Government Code 552.225(b) (described below), the requestor is considered to have withdrawn the request.

The officer for public information shall extend the initial examination period by an additional 10 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 10 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 552.221(e), .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 if:

1. The district has the technological ability to produce a copy of the information in the requested medium;
2. The district is not required to purchase any software or hardware to accommodate the request; and
3. Provision of a copy of the information in the requested medium will not violate the terms of 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(b), (c)*

Requests Requiring  
Programming or  
Data Manipulation

*Written  
Statement  
Required*

A district shall provide to a 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 under Government Code 552.262; and

5. A statement of the anticipated time required to provide the information in the requested form.

*Time For  
Programming or  
Manipulation  
Statement*

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 10 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.

*Requestor Reply  
Required*

On providing the written statement described above, the district does not have any 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 district to provide the information in the requested form according to the cost and time 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 to the district, the requestor is considered to have withdrawn the request for information.

*Processing  
Procedures and  
Recordkeeping*

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 file containing all written statements issued concerning responding to requests for information that require programming or manipulation of data in a readily accessible location.

*Gov't Code 552.231*

*Repetitious or  
Redundant  
Requests*

A district that determines a requestor has made a request for information for which the district has previously furnished or made copies available to the requestor on payment of applicable charges must respond to the request, in relation to the information for which copies have already been furnished or made available, except that:

1. The district is not prohibited from furnishing the information or making the information available to the requestor again in accordance with the request; and
2. The district is not required to comply with these provisions in relation to information that the district simply furnishes or makes available to the requestor again in accordance with the request.

*Gov't Code 552.232(a)*

These provisions do not apply to information not previously furnished to a requestor or made copies available to the requestor on payment of applicable charges.

A request by the requestor for information for which copies have not previously been furnished or made available to the requestor, including information for which copies were not furnished or made available because the information was redacted from other information that was furnished or made available or because the information did not exist at the time of an earlier request shall be treated in the same manner as any other request for public information under the Public Information Act.

*Gov't Code 552.232(d)*

*Certification of  
Previous  
Production*

A district shall 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.

A charge may not be imposed for making and finishing this certification.

*Gov't Code 552.232(b), (c)*

**Withholding  
Excepted  
Information**

Request for  
Attorney General  
Decision Required

A district that receives a written request for information that it wishes to withhold from public disclosure and that it considers to be within one of the exceptions to required disclosure under Government Code Chapter 552, Subchapter C [see GBA] must ask for a decision from the attorney general about whether the information is within that exception if there has not been a previous determination about whether the information falls within one of the exceptions [see Request for Attorney General Decision Not Required, below]. *Gov't Code 552.301(a)*

*Consequences of  
Missed Deadlines*

If a district does not request an attorney general decision and provides the requestor with the information required by Government Code 552.301(d) and (e-1) [see Information to Requestor, below], the information requested in writing is presumed to be subject to public disclosure and must be released unless there is a compelling reason to withhold it. *Gov't Code 552.302*

*Electronic  
Submission*

A district that requests an attorney general decision must submit the request through the attorney general's designated electronic filing system. This requirement does not apply if:

1. The district has fewer than 16 full-time employees;
2. The district is located in a county with a population of less than 150,000;
3. The amount or format of responsive information at issue in a particular request makes use of the attorney general's electronic filing system impractical or impossible; or
4. The request is hand delivered to the office of the attorney general.

*Gov't Code 552.3031(a)-(b)*

*Request and  
Submissions to  
Attorney General*

The district must ask for the attorney general's decision and state the exceptions that apply within a reasonable time but not later than the 10th business day after the date of receiving the written request.

When a district requests an attorney general decision, it shall, within a reasonable time but not later than the 15th 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.

*Gov't Code 552.301(b), (e)*

*Information to  
Requestor*

A district that requests an attorney general decision shall provide to the requestor within a reasonable time but not later than the 10th 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.

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(d), (e-1)*

*Calculating  
Timeliness*

For the purposes of Government Code Chapter 552, Subchapter G (Attorney General Decisions), 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 Chapter 552, Subchapter G requires 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 specified methods of 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.

For information surrendered or returned to a district by a temporary custodian, the district is considered to receive the request for that

information on the date the information is surrendered or returned to the district. [See GB]

*Gov't Code 552.233(d), .309*

Except as required by Government Code 552.031 (electronic submission [see above]), when the attorney general decision process requires a request, notice, or other document to be submitted or otherwise given to a person within a specified period, the requirement is met in a timely fashion if the document is sent to the person by first class United States mail or common or contract carrier properly addressed with postage or handling charges prepaid and:

1. It bears a post office cancellation mark or a receipt mark of a common or contract carrier indicating a time within that period; or
2. The person required to submit or otherwise give the document furnishes satisfactory proof that it was deposited in the mail or with a common or contract carrier within that period.

*Gov't Code 552.308*

*Third Party  
Privacy or  
Property Interests*

In a case in which information is requested under the Public Information Act and a person's privacy or property interests may be involved, including a case under Government Code 552.101 (information confidential by law), 552.110 (trade secrets), 552.1101 (proprietary information), 552.114 (student records), 552.131 (economic development information), or 552.143 (investment information), a district may decline to release the information for the purpose of requesting a decision from the attorney general.

*Third Party  
Submissions*

A person whose interests may be involved as described above, 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. The proprietary information exception to disclosure provided by Government Code 552.1101(a) may be asserted only by a vendor, contractor, potential vendor, or potential contractor in the manner described by Government Code 552.305(b) for the purpose of protecting the interests of the vendor, contractor, potential vendor, or potential contractor.

*Gov't Code 552.305(a)-(c), .1101(c)*

*Notice to Third  
Party*

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), 552.1101 (proprietary information), 552.113 (geological or geophysical information), 552.131

(economic development information), or 552.143 (investment information), a district that requests an attorney general decision shall make a good faith attempt to notify that person of its request. The notice must:

1. Be in writing and sent within a reasonable time not later than the 10th business day after the district receives the request for information; and
2. Include:
  - a. A copy of the written request for information, if any, received by the district; 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 10th business day after the person receives the notice:
    - (1) Each reason the person has as to why the information should be withheld; and
    - (2) A letter, memorandum, or brief in support of that reason.

A person who submits a letter, memorandum, or brief to the attorney general under this provision shall send a copy of that letter, memorandum, or brief to the person who requested the information from the district. If the letter, memorandum, or brief submitted to the attorney general contains the substance of the information requested, the copy of the letter, memorandum, or brief may be a redacted copy.

*Gov't Code 552.305(d), (e)*

*Requests for Contracting Information Not Maintained by the District*

“Contracting information” means the following information maintained by a district or sent between a district and a vendor, contractor, potential vendor, or potential contractor:

1. Information in a voucher or contract relating to the receipt or expenditure of public funds by a district;
2. Solicitation or bid documents relating to a contract with a district;
3. Communications sent between a district and a vendor, contractor, potential vendor, or potential contractor during the solicitation, evaluation, or negotiation of a contract;
4. Documents, including bid tabulations, showing the criteria by which a district evaluates each vendor, contractor, potential vendor, or potential contractor responding to a solicitation

and, if applicable, an explanation of why the vendor or contractor was selected; and

5. Communications and other information sent between a district and a vendor or contractor related to the performance of a final contract with the district or work performed on behalf of the district.

*Gov't Code 552.003(1-a)*

Government Code 552.371 applies to an entity that is not a governmental body that executes a contract with a district that:

1. Has a stated expenditure of at least \$1 million in public funds for the purchase of goods or services by the district; or
2. Results in the expenditure of at least \$1 million in public funds for the purchase of goods or services by the district in a fiscal year of the district.

Government Code 552.371 applies to a written request for public information received by a district that is party to a contract described above for contracting information related to the contract that is in the custody or possession of the entity and not maintained by the district.

*Gov't Code 552.371(a), (b)*

District Request  
to Contracting  
Entity

A district that receives a written request for contracting information shall request that the entity provide the information to the district. The district must send the request in writing to the party not later than the third business day after the date the district receives the written request. *Gov't Code 552.371(c)*

Requesting  
Decision About  
Contracting  
Information

A district's request for an attorney general's decision to determine whether contracting information not maintained by the district falls within an exception to disclosure under the Public Information Act is considered timely if made not later than the 13th business day after the date the district receives the written request described above. *Gov't Code 552.371(d)(1)*

The statement and copy described above [see Information to Requestor] is considered timely if provided to the requestor not later than the 13th business day after the date the district receives the written request. *Gov't Code 552.371(d)(2)*

A submission and copy described above [see Request and Submissions to Attorney General] is considered timely if sent not later than the 18th business day after the date the district receives the written request. *Gov't Code 552.371(d)(3), (4)*

The presumption that information is subject to disclosure for failing to comply with Government Code 552.301 [see Request and Submissions to Attorney General, above] does not apply if a district:

1. Complies with the requirements of Government Code 552.371(c) in a good faith effort to obtain contracting information not maintained by the district;
2. Is unable to meet a deadline because the contracting entity failed to provide the information to the district not later than the 13th business day after the date the district received the written request for the information; and
3. Complies with all notice requirements not later than the eighth business day after the date the district receives the information from the contracting entity.

*Gov't Code 552.371(e)*

Nothing in Government Code 552.371 affects the deadlines or duties of a district related to requesting an attorney general opinion regarding contracting information the district maintains. *Gov't Code 552.371(f)*

Request for  
Attorney General  
Decision Not  
Required

*Previous  
Determinations*

Same  
Information

Categories of  
Previously  
Determined  
Information

A district must release the requested information and is prohibited from asking for a decision from the attorney general about whether information requested under this chapter is within an exception under Government Code Chapter 552, Subchapter C 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 public information that is not excepted by Subchapter C. *Gov't Code 552.301(f)*

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, such as the district, to which the decision

applies may withhold the information without the necessity of seeking a decision from the attorney general.

*Atty. Gen. ORD 673 (2001)*

A district that relies on a previous determination to withhold information from disclosure should notify the requestor in writing of the decision or ruling upon which it is relying. *Atty. Gen. ORD 684 (2009)*

When Request  
Is Allowed for  
Previous  
Determination

A district may ask for another decision from the attorney general concerning the precise information that was at issue in a prior decision made by the attorney general if:

1. A suit challenging the prior decision was timely filed against the attorney general in accordance with the Public Information Act concerning the precise information at issue;
2. The attorney general determines that the requestor has voluntarily withdrawn the request for the information in writing or has abandoned the request; and
3. The parties agree to dismiss the lawsuit.

*Gov't Code 552.301(g)*

**Response After  
Attorney General  
Decision**

A district shall as soon as practicable but within a reasonable period of time after the date the attorney general issues an opinion regarding information requested under the Public Information Act:

1. Provide the requestor of the information an itemized estimate of charges for production of the information if the estimate is required by Government Code 552.2615;
2. If the requested information is voluminous:
  - a. Take the following actions if the district determines that it is able to disclose the information in a single batch:
    - (1) Provide a written certified notice to the requestor and the attorney general that it is impractical or impossible for the district to produce the information within a reasonable period of time;
    - (2) Include in the notice the date and hour that the district will disclose the information to the requestor, which may not be later than the 15th business day after the date the district provides the notice; and
    - (3) Produce the information at the date and time included in the notice; or

- b. Take the following actions if the district determines that it is unable to disclose the information in a single batch:
  - (1) Provide a written certified notice to the requestor and the attorney general that it is impractical or impossible for the district to produce the information within a reasonable period of time and in a single batch;
  - (2) Include in the notice the date and hour that the district will disclose the first batch of information to the requestor, which may not be later than the 15th business day after the date the district provides the notice;
  - (3) Provide a written certified notice to the requestor and the attorney general when each subsequent batch of information is disclosed to the requestor of the date and hour that the district will disclose the next batch of information to the requestor, which may not be later than the 15th business day after the date the district provides the notice; and
  - (4) Produce the requested information at each date and time included in a notice;
3. Produce the information if it is required to be produced;
4. Notify the requestor in writing that the district is withholding the information as authorized by the opinion; or
5. Notify the requestor in writing that the district has filed suit against the attorney general under Government Code 552.324 [see Filing Suit to Challenge Attorney General's Decision, below] regarding the information.

A district is presumed to have complied with the above requirements if the district takes an action regarding information that is the subject of an opinion issued by the attorney general not later than the 30th day after the date the attorney general issues the opinion.

*Gov't Code 552.306(c)-(d)*

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**Note:** For rules regarding the attorney general's review of redactions, see 1 Administrative Code Chapter 63. For complete cost rules issued by the attorney general, see 1 Administrative Code Chapter 70.

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**Authorized Costs  
and Charges**

Attorney General's  
Cost 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. The charges for providing copies of public information may not be excessive and may not exceed the actual cost of producing the information or for making public information that exists in a paper record available for inspection.

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), .3, .10.*

*Exemption*

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)*

Multiple Requests

All requests received in one calendar day from an individual may be treated as a single request for purposes of calculating costs. A district may not combine multiple requests from separate individuals who submit requests on behalf of an organization. *Gov't Code 552.261(e)*

Charges for  
Producing Copies

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.

*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 may not include costs of materials, labor, or overhead, but 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. A connection of two buildings by a covered or open sidewalk, an elevated or underground passageway, or a similar facility is insufficient to cause the buildings to be considered separate buildings.

*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.

*Accrual of  
Charges*

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.

*Gov't Code 552.261(a)-(d)*

*Deposit or Bond  
for Copies*

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 (itemized estimate of charges, below); 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)*

*Effect on  
Timelines*

For purposes of Government Code Chapter 552, Subchapters F (Charges for Providing Copies of Public Information) and G (Attorney General Decisions), 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 for payment of anticipated costs or unpaid amounts if the officer for public information or agent requires a deposit or bond.

A requestor who fails to make such a deposit or post such a bond for payment of anticipated costs for the preparation of copies before the 10th business day after the date the deposit or bond is required is considered to have withdrawn the request for the copy of public information that precipitated the requirement of the deposit or bond.

*Gov't Code 552.263(e), (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. <i>Gov't Code 552.263(e-1)</i>
<i>Unpaid Amounts</i>	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.
<i>Documentation of Unpaid Amounts</i>	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.  <i>Gov't Code 552.263(c), (d)</i>
<i>Pre-Payments</i>	A district that receives a request from a requestor to produce public information for inspection or publication or to produce copies of public information in response to 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) (statement of labor costs, above) may require the requestor to pay the estimated charges for the request before the request is fulfilled. <i>Gov't Code 552.2661</i>
<i>Waivers</i>	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 general 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.  <i>Gov't Code 552.267</i>
<i>District Publications</i>	Government Code Chapter 552, Subchapter F (charges for providing copies of public information) does 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. This provision does not prohibit the district from providing the publication free of charge if state law does not require that a certain charge be made. <i>Gov't Code 552.270</i>

*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*

Charges for  
Inspection Without  
Copies

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.

*Copy of Edited  
Page*

If a page contains confidential information that must be edited from the record before the information can be made available for inspection, the 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.

*Payment,  
Deposit, or Bond  
for Inspections*

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(a)-(c)*

Exception for  
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)*

*Inspection of  
Electronic  
Records*

In response to a request to inspect information that exists in an electronic medium and that is not available directly online to the requestor, a charge may not be imposed 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 to make the information available [see also Requests Requiring Programming or Data Manipulation, above].

If public information exists in an electronic form on a computer owned or leased by a district and if 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-owned or district-leased computer before the information is copied. If such information also requires processing, programming, or manipulation before it can be electronically copied, a district may impose charges.

If information is created or kept in an electronic form, a 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 by other means.

*Gov't Code 552.272*

Itemized Estimate  
of Charges

If a request for a copy of public information will result in the imposition of a charge that exceeds \$40, or a request to inspect a paper record without requesting copies 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 10 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.

*No Effect on  
Deadlines To  
Request Attorney  
General Decision*

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 United States 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 Chapter 552, Subchapter G.

*Gov't Code 552.2615*

**Temporary  
Suspension of  
Requirements for  
Districts Impacted by  
Catastrophe**

The requirements of the Public Information Act do not apply to a district that is currently significantly impacted by a catastrophe such that the catastrophe directly causes the inability of the district to comply with the requirements of the PIA and the district complies with requirements below to elect a suspension period.

“Catastrophe” means a condition or occurrence that directly interferes with the ability of a district to comply with the requirements of the PIA, 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.

“Catastrophe” does not mean a period when staff is required to work remotely and can access information responsive to an application for information electronically, but the physical office of the governmental body is closed.

“Suspension period” means the period of time during which a district may suspend the applicability of the requirements of the Public Information Act.

Initial Suspension Period

A district may suspend the applicability of the Public Information Act to the district for an initial suspension period only once for each catastrophe, which may not exceed seven consecutive days and must occur during the period that:

1. Begins not earlier than the second day before the date the district submits notice to the attorney general; and
2. Ends not later than the seventh day after the date the district submits that notice.

Extension of Initial Suspension Period

A board may extend an initial suspension period if the board determines that the district is still impacted by the catastrophe on which the initial suspension period was based. The initial suspension period may be extended one time for not more than seven consecutive days that begin on the day following the day the initial suspension period ends.

Maximum Suspension Period Per Catastrophe

A board that initiates an initial suspension period may not initiate another suspension period related to the same catastrophe, except for a single extension period as described above.

The combined suspension period for a district filing for both an initial suspension period and a subsequent extension may not exceed a total of 14 consecutive calendar days with respect to any single catastrophe.

Upon conclusion of any suspension period the district shall immediately resume compliance with all requirements of the Public Information Act.

Notices to the Attorney General

A district that elects to suspend the Public Information Act must submit notice to the attorney general that the district is currently impacted by a catastrophe and has elected to suspend the applicability of the PIA during the initial suspension period.

A board that elects to extend an initial suspension period must submit notice of the extension on the form prescribed by the attorney general.

The notices on the form prescribed by the attorney general must require the district to:

1. Identify and describe the catastrophe that the district is currently impacted by;
2. State the date the initial suspension period determined by the board begins and the date that period ends;
3. If the board has determined to extend the initial suspension period:
  - a. State that the district continues to be impacted by the catastrophe; and
  - b. State the date the extension to the initial suspension period begins and the date the period ends; and
4. Provide any other information the office of the attorney general determines necessary.

Notice to the Public A district that elects to suspend the Public Information Act must provide notice to the public of the suspension in a place readily accessible to the public and in each other location the district is required to post a notice under Government Code Chapter 551, Subchapter C (Notice of Meetings). The district must maintain the notice of the suspension during the suspension period.

Requests During Suspension Period Notwithstanding another provision of the Public Information Act, a request for public information received by a district during a suspension period is considered to have been received by the district on the first business day after the date the suspension period ends.

Pending Requests Tolloed A request for public information received by a district before the date an initial suspension period begins are tolled until the first business day after the date the suspension period ends.

*Gov't Code 552.2325(a)-(j), (l), (m)*

**Large or Frequent Requests**  
Annual Limits on Personnel Time A district may establish reasonable monthly and yearly limits 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. A yearly 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.

A monthly time limit may not be less than 15 hours for a requestor for a one-month period.

*Request by Minor* In determining whether a time limit applies, 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.

*Gov't Code 552.275(a), (b), (c)*

*Written Statement of Cumulative 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 monthly or yearly period. The amount of time spent preparing the written statement may not be included in the amount of time included in the statement to the requestor unless the requestor's time limit for the period has been exceeded. *Gov't Code 552.275(d)*

*Photo Identification* A district may request photo identification from a requestor for the sole purpose of establishing that the requestor has not exceeded a limit established by the district and concealed the requestor's identity.

*Statement Required* A request for photo identification must include a written estimate of charges applicable to the requestor who has exceeded a limit established by the district and a statement that describes each specific reason why the request for photo identification may apply to the requestor.

*Proof or Payment* The district shall accept as proof of a requestor's identification physical presentment of photo identification or an image of the photo identification that is transmitted electronically or through the mail. A requestor from whom a district has requested photo identification may decline to provide identification and obtain the requested information by paying the charge assessed in the written estimate.

*Gov't Code 552.275(n)-(o)*

ACCESS TO PUBLIC INFORMATION  
REQUESTS FOR INFORMATION

GBAA  
(LEGAL)

Written Estimate of  
Charges Beyond  
Time Limit

Subject to unpaid cost estimates for large and frequent requests, as described below, if in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the district-established time limit, the 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 written estimate must be provided to the requestor on or before the 10th day after the date on which the public information was requested. 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 under Government Code 552.262(a) and (b).

*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 10th day after the date the district provided the notice that additional time was required.

*Gov't Code 552.275(e), (f)*

Unpaid Cost  
Estimate

When a request is made by a requestor who has made a previous request to the district that has not been withdrawn, for which the district has located and compiled documents in response, and for which the district has issued a written estimate of charges that remains unpaid on the date the requestor submits the new request, the district is not required to locate, compile, produce, or provide copies of documents or prepare an estimate of charges in response to a new request until the date the requestor pays each unpaid statement issued in connection with a previous request or withdraws the previous request to which the statement applies.

*Gov't Code 552.275(e-1)*

*Production Not  
Required Until  
Payment*

If a district provides a requestor with a written estimate of charges or a written statement regarding photo identification and the district's time limits regarding the requestor have been exceeded, the 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 10th day after the date the district provided the written estimate, the requestor submits payment of the amount stated in the written estimate or provides identification.

If the requestor fails or refuses to provide identification or submit payment, the requestor is considered to have withdrawn the request.

*Gov't Code 552.275(g)-(h)*

*Exceptions*

The provisions above concerning requests that require large amounts of employee or personnel time do not apply if the requestor is:

1. 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:
  - a. Dissemination by a news medium or communication service provider (as defined by Government Code 552.275(m)), including:
    - (1) An individual who supervises or assists in gathering, preparing, and disseminating the news or information; or
    - (2) An individual who is or was a journalist, scholar, or researcher employed by an institution of higher education at the time the person made the request for information; or
  - b. Creation or maintenance of an abstract plant as described by Insurance Code 2501.004.
2. An elected official of the United States, this state, or a political subdivision of this state.
3. A representative of a publicly funded legal services organization that is exempt from federal income taxation under Internal Revenue Code 501(a), as amended, by being listed as an exempt entity under 501(c)(3) of that code.

*Gov't Code 552.275(j)-(l)*

*No Inspections  
for Others Until  
Payment*

A requestor who has exceeded a limit established by a district under Government Code 552.275 may not inspect public information on behalf of another requestor unless the requestor who exceeded the limit has paid each statement issued by the district under Government Code 552.175(e). *Gov't Code 552.271(e)*

**Filing Suit to  
Challenge Attorney  
General's Decision**

The only suit a district may file seeking to withhold information from a requestor is a suit that:

1. Is filed in a Travis County district court against the attorney general in accordance with Government Code 552.325, and
2. Seeks declaratory relief from compliance with a decision by the attorney general issued under Government Code Chapter 552, Subchapter G.

The district must bring the suit not later than the 30th calendar day after the date the district receives the attorney general's decision determining that the requested information must be disclosed to the requestor. If the district does not bring suit within that period, the district shall comply with the decision of the attorney general.

Exception for  
Affirmative  
Defenses

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 10th calendar day after receipt of the attorney general's decision.

*Gov't Code 552.324, .353(b)(3)*

Suits Over Parent's  
Request

A district that seeks to withhold information from a parent who has requested public information relating to the parent's child under the Public Information Act, and that files suit as described by Government Code 552.324 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 Public Information Act.

A court shall grant such a suit precedence over other pending matters to ensure prompt resolution of the subject matter of the suit. 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.

This provision does not affect the earlier deadline for purposes of Government Code 532.353(b)(3) (exception for affirmative defenses, above) for a suit brought by an officer for public information.

*Education Code 26.0085*

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<sup>1</sup> Office of the Attorney General and the Public Information Act:  
<https://www.texasattorneygeneral.gov/open-government/office-attorney-general-and-public-information-act>

**Charging for  
Personnel Time**

As authorized by law, the District shall charge a requester for additional personnel time spent producing information for the requester after personnel of the District have collectively spent:

1. 36 hours of time during the District's fiscal year; or
2. 15 hours of time during a one-month period.

**Suspension of  
Public Information  
Act During  
Catastrophe**

In the event of a catastrophe, as defined by law, affecting the District, the Board delegates to the Superintendent the authority to suspend the applicability of Government Code Chapter 552 to the District for the period of time permitted by law and provide the required notices to the attorney general and public. The Board shall approve any extension of an initial suspension period.

To the extent a law requiring or authorizing the publication of a notice in a newspaper by a district or its representative does not specify the manner of publication, including the number of times that the notice is required to be published and the period during which the notice is required to be published, the district shall follow Government Code Chapter 2051, Subchapter C. *Gov't Code 2051.042*

**Definitions**

“Governmental representative” includes an officer, employee, or agent of a district.

“Notice” means any matter, including a proclamation or advertisement, required or authorized by law to be published in a newspaper by a district or representative.

*Gov't Code 2051.041*

**Time of Publication**

A notice must be published in a newspaper issued at least one day before the occurrence of the event to which the notice refers. *Gov't Code 2051.050*

Unless notice is posted on the door of the county courthouse under Government Code 2051.048(d), a notice shall be published in at least one issue of a newspaper. *Gov't Code 2051.043*

**Selection of Newspaper**

A district or representative required to publish a notice in a newspaper shall, in accordance with Government Code Chapter 2051, Subchapter C, select one or more newspapers to publish the notice. *Gov't Code 2051.049*

Except as provided at Government Code 2051.0441, the newspaper in which a notice is published must:

1. Devote not less than 25 percent of its total column lineage to general interest items;
2. Be published at least once each week;
3. Be entered as second-class postal matter in the county where published; and
4. Have been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice. A weekly newspaper has been published regularly and continuously if the newspaper omits not more than two issues in the 12-month period.

*Gov't Code 2051.044*

Selection of  
Newspaper in  
Certain Counties

If a notice is to be published in: (a) a county with a population of at least 30,000 and not more than 42,000, that borders the Red River; or (b) a county that does not have a newspaper published in the county that meets the requirements at Government Code 2051.044, the newspaper in which the notice is published must:

1. Devote not less than 20 percent of its total column lineage to general interest items;
2. Be published at least once each week;
3. Be entered as a periodical postal matter in the county where published or have a mailed or delivered circulation of at least 51 percent of the residences in the county where published; and
4. Have been published regularly and continuously for at least 12 months before publication of the notice. A weekly newspaper has been published regularly and continuously if the newspaper omits not more than two issues in the 12-month period.

*Gov't Code 2051.0441*

**Rate for Publication**

A notice shall be published in a newspaper that is published in the district and that will publish the notice at or below the legal rate. The legal rate for publication of a notice in a newspaper is the newspaper's lowest published rate for classified advertising.

If no newspaper published in the district will publish the notice at or below the legal rate, the district shall publish the notice in a newspaper that is published in the county in which the district is located and will charge the legal rate or a lower rate.

If no newspaper published in the county in which the district is located will publish the notice at or below the legal rate, the district shall post the notice at the door of the county courthouse of the county in which the district is located.

*Gov't Code 2051.045, .048*

RELATIONS WITH PARENT ORGANIZATIONS

GE  
(LEGAL)

**Parent-Teacher  
Organizations**

A board shall cooperate in the establishment of ongoing operations of at least one parent-teacher organization at each school in the district to promote parental involvement in school activities. *Education Code 26.001(e)*

[For information on donations from parent-teacher organizations to fund staff positions, see DC.]

RELATIONS WITH PARENT ORGANIZATIONS

GE  
(LOCAL)

District-affiliated school-support organizations and booster organizations, and other parent groups, shall organize, fundraise or solicit donations, and function in a way that is consistent with the District's philosophy and objectives, Board policies, District administrative regulations, applicable UIL or other governing association guidelines, and financial and audit regulations. [See also CDC and CFC]

Before engaging in fundraising or soliciting gifts, an organization or group shall notify the principal or other appropriate administrator identified in administrative regulations. [See CDC(LOCAL) for District acceptance of gifts and solicitations]

**Use of District  
Facilities**

District-affiliated school-support or booster organizations may use District facilities with prior approval of the appropriate administrator. Other parent groups may use District facilities in accordance with policy GKD.

**United States  
Constitution**

A district shall take no action abridging the freedom of speech or the right of the people to petition the board for redress of grievances. *U.S. Const. Amend. I, XIV*

A board may confine its meetings to specified subject matter and may hold nonpublic sessions to transact business. But when a board sits in public meetings to conduct public business and hear the views of citizens, it may not discriminate between speakers on the basis of the content of their speech or the message it conveys. *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 828 (1995); *City of Madison v. Wis. Emp. Rel. Comm'n*, 429 U.S. 167, 174 (1976); *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968)

**Texas Constitution**

Citizens shall have the right, in a peaceable manner, to assemble together for their common good and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance. *Tex. Const. Art. I, Sec. 27*

Response to  
Complaints

There is no requirement that a board negotiate or even respond to complaints. However, a board must stop, look, and listen and must consider the petition, address, or remonstrance. *Professional Association of College Educators v. El Paso County Community [College] District*, 678 S.W.2d 94 (Tex. App.—El Paso 1984, writ ref'd n.r.e.)

**Federal Laws**

Section 504

A district that receives federal financial assistance, directly or indirectly, and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973. *29 U.S.C. 794; 34 C.F.R. 104.7(b)*

Americans with  
Disabilities Act

A district that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Code of Federal Regulations, Title 28, Part 35 (Americans with Disabilities Act regulations). *28 C.F.R. 35.107*

**Closed Meeting**

A board may conduct a closed meeting on a public complaint to the extent required or provided by law. [See BEC]

**Record of  
Proceedings**

An appeal of a board's decision to the commissioner of education shall be decided based on a review of the record developed at the district level. "Record" includes, at a minimum, an audible electronic recording or written transcript of all oral testimony or argument. *Education Code 7.057(c), (f)*

It is a district's responsibility to make and preserve the records of the proceedings before the board. If a district fails to create and preserve the record without good cause, all substantial evidence issues that require missing portions of the record for resolution shall be deemed against the district. The record shall include:

1. A tape recording or a transcript of the hearing at the local level. If a tape recording is used:
  - a. The tape recording must be complete, audible, and clear; and
  - b. Each speaker must be clearly identified.
2. All evidence admitted;
3. All offers of proof;
4. All written pleadings, motions, and intermediate rulings;
5. A description of matters officially noticed;
6. If applicable, the decision of the hearing examiner;
7. A tape recording or transcript of the oral argument before the board; and
8. The decision of the board.

*19 TAC 157.1073(d)*

### **Disruption**

It is a criminal offense for a person, with intent to prevent or disrupt a lawful meeting, to substantially obstruct or interfere with the ordinary conduct of a meeting by physical action or verbal utterance and thereby curtail the exercise of others' First Amendment rights. *Penal Code 42.05; Morehead v. State, 807 S.W. 2d 577 (Tex. Cr. App. 1991)*

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**Note:** Public complaints regarding instructional and library materials are addressed at EFA and EFB, respectively, and complaints against peace officers are addressed at CKE.

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**Complaints**

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

Other Complaint Processes

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

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

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

**Guiding Principles**

Informal Process

The Board encourages the public to discuss concerns with an appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

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

Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

**Freedom from Retaliation**

Neither the Board nor any District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.

**General Provisions**

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on

the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling  
Conferences

The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the individual's absence.

Response

At Levels One and Two, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the individual's email address of record, or sent by U.S. Mail to the individual's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Days

"Days" shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

Representative

"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process.

The individual may designate a representative through written notice to the District at any level of this process. If the individual designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

Consolidating  
Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

Untimely Filings

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual may appeal the dismissal by seeking review in writing within ten days from the date

of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred

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

Complaint and Appeal Forms

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

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

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

**Level One**

Complaint forms must be filed:

1. Within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

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

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

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

Absent extenuating circumstances, the administrator shall provide the individual a written response within ten days following the conference. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

**Level Two**

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

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

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the individual at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the individual a written response within ten days following the conference. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

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

**Level Three**

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

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two re-

sponse or, if no response was received, within ten days of the Level Two response deadline.

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

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

The Level Two record shall include:

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

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

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

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

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the individual or his or her representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not

make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

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**Applicability of  
Criminal Laws**

The criminal laws of the state apply to the areas under the control and jurisdiction of the board. *Education Code 37.101*

**Trespass**

An unauthorized person who trespasses on the grounds of a school district commits a Class C misdemeanor. *Education Code 37.107*

**Refusal of Entry or  
Ejection of  
Unauthorized  
Persons**

A school administrator, school resource officer, or school district peace officer may refuse to allow persons to enter on or may eject a person from property under the district's control if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting and:
  - a. The administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; and
  - b. The person persists in that behavior.

Identification may be required of any person on property under the district's control.

A district shall maintain a record of each verbal warning issued, including the name of the person to whom the warning was issued and the date of issuance.

At the time a person is refused entry to or ejected from a school district's property, the district shall provide to the person written information explaining the appeal process.

If a parent or guardian of a child enrolled in a school district is refused entry to the district's property, the district shall accommodate the parent or guardian to ensure that the parent or guardian may participate in the child's admission, review, and dismissal committee or in the child's team established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in accordance with federal law.

The term of a person's refusal of entry to or ejection from a school district's property under this section may not exceed two years.

A district shall post on the district's website and each district campus shall post on any campus website a notice regarding these provisions, including the appeal process.

The board shall adopt a policy that uses the district's existing grievance process [see FNG, GF] to permit a person refused entry to or

ejected from property controlled by the district to appeal such refusal of entry or ejection. The policy must permit a person appealing under this section to address the board in person within 90 days of the commencement of the appeal, unless the appeal is granted before the board considers the appeal.

The board's decision to grant or deny an appeal under this section is final and may only be further appealed under the applicable provisions of Education Code 7.057.

*Education Code 37.105; 19 TAC 103.1207*

[For information on visitor requirements, including requesting identification, see GKC.]

**Vehicles on School Property**

A board may bar or suspend a person from driving or parking a vehicle on any school property as a result of the person's violation of any rule or regulation promulgated by the board or set forth in Education Code Chapter 37, Subchapter D. [See CLC] *Education Code 37.106*

**Disruption of Lawful Assembly**

A person commits a Class B misdemeanor if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of a public school.

Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school;
2. Seizing control of any building or portion of a building to interfere with any administrative, educational, research, or other authorized activity;
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
5. Obstructing or restraining the passage of any person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from the property or campus without the authorization of the administration of the school.

Free Speech

This provision shall not be construed to infringe upon any right of free speech or expression guaranteed by the constitutions of the United States or the state of Texas.

*Education Code 37.123*

**Disruption of  
Classes**

A person, other than a primary or secondary grade student enrolled in the school, commits a Class C misdemeanor if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age.

Disrupting the conduct of classes or other school activities includes:

1. Emitting noise of an intensity that prevents or hinders classroom instruction.
2. Enticing or attempting to entice a student away from a class or other school activity that the student is required to attend.
3. Preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend.
4. Entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or use of loud or profane language, disrupting class activities.

“School property” includes a public school campus or school grounds on which a public school is located, and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

“Public property” includes a street, highway, alley, public park, or sidewalk.

*Education Code 37.124*

**Disruption of  
Transportation**

A person, other than a primary or secondary grade student, commits a Class C misdemeanor if the person intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school, or to or from activities sponsored by a school, on a vehicle owned and/or operated by a district. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. *Education Code 37.126*

**Tobacco and  
E-Cigarettes**

A board shall prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property. School personnel shall enforce these policies on school property. *Education Code 38.006* [See FNCD for the definition of e-cigarette.]

Smoking in  
Buildings

A district shall not permit smoking within any indoor facility used for provision of routine or regular kindergarten, elementary, or secondary education or library services to children; or regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of employees who provide such services. *20 U.S.C. 6083; 20 U.S.C. 7183*

*Criminal Penalty*

A person commits an offense if the person is in possession of a burning tobacco product, smokes tobacco, or operates an e-cigarette in a facility of a public school.

*Defense*

It is a defense to prosecution that a district does not have prominently displayed a reasonably sized notice that smoking is prohibited by state law in such place and that an offense is punishable by a fine not to exceed \$500.

*Facilities for  
Extinguishment*

A district shall be equipped with facilities for extinguishment of smoking materials.

*Penal Code 48.01(a)-(c)*

**Alcohol**

A board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. *Education Code 38.007(a)* [See FNCF regarding alcohol-free zones.]

Intoxicants

A person commits a Class C misdemeanor if the person possesses an intoxicating beverage for consumption, sale, or distribution while:

1. On the grounds or in a building of a public school; or
2. Entering or inside any enclosure, field, or stadium where any athletic event sponsored or participated in by a public school is being held.

*Education Code 37.122* [See also FNCF]

**Fireworks**

A person may not explode or ignite fireworks within 600 feet of any school unless the person receives authorization in writing from the school. *Occupations Code 2154.251(a)(1)*

**Federal Gun-Free  
School Zones Act**

It is unlawful for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.

“School zone” means in, or on the grounds of, a school; or within a distance of 1,000 feet from the grounds of a school.

This prohibition does not apply to the possession of a firearm:

1. On private property not part of school grounds;
2. If the individual possessing the firearm is licensed to do so by the state, and the law of the state requires that, before an individual obtains such a license, the law enforcement authorities of the state verify that the individual is qualified under law to receive the license;
3. That is not loaded and in a locked container, or a locked firearms rack that is on a motor vehicle;
4. By an individual for use in a program approved by a school in the school zone;
5. By an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;
6. By a law enforcement officer acting in his or her official capacity; or
7. That is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

It is unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm at a place that the person knows is a school zone.

This prohibition does not apply to the discharge of a firearm:

1. On private property not part of school grounds;
2. As part of a program approved by a school in the school zone, by an individual who is participating in the program;
3. By an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or
4. By a law enforcement officer acting in his or her official capacity.

*18 U.S.C. 921(a)(25), .922(q)*

**Possession of  
Weapons**

Unless entitled to a defense or otherwise excepted by Penal Code 46.15, a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon [see FNCG]:

1. On the premises of a school, on any grounds or building owned by and under the control of a school and on which an activity sponsored by the school is being conducted, or in a passenger transportation vehicle of a school, unless pursuant to written regulations or written authorization of the school;
2. On the premises of a polling place on the day of an election or while early voting is in progress;
3. On the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person is a participant in the event and a firearm, location-restricted knife, club, or prohibited weapon is used in the event;
4. In the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to the OMA, and the entity provided required notice of the meeting.

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), (2), (8), (14), (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 46.03(c)(4)*

**Notice to Public**

A district may provide notice that firearms and other weapons are prohibited under Penal Code 46.03 on the premises or other property, as applicable, by posting a sign at each entrance to the premises or other property that:

1. Includes language that is identical to or substantially similar to the following: “Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon on this property”;
2. Includes the language described above in both English and Spanish;
3. Appears in contrasting colors with block letters at least one inch in height; and

4. Is displayed in a conspicuous manner clearly visible to the public.

Without a sign described above posted prominently at each entrance to the premises or other property, as applicable, a person can assert a defense to prosecution for unlawfully carrying a handgun if the person personally received notice that carrying a firearm was prohibited and promptly departed from the premises or other property.

*Penal Code 46.15(m)-(o)*

Transportation or  
Storage of Firearm  
in School Parking  
Area

A district may not prohibit a person who holds a license to carry a handgun under Government Code, Chapter 411, Subchapter H, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district, and may not regulate the manner in which the handgun, firearm, or ammunition is stored in the vehicle, provided that the handgun, firearm, or ammunition is not in plain view.

This does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of Education Code 37.125, Penal Code 46.03, or other law.

*Education Code 37.0815*

Volunteer  
Emergency  
Services Personnel

A district is not liable in a civil action arising from the discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Government Code, Chapter 411, Subchapter H.

The discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Subchapter H, Chapter 411, Government Code, is outside the course and scope of the individual's duties as volunteer emergency services personnel.

The district does not waive immunity from suit or liability under the Texas Tort Claims Act or any other law.

“Volunteer emergency services personnel” includes a volunteer firefighter, an emergency medical services volunteer as defined by Health and Safety Code 773.003, and any individual who, as a volunteer, provides services for the benefit of the general public during emergency situations. The term does not include a peace officer or reserve law enforcement officer, as those terms are defined

by Occupations Code 1701.001, who is performing law enforcement duties.

*Civ. Prac. & Rem. Code 112.001; Penal Code 46.01(18)*

**Exhibition of Firearm**

A person commits a third degree felony if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally:

1. Exhibits or uses a firearm:
  - a. In or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or
  - b. On a school bus being used to transport children to and from school-sponsored activities;
2. Threatens to exhibit or use a firearm in or on property described above or on a bus and was in possession of or had immediate access to the firearm.

A person commits a Class A misdemeanor if the person threatens to exhibit or use a firearm, but was not in possession of or did not have immediate access to the firearm.

*Education Code 37.125*

**Trespass —  
Concealed Carry of  
Handgun**

A license holder commits an offense if the license holder:

1. Carries a concealed handgun on the property of another without effective consent; and
2. Received notice that entry on the property by a license holder with a concealed handgun was forbidden.

An offense under Penal Code 30.06 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice that entry or remaining on the property with a concealed handgun was forbidden and subsequently failed to depart.

**Notice / Sign —  
Concealed Carry of  
Handgun**

For purposes of Penal Code 30.06, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication” means:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a per-

son 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.

*Penal Code 30.06* [See also FNCG]

Unauthorized  
Notice

A district may not take any action, including an action consisting of the provision of notice, by a communication described by Penal Code 30.06 or 30.07 that states or implies that a license holder who is carrying a handgun under the authority of Government Code Chapter 411 is prohibited from entering or remaining on a premises or other place owned or leased by the district unless license holders are prohibited from carrying a handgun on the premises or other place by Penal Code 46.03 or other law. *Gov't Code 411.209*

**Trespass — Open  
Carry of Handgun**

A holder of a license to openly carry a handgun commits an offense if the license holder:

1. Openly carries a handgun on property of another without effective consent; and
2. Received notice that entry on the property by a license holder openly carrying a handgun was forbidden.

Notice / Sign —  
Open Carry of  
Handgun

For purposes of Penal Code 30.07, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication means”:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly”; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

An offense under Penal Code 30.07 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice by oral communication that entry or remaining on the property with an openly carried handgun was forbidden and subsequently failed to depart.

Exception

It is an exception to Penal Code 30.07 that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03.

*Penal Code 30.07*

**Unmanned Aircraft  
Systems**

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**Note:** For provisions applicable to the use of drones for law enforcement purposes, see CKEA

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Federal Law

The U.S. Government has exclusive sovereignty of airspace of the United States. *49 U.S.C. 40103*

*Small Unmanned  
Aircraft*

“Small unmanned aircraft” means an unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

*Small Unmanned  
Aircraft System*

“Small unmanned aircraft system” (small UAS) means a small unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system.

*14 C.F.R. 1.1, 107.3*

*Operation of  
Small UAS*

The registration, airman certification, and operation of civil small UAS within the United States is subject to 14 C.F.R. Part 107. Part 107 does not apply to the following:

1. Air carrier operations;
2. Any aircraft subject to the provisions of 49 U.S.C. 44809;
3. Any operation that the holder of an exemption under section 333 of Public Law 112-95 or 49 U.S.C. 44807 elects to con-

duct pursuant to the exemption, unless otherwise specified in the exemption; or

4. Any operation that a person elects to conduct under 14 C.F.R. Part 91 with a small UAS that has been issued an airworthiness certificate.

*14 C.F.R. 107.1*

*Exception for  
Limited  
Recreational  
Operation*

A person may operate a small unmanned aircraft without specific certification or operating authority from the Federal Aviation Administration (FAA) if the operation adheres to all of the following limitations:

1. The aircraft is flown strictly for recreational purposes.
2. The aircraft is operated in accordance with or within the programming of a community-based organization's set of safety guidelines that are developed in coordination with the FAA.
3. The aircraft is flown within the visual line of sight of the person operating the aircraft or a visual observer co-located and in direct communication with the operator.
4. The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft.
5. In Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, the operator obtains prior authorization from the administrator of the FAA or designee before operating and complies with all airspace restrictions and prohibitions.
6. In Class G airspace, the aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace restrictions and prohibitions.
7. The operator has passed an aeronautical knowledge and safety test and maintains proof of test passage to be made available to the FAA or law enforcement upon request.
8. The aircraft is registered and marked in accordance with 49 U.S.C. Chapter 441 and proof of registration is made available to the FAA or law enforcement upon request.

*49 U.S.C. 44809(a)*

*State Law  
Regulation  
Limited*

A political subdivision, including a school district, may not adopt or enforce any ordinance, order, or other similar measure regarding the operation of an unmanned aircraft. An ordinance, order, or

other similar measure that violates this provision is void and unenforceable. *Gov't Code 423.009(b), (d)*

Exception

A political subdivision may adopt and enforce an ordinance, order, or other similar measure regarding:

1. The use of an unmanned aircraft during a special event;
2. The political subdivision's use of an unmanned aircraft; or
3. The use of an unmanned aircraft near a facility or infrastructure owned by the political subdivision, if the political subdivision:
  - a. Applies for and receives authorization from the Federal Aviation Administration to adopt the regulation; and
  - b. After providing reasonable notice, holds a public hearing on the political subdivision's intent to apply for the authorization.

"Special event" means a festival, celebration, or other gathering that involves the reservation and temporary use of all or a portion of a public park, road, or other property of a political subdivision; and entertainment, the sale of merchandise, food, or beverages, or mass participation in a sports event; and requires a significant use or coordination of a political subdivision's services.

*Gov't Code 423.009(a)(2), (c)*

*Privacy Law*

It is lawful to capture an image using an unmanned aircraft in this state for the reasons listed in Government Code 423.002, including:

1. With the consent of the individual who owns or lawfully occupies the real property captured in the image; or
2. From a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception.

*Gov't Code 423.002(a)*

**Access to District Property**

Authorized District officials, including school resource officers and District police officers if applicable, may refuse to allow a person access to property under the District's control in accordance with law.

District officials may request assistance from law enforcement in an emergency or when a person is engaging in behavior rising to the level of criminal conduct.

**Ejection or Exclusion under Education Code 37.105**

In accordance with Education Code 37.105, a District official shall provide a person refused entry to or ejected from property under the District's control written information explaining the right to appeal such refusal of entry or ejection under the District's grievance process.

A person appealing under the District's grievance process shall be permitted to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See FNG and GF]

**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

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

*Exceptions*

No violation of this policy occurs when:

1. A Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, as long as the handgun or other firearm is not in plain view; or
2. 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]

<b>Commercial Signs</b>	<p>A person commits an offense if the person erects or maintains a commercial sign or a sign in violation of Transportation Code Chapters 391 through 395 and the relevant provisions of the Administrative Code. <i>Transp. Code 391.003, .031, .061, .067, 392.032, 393.005, 394.021; 43 TAC Chapter 21</i></p>
General Definitions	<p>“Commercial sign” means a sign that is:</p> <ol style="list-style-type: none"><li>1. Intended to be leased, or for which payment of any type is intended to be or is received, for the display of any good, service, brand, slogan, message, product, or company, except that the term does not include a sign that is leased to a business entity and located on the same property on which the business is located; or</li><li>2. Located on property owned or leased for the primary purpose of displaying a sign.</li></ol> <p><i>Transp. Code 391.001(1-a); 43 TAC 21.142(1)</i></p> <p>“Sign” means any structure, display, light, device, figure, painting, drawing, message, plaque, placard, poster, billboard, logo, or symbol that is designed, intended, or used to advertise or inform. <i>Transp. Code 391.001(11-a), 392.031, 393.001, 394.001, 395.002; 43 TAC 21.142(28), .402(17)</i></p> <p>“Electronic sign” means a sign, display, or device that changes its message or copy by programmable electronic or mechanical processes. <i>43 TAC 21.142(5)</i></p> <p>“Directional sign” means a sign that contains only a message that identifies an attraction or activity and provides directional information, such as mileage, route number, or exit number, useful to the traveler in locating the attraction or activity. <i>43 TAC 21.941</i></p>
Interstate or Primary System	<p>A district that wishes to erect or maintain outdoor advertising that is visible from the main-traveled way of the interstate or primary system shall comply with Transportation Code Chapter 391 and 43 Administrative Code Chapter 21, Subchapter I.</p> <p>“Interstate system” means that portion of the national system of interstate and defense highways that is located in this state and is designated officially by the Texas Transportation Commission and approved under Title 23, United States Code.</p> <p>“Primary system” means that portion of connected main highways located in this state that is designated officially by the Texas Transportation Commission and approved under Title 23, United States Code.</p> <p><i>Transp. Code 391.001; 43 TAC 21.142(11), (22)</i></p>

State Highway Right-of-Way	<p>A district that wishes to place or maintain a sign on a state highway right-of-way shall comply with Transportation Code Chapter 392.</p> <p>“State highway right-of-way” means the right-of-way of a highway designated as part of the state highway system. <i>Transp. Code 392.001</i></p>
Public Road	<p>A district that wishes to place a sign on the right-of-way of a public road shall comply with Transportation Code Chapter 393.</p>
Rural Road	<p>A district that wishes to erect or maintain an outdoor sign that is visible from the main-traveled way of a rural road shall comply with Transportation Code Chapter 394 and 43 Administrative Code Chapter 21, Subchapter K.</p> <p>“Rural road” means a road, street, way, or bridge:</p> <ol style="list-style-type: none"><li>1. That is located in an unincorporated area;</li><li>2. That is not privately owned or controlled;</li><li>3. Any part of which is open to the public for vehicular traffic; and</li><li>4. That is under the jurisdiction of the state or a political subdivision.</li></ol> <p><i>Transp. Code 394.002; 43 TAC 21.402(16)</i></p>
Toll Road	<p>A district that wishes to erect or maintain an outdoor sign that is visible from the main-traveled way of a toll road and erected for the purpose of having the message seen from the main-traveled way shall comply with any rules adopted by the governing body of the toll road authority under Transportation Code Chapter 395.</p> <p>This provision applies only to a toll road located in a county with a population of 3.3 million or more; or that is adjacent to a county with a population of 3.3 million or more and in which a municipality with a population of more than 60,000 is located. <i>Transp. Code 395.001</i></p>
Electronic Sign	<p>A district that wishes to erect an electronic sign shall comply with 43 Administrative Code, Chapter 21, Subchapter I.</p>
Directional Sign	<p>A district that wishes to erect a directional sign shall comply with 43 Administrative Code, Chapter 21, Subchapter Q.</p>
<b>Charitable Raffles</b>	<p>A raffle is the awarding of one or more prizes by chance at a single occasion among a pool or group of persons who have paid or promised a thing of value for a ticket that represents a chance to win a prize. <i>Occupations Code 2002.002(6)</i></p>

A “qualified nonprofit organization” for purposes of the Charitable Raffle Enabling Act may conduct raffles in accordance with the Act to benefit a district or school. A parent-teacher organization may be qualified to hold such raffles if it meets the requirements of the Act. *Occupations Code 2002.003, 2002.051; Atty. Gen. Op. JM-1176 (1990)* [See also CDC]

**District  
Communications**

When the government speaks, it is not barred by the Free Speech Clause from determining the content of what it says. Government statements and actions that take the form of speech do not create a forum for private speech. The government does not unconstitutionally discriminate on the basis of viewpoint when it chooses to advance permissible goals, even if advancing those goals necessarily discourages alternative goals. The government may exercise its freedom to express its views, even when it receives assistance from private sources for the purpose of delivering a government-controlled message. *Walker v. Tex. Div., Sons of Confederate Veterans, Inc.*, 135 S. Ct. 2239 (2015)

**Promotional  
Activities**

District facilities shall not be used to advertise, promote, sell tickets, or collect funds for any nonschool-related purpose without prior approval of the Superintendent or designee.

[For information relating to nonschool use of facilities, see GKD.]

**Advertising**

For purposes of this policy, "advertising" shall mean a communication designed to attract attention or patronage by the public or school community and communicated through means under the control of the District in exchange for consideration to the District. "Advertising" does not include public recognition of donors or sponsors who have made contributions, financial or otherwise, to the District or school support organizations.

Advertising shall be accepted solely for the purpose of generating revenue for the District and not for the purpose of establishing a forum for communication. The District shall retain final editorial authority to accept or reject submitted advertisements in a manner consistent with the First Amendment. The District shall retain the authority to determine the size and location of any advertising. The District reserves the right to reject advertising that:

1. Is inconsistent with federal or state law, Board policy, District or campus regulations, or curriculum;
2. Is inappropriate in a school setting with a student audience;
3. Advertises products presenting a health hazard;
4. Creates a substantial likelihood of material disruption, including adding to the District's obligations for security and facilities maintenance; or
5. Adds to the District's administrative burden by exposing the District to complaints, controversy, or litigation.

The District shall not accept paid political advertising.

Acceptance of advertising shall not constitute District approval or endorsement of any product, service, organization, or issue referenced in the advertising, nor shall acceptance of advertising from a vendor determine whether the District will purchase goods or services from the vendor through the District's formal procurement process.

[For information relating to school-sponsored publications, see FMA.]

**Sponsorships and  
Donations**

If the District or any campus accepts financial or in-kind donations to support District-sponsored activities, the District reserves the right to acknowledge donors through whatever means the District

deems appropriate. The District retains full editorial control over its acknowledgment or display of donations, even if donors are permitted to suggest text for the acknowledgment.

**Identification**

A district may require a person who enters property under the district's control to display the person's driver's license or another form of identification containing the person's photograph issued by a governmental entity or, if applicable, the person's district employee or student identification card.

The person must provide the identification on request.

A district may eject a person from district property if the person refuses or fails to provide on request identification and it reasonably appears that the person has no legitimate reason to be on district property.

*Education Code 38.022(a), (a-1)*

[For information on ejection for other conduct on school premises, see GKA.]

**Visitor Database**

A district may establish an electronic database for the purpose of storing information concerning visitors to district campuses. Information stored in the electronic database may be used only for the purpose of school district security and may not be sold or otherwise disseminated to a third party for any purpose.

**Sex Offenders**

A district may verify whether a visitor to a district campus is a sex offender registered with the computerized central database maintained by the Department of Public Safety as provided by Code of Criminal Procedure 62.005 or any other database accessible by the district.

A board shall adopt a policy regarding the action to be taken by the administration of a school campus when a visitor is identified as a sex offender.

*Education Code 38.022(b)-(d)*

Notice of Entry onto  
School Premises

"Premises" means a building or portion of a building and the grounds on which the building is located, including any public or private driveway, street, sidewalk or walkway, parking lot, or parking garage on the grounds.

"School" means a private or public elementary or secondary school or a day-care center.

A registered sex offender who enters the premises of any school in Texas during the standard operating hours of the school shall immediately notify the administrative office of the school of the person's presence on the premises of the school and the person's registration status. The office may provide a chaperon to accompany the person while the person is on the premises of the school.

These requirements do not apply to:

1. A student enrolled at the school;
2. A student from another school participating at an event at the school; or
3. A person who has entered into a written agreement with the school that exempts the person from these requirements.

*Code of Crim. Proc. 62.065; Health and Safety Code 481.134*

Ordinances in  
General-Law  
Municipalities

"Child safety zone" means premises where children commonly gather. The term includes a school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children.

"Playground," "premises," "school," "video arcade facility," and "youth center" have the meanings assigned by Health and Safety Code 481.134.

"Registered sex offender" means an individual who is required to register as a sex offender under Code of Criminal Procedure, Chapter 62.

To provide for the public safety, the governing body of a general-law municipality by ordinance may restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone in the municipality.

It is an affirmative defense to prosecution of an offense under the ordinance that the registered sex offender was in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes.

The ordinance may establish a distance requirement at any distance of not more than 1,000 feet.

The ordinance shall establish procedures for a registered sex offender to apply for an exemption from the ordinance.

The ordinance must exempt a registered sex offender who established residency in a residence located within the specified distance of a child safety zone before the date the ordinance is adopted. The exemption must apply only to areas necessary for the registered sex offender to have access to and to live in the resi-

dence, and the period the registered sex offender maintains residency in the residence.

*Local Gov't Code 341.906*

**Military Recruiters'  
Access to Students**

Each district receiving assistance under the ESEA shall provide military recruiters the same access to secondary school students as is provided generally to institutions of higher education or to prospective employers of those students. *20 U.S.C. 7908(a)(3)*

Armed Services  
Vocational Aptitude  
Battery Test

Each school year each school district shall provide students in grades 10 through 12 an opportunity to take the Armed Services Vocational Aptitude Battery (ASVAB) test and consult with a military recruiter. [See EK] *Education Code 29.9015*

Prominent notices shall be posted at each campus requiring all visitors to first report to the campus main office. This shall apply to parents, volunteers, social service workers, invited speakers, maintenance and repair persons not employed by the District, vendors, representatives of the news media, former students, and any other visitors. Visits to individual classrooms during instructional time shall be permitted only with the principal's and teacher's approval, and such visits shall not be permitted if their duration or frequency interferes with the delivery of instruction or disrupts the normal classroom environment.

[See BBE(LOCAL) for visits to District facilities by Board members.]

**Registered Sex  
Offender on a School  
Campus**

The Superintendent and campus administrators shall develop and implement procedures regarding a campus visitor who is registered as a sex offender. These procedures shall address:

1. Parental rights;
2. Escort by District personnel;
3. Access to common areas of the campus;
4. Access to classrooms;
5. Drop off and release of students;
6. Eligibility to serve as volunteers; and
7. Any other relevant issues.

**Prohibited Acts**

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.

*Civ. Prac. & Rem. Code 106.001(a)*

**Right to Preserve Use**

A district, like a private property owner, may legally preserve the property under its control for the use to which it is dedicated. *Lamb's Chapel v. Center Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993)

**Forum for Communication**

A district may create a public forum of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983); *Chiu v. Plano Indep. Sch. Dist.*, 260 F.3d 330 (5th Cir. 2001)

A district is not required to allow persons to engage in every type of speech when the district establishes a limited public forum; the district may be justified in reserving its forum for certain groups or for the discussion of certain topics. A district shall not discriminate against speech on the basis of viewpoint, and any restriction must be reasonable in light of the purpose served by the forum. *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98 (2001); *Lamb's Chapel v. Center Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993)

**Fees for Use**

The board may set and collect rentals, rates, and charges from students and others for the occupancy or use of any of a district's facilities, in the amounts and manner determined by the board. *Education Code 45.033*

Charter Schools

A district may not require a campus or campus program charter that is the result of the conversion of the status of an existing district campus to pay rent for or to purchase a facility in order to use the facility.

A district may not require a campus or campus program charter, or an open-enrollment charter school, to pay for any service provided

by the district under a contract between the district and the campus, campus program, or open-enrollment charter school an amount that is greater than the amount of the actual costs to the district of providing the service.

*Education Code 11.1543*

**Patriotic Societies**

If a district has a designated open forum or a limited public forum and receives funds made available through the United States Department of Education, the district shall not deny equal access or a fair opportunity to meet, or to discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed as a patriotic society.

The United States secretary of education may issue and secure compliance with rules or orders with respect to a district that receives federal funds and that denies equal access, or a fair opportunity to meet, or discriminates, as described above. If a district does not comply with the rules or orders, no funds made available through the Department of Education shall be provided to that district.

[For provisions related to a patriotic society's access to students, see GKE.]

'Youth Group'

"Youth group" means any group or organization intended to serve young people under the age of 21.

Limited Public Forum

For purposes of this policy regarding Patriotic Societies, an elementary school or secondary school has a limited public forum whenever the school grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

Sponsorship

Nothing in this policy shall be construed to require a district to sponsor any group officially affiliated with the Boy Scouts of America, or any youth group listed as a patriotic society.

*Boy Scouts of America Equal Access Act, 20 U.S.C. 7905*

**Facilities as Polling Places**

A district shall make its buildings available for use as polling places in any election that covers territory in which the buildings are located. If more than one authority requests the use of the buildings

for the same day and simultaneous use is impractical, a district shall determine which authority may use the building. *Election Code 43.031(c)*

No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, shall be made for the use of a district building for a polling place if the day of the election is a day on which the building is normally open. If the day of an election is a day on which the building is not normally open, a charge may be made only for the reimbursement of actual expenses resulting from use of the building in the election. *Election Code 43.033(a)*

[For provisions related to polling place security, see CKC.]

**Political Party  
Conventions**

A district shall not assess a charge for the use of a school building for a precinct, county, or senatorial district convention, except for reimbursement for the actual charges resulting from use of the building for the convention. The district shall provide an itemized statement of expenses to the reimbursing authority. *Election Code 174.0631*

**Facilities as Places  
of Worship**

“Disaster” has the meaning assigned by Government Code 418.004.

Definitions

“Governmental entity” includes a political subdivision of this state, including a county, municipality, or special district or authority or an officer, employee, or agent of the entity.

“Person” has the meaning assigned by Government Code 311.005, except the term does not include an employee of a governmental entity acting within the employee's scope of employment or a contractor of a governmental entity acting within the scope of the contract.

“Place of worship” means a building or grounds where religious activities are conducted.

“Public official” means any elected or appointed officer, employee, or agent of this state or any political subdivision, board, commission, bureau, or other public body established by law.

“Religious organization” means an organization open to the public that is a religious organization under Civil Practice and Remedies Code 110.011(b).

Prohibition on  
Orders Closing  
Places of Worship

A government agency or public official may not issue an order that closes or has the effect of closing places of worship in this state or in a geographic area of this state.

Essential Activities	<p>Notwithstanding any other law, a religious organization is an essential business at all times in this state, including during a declared state of disaster, and the organization's religious and other related activities are essential activities even if the activities are not listed as essential in an order issued during the disaster.</p> <p>A governmental entity may not at any time, including during a declared state of disaster, prohibit a religious organization from engaging in religious and other related activities or continuing to operate in the discharge of the organization's foundational faith-based mission and purpose or during a declared state of disaster order a religious organization to close or otherwise alter the organization's purposes or activities.</p>
Relief Available	<p>A person may assert a violation of this prohibition as a claim or defense in a judicial or administrative proceeding and obtain injunctive relief; declaratory relief; and court costs and reasonable attorney's fees.</p> <p>A person may commence an action and relief may be granted regardless of whether the person has sought or exhausted available administrative remedies.</p> <p>The attorney general may bring an action for injunctive or declaratory relief against a governmental entity or an officer or employee of a governmental entity to enforce compliance with this provision.</p>
Interpretation	<p>This provision may not be construed to preempt a state or federal law that is equally or more protective of the free exercise of religious beliefs or to narrow the meaning or application of a state or federal law protecting the free exercise of religious beliefs.</p> <p>This provision may not be construed to prevent a governmental entity from providing, either directly or through a person who is not seeking protection under this chapter, any benefit or service authorized under state or federal law.</p> <p><i>Civ. Prac. &amp; Rem. Code 110.001(a), .0031; Gov't Code 2401.001-.005</i></p>

**Scope of Use**

The District shall permit nonschool use of designated District facilities for educational, recreational, civic, or social activities when these activities do not conflict with school use or with this policy.

Approval shall not be granted for any purpose that would damage school property or to any group that has damaged District property.

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**Note:** See the following policies for other information regarding facilities use:

- Use by employee professional organizations: DGA
- Use of facilities for school-sponsored and school-related activities: FM
- Use by noncurriculum-related student groups: FNAB
- Use by District-affiliated school-support organizations: GE

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**Nonprofit Fund-Raising**

The District shall permit nonprofit organizations to conduct fund-raising events on District property when these activities do not conflict with school use or with this policy.

**For-Profit Use**

The District shall not permit individuals or for-profit organizations to use its facilities for financial gain; however, the District shall permit public performances, recitals, or presentations so long as no admission fee is charged and when these activities do not conflict with school use or with this policy.

**Scheduling**

Requests for nonschool use of District facilities shall be considered on a first-come, first-served basis.

Academic and extracurricular activities sponsored by the District shall always have priority when any use is scheduled. [See FM] The Superintendent or designee shall have authority to cancel a scheduled nonschool use if an unexpected conflict arises with a District activity.

**Approval of Use**

The principal is authorized to approve use of facilities on a school campus. The Superintendent is authorized to approve use of all other District facilities except athletic facilities. The athletic director is authorized to approve use of District athletic facilities.

Emergency Use

In case of emergencies or disasters, the Superintendent or designee may authorize the use of school facilities by civil defense, health, or emergency service authorities.

<b>Repeated Use</b>	The District shall permit repeated use by any group or organization for nonschool purposes for no longer than one year.
<b>Use Agreement</b>	Any organization or individual approved for a nonschool use of District facilities shall be required to complete a written agreement indicating receipt and understanding of this policy and any applicable administrative regulations, and acknowledging that the District is not liable for any personal injury or damages to personal property related to the nonschool use.
<b>Fees for Use</b>	<p>Nonschool users shall be charged a fee for the use of designated facilities.</p> <p>The Superintendent or designee shall establish and publish a schedule of fees based on the cost of the physical operation of the facilities, as well as any applicable personnel costs for supervision, custodial services, food services, security, and technology services.</p>
Exceptions	<p>Fees shall not be charged when school buildings are used for public meetings sponsored by state or local governmental agencies.</p> <p>Fees shall not be charged for use by District employee professional organizations. [See DGA]</p>
<b>Required Conduct</b>	<p>Persons or groups using school facilities shall:</p> <ol style="list-style-type: none"><li>1. Conduct business in an orderly manner.</li><li>2. Abide by all laws and policies, including but not limited to those prohibiting the use, sale, or possession of alcoholic beverages, illegal drugs, and firearms, and the use of tobacco products on school property. [See GKA]</li><li>3. Make no alteration, temporary or permanent, to school property without prior written consent from the Superintendent.</li></ol> <p>All groups using school facilities shall be responsible for the cost of repairing any damages incurred during use and shall be required to indemnify the District for the cost of any such repairs.</p>

**Forum for  
Communication**

A district may create a public forum of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37; *Chiu v. Plano Indep. Sch. Dist.*, 260 F.3d 330 (5th Cir. 2001)

A district is not required to allow persons to engage in every type of speech when the district establishes a limited public forum; a district may be justified in reserving its forum for certain groups or for the discussion of certain topics. A district shall not discriminate against speech on the basis of viewpoint, and any restriction must be reasonable in light of the purpose served by the forum. *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 121 S. Ct. 2093 (2001); *Lamb's Chapel v. Center Moriches Union Free Sch. Dist.*, 508 U.S. 384, 113 S. Ct. 2141 (1993)

**Distribution of  
Nonschool  
Publications**

Activities such as distributing literature, displaying signs, petitioning for change, and disseminating information concerning issues of public concern are protected by the First Amendment. *Schenck v. Pro-Choice Network*, 519 U.S. 357, 117 S. Ct. 855 (1997) (recognizing leafletting and commenting on matters of public concern as protected speech); *Boos v. Barry*, 485 U.S. 312, 108 S. Ct. 1157 (1988) (recognizing public issue signs as protected speech); *Meyer v. Grant*, 486 U.S. 414, 108 S. Ct. 1886 (1988) (recognizing the solicitation of signatures for a petition drive as protected speech)

If a district creates a forum for the distribution of nonschool literature, the district may impose time, place, and manner regulations and may reserve its facilities for their intended purposes, communicative or otherwise, as long as the regulation on speech is reasonable and not an effort to suppress expression merely because public officials oppose the speaker's view. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 103 S. Ct. 948 (1983)

A district may not require prior review before permitting nondisruptive distribution of written materials on matters of public concern at a parents-only school-sponsored meeting after school hours. *Chiu v. Plano Indep. Sch. Dist.*, 339 F.3d 273 (5th Cir. 2003)

**Use of District Mail  
System**

Unless it has been opened to the public, by policy or practice, a school mail system is not a public forum. A district may create a limited public forum in its campus mailboxes. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 103 S. Ct. 948 (1983)

[See CPAB for use of a district's internal mail system.]

NONSCHOOL USE OF SCHOOL FACILITIES  
DISTRIBUTION OF NONSCHOOL LITERATURE

GKDA  
(LOCAL)

**Distribution of  
Nonschool Literature  
Permitted**

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the District or by a District-affiliated school-support organization shall not be sold, circulated, distributed, or posted on any District premises by any District employee or by persons or groups not associated with the District, except in accordance with this policy.

The District shall not be responsible for, nor shall the District endorse, the contents of any nonschool literature distributed on any District premises.

[See CPAB regarding use of the District's internal mail system and FNAA regarding distribution of nonschool literature by students.]

**Limitations on  
Content**

Nonschool literature shall not be distributed on District property if:

1. The materials are obscene, vulgar, or otherwise inappropriate for the age and maturity of the audience.
2. The materials endorse actions endangering the health or safety of students.
3. The materials promote illegal use of drugs, alcohol, or other controlled substances.
4. The distribution of such materials would violate the intellectual property rights, privacy rights, or other rights of another person.
5. The materials contain defamatory statements about public figures or others.
6. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action.
7. The materials are hate literature or similar publications that scurrilously attack ethnic, religious, or racial groups or contain content aimed at creating hostility and violence, and the materials would materially and substantially interfere with school activities or the rights of others.
8. There is reasonable cause to believe that distribution of the nonschool literature would result in material and substantial interference with school activities or the rights of others.

**Prior Review**

All nonschool literature intended for distribution on school campuses or other District premises under this policy shall be submitted to the Superintendent or designee for prior review in accordance with the following:

1. Materials shall include the name of the person or organization sponsoring the distribution.

NONSCHOOL USE OF SCHOOL FACILITIES  
DISTRIBUTION OF NONSCHOOL LITERATURE

GKDA  
(LOCAL)

2. Using the standards found in this policy at Limitations on Content, the Superintendent or designee shall approve or reject submitted materials within two school days of the time the materials were received.

**Exceptions to Prior Review**

Prior review shall not be required for distribution of nonschool literature in the following circumstances:

1. Distribution of materials by an attendee to other attendees at a school-sponsored meeting intended for adults and held after school hours;
2. Distribution of materials by an attendee to other attendees at a community group meeting held in accordance with GKD(LOCAL) or a noncurriculum-related student group meeting held in accordance with FNAB(LOCAL); or
3. Distribution for electioneering purposes during the time a school facility is being used as a polling place in accordance with state law [see BBBA].

All nonschool literature distributed under these exceptions shall be removed from District property immediately following the event at which the materials were distributed.

Even when prior review is not required, all other provisions of this policy shall apply.

**Time, Place, and Manner Restrictions**

Each campus principal shall designate times, locations, and means by which nonschool literature that is appropriate for distribution, as provided in this policy, may be made available or distributed to students or others at the principal's campus.

The campus principal shall designate times, locations, and means for distribution of nonschool literature at District facilities other than school campuses, in accordance with this policy.

**Violations of Policy**

Failure to comply with this policy regarding distribution of nonschool literature shall result in appropriate administrative action, including but not limited to confiscation of nonconforming materials and/or suspension of use of District facilities. Appropriate law enforcement officials may be called if a person refuses to comply with this policy or fails to leave the premises when asked. [See GKA]

**Appeals**

Decisions made by the administration in accordance with this policy may be appealed in accordance with the appropriate District complaint policy. [See DGBA or GF]

**Patriotic Society  
Access to Students**

“Patriotic society” means a youth membership organization listed in Title 36 of the United States Code with an educational purpose that promotes patriotism and civic involvement.

At the beginning of each school year, the board shall adopt a policy to allow the principal of a campus to provide representatives of a patriotic society with the opportunity to speak to students during regular school hours about membership in the society and the ways in which membership may promote a student’s educational interest and level of civic involvement, leading to the student’s increased potential for self-improvement and ability to contribute to improving the student’s school and community.

The board policy shall give a principal complete discretion over the specific date and time of the opportunity required to be provided, except that the policy shall allow the principal to limit the opportunity provided to a patriotic society to a single school day and any presentation made to students as a result of the opportunity to ten minutes in length.

*Education Code 25.0822*

[For provisions related to a patriotic society’s access to school facilities, see GKD.]

**Learning Pods  
Definitions**

“Child-care facility” has the meaning assigned by Human Resources Code 42.002.

“Learning pod” means a group of children who, based on the voluntary association of the children’s parents, meet together at various times and places to participate in or enhance the children’s primary or secondary academic studies, including participation in an activity or service provided to the children in exchange for payment.

**Exemption from  
Local Government  
Regulation**

A learning pod is exempt from any ordinance, rule, regulation, policy, or guideline adopted by a local governmental entity that applies to a school district campus or child-care facility, including any requirements regarding staff-to-child ratios, staff certification, background checks, physical accommodations, or building or fire codes; and any group, building, or facility associated with or used by a learning pod is exempt from any ordinance, rule, regulation, policy, or guideline adopted by a local governmental entity that would not apply to the group, building, or facility if it was not associated with or used by a learning pod.

An employee, contractor, or agent of a school district or other local governmental entity may not initiate or conduct a site inspection of, investigation of, or visit to a location in which a learning pod meets

if the district or entity would not have initiated or conducted the inspection, investigation, or visit if the learning pod did not meet at that location.

A district may not take action against, deny any benefit to, discriminate in any manner against, or otherwise distinguish any child or child's parent on the basis of the child's participation in a learning pod.

A school district or other local governmental entity may not require:

1. A learning pod to be registered with the district or entity; or
2. A person participating in a learning pod to report to the district or entity information regarding the learning pod's existence or operation.

This statute may not be construed to alter or affect a parent's right to choose a homeschool setting for the parent's child or the regulation of a child-care facility.

*Education Code 27.001, .002*

A campus principal shall have the authority to offer a representative of a patriotic society an opportunity to speak to students during regular school hours about membership in the society.

The principal shall have discretion over the date and time of such visits and is authorized to limit this opportunity to a single school day and to limit a presentation by a patriotic society to ten minutes in length.

[For more information about patriotic societies, see GKD(LEGAL).]

**Program  
Requirements and  
Guidelines**

A district shall develop a volunteer program. In developing the program, a district shall consider volunteers a resource that requires advance planning and preparation for effective use. If practicable, a district shall include volunteers in addition to paid staff in planning the implementation of the program. *Gov't Code 2109.003*

A volunteer program shall include:

1. An effective training program for paid staff and prospective volunteers.
2. The use of paid staff to plan and implement the volunteer program.
3. An evaluation mechanism to assess the performance of volunteers, the cooperation of paid staff with the volunteers, and the overall volunteer program.
4. Follow-up studies to ensure the effectiveness of the program.

*Gov't Code 2109.004(a)*

A volunteer program may:

1. Establish a program to reimburse volunteers for actual and necessary expenses incurred in the performance of volunteer services.
2. Establish an insurance program to protect volunteers in the performance of volunteer services.
3. Cooperate with private organizations that provide services similar to those provided by a district.
4. Purchase engraved certificates, plaques, pins, and/or other awards of a similar nature that do not exceed \$75 per person in value to recognize special achievement and outstanding service of volunteers.

*Gov't Code 2109.004(b)*

**Criminal History  
Record**

A district or shared services arrangement shall obtain from the Texas Department of Public Safety (DPS) and may obtain from any other law enforcement or criminal justice agency or a private entity that is a consumer reporting agency governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.), all criminal history record information (CHRI) that relates to a volunteer or person who has indicated, in writing, an intention to serve as a volunteer with the district or shared services arrangement. *Education Code 22.0835(a)*

The prospective volunteer must provide the district a driver's license or another form of identification containing the person's photograph issued by an entity of the United States government. *Education Code 22.0835(c)*

A person may not perform any volunteer duties until these requirements have been satisfied. *Education Code 22.0835(d)*

Exception

A district is not required to obtain all CHRI that relates to a person who volunteers or is applying to volunteer with a district or shared services arrangement if the person:

1. Is the parent, guardian, or grandparent of a child who is enrolled in the district for which the person volunteers or is applying to volunteer;
2. Will be accompanied by a district employee while on a school campus; or
3. Is volunteering for a single event on the school campus.

A district may obtain from DPS or any law enforcement or criminal justice agency all CHRI that relates to a person to whom this exception applies.

*Education Code 22.0835(e)-(f)*

Costs

A district may require a volunteer or volunteer applicant to pay any costs related to obtaining CHRI. *Education Code 22.0835(g)*

[See DBAA(LEGAL) for definitions and provisions regarding confidentiality, records retention, and criminal history record checks of employees.]

**Immunity**

Generally

A volunteer who is serving as a direct service volunteer in a district is immune from civil liability to the same extent as a district employee under Education Code 22.0511. However, this section of law does not limit the liability of a person for intentional misconduct or gross negligence.

A "volunteer" is a person rendering services for or on behalf of a district on district premises or at a school-sponsored or school-related activity on or off school property who does not receive compensation in excess of reimbursement for expenses.

*Education Code 22.053*

Extracurricular  
Activities

A person who volunteers to assist with an extracurricular activity is not liable for civil damages arising out of an act or omission relating to the requirements under Education Code 33.205 regarding safety precautions [see FM(LEGAL)] unless the act or omission is willfully or wantonly negligent. *Education Code 33.211*

*Physical  
Examinations*

Subject to Civil Practice and Remedies Code 91.003 (liability insurance requirements), a health-care practitioner who, without compensation or expectation of compensation, conducts a physical examination or medical screening for the purpose of determining the physical health and fitness of the patient to participate in a school-sponsored extracurricular or sporting activity is immune from civil liability for any act or omission resulting in the death of or injury to the patient if:

1. The health care practitioner was acting in good faith and in the course and scope of the health-care practitioner's duties;
2. The health-care practitioner commits the act or omission in the course of conducting the physical examination or medical screening of the patient;
3. The services provided to the patient are within the scope of the license of the health-care practitioner; and
4. Before the health-care practitioner conducts the physical examination or medical screening, the patient signs a written statement that acknowledges:
  - a. That the health-care practitioner is conducting a physical examination or medical screening that is not administered for or in expectation of compensation; and
  - b. The limitations on the recovery of damages from the health-care practitioner in connection with the physical examination or medical screening being performed.

If the patient is a minor or is otherwise legally incompetent, the patient's parent, managing conservator, legal guardian, or other person with legal responsibility for the care of the patient must sign the written statement.

*Civ. Prac. & Rem. Code 91.002*

Immunity for Shelter  
Workers

A district volunteer is not civilly liable for an act performed in the discharge of duty if the person is performing an activity related to sheltering or housing individuals in connection with the evacuation of an area stricken or threatened by disaster. *Gov't Code 418.006*

RELATIONS WITH EDUCATIONAL ENTITIES  
OTHER SCHOOLS AND DISTRICTS

GNA  
(LEGAL)

**Operation Outside  
District**

The Board may operate a school or program, including an extra-curricular program, or hold a class outside the boundaries of the District. *Education Code 11.167*

Regional education service centers shall be located throughout the state so that each school district has the opportunity to be served by and to participate in an approved center on a voluntary basis. The centers shall provide services to assist school districts in improving student performance and increasing the efficiency and effectiveness of school operations. *Education Code 8.001(b), .002*

### **Core Services**

Each service center shall develop and maintain core services for purchase by school districts and campuses. These services are:

1. Training and assistance in teaching each subject area assessed under Education Code 39.023 (state assessments) and providing instruction in personal financial literacy as required under Education Code 28.0021.
2. Training and assistance in providing each program that qualifies for a funding allotment under Education Codes 48.102 (special education), 48.104 (compensatory education), 48.105 (bilingual education), or 48.109 (gifted and talented).
3. Assistance specifically designed for a district or campus assigned an unacceptable performance rating under Education Code 39.054.
4. Training and assistance to teachers, administrators, school board members, and members of site-based decision-making committees.
5. Assistance specifically designed for a school district that is considered out of compliance with state or federal special education requirements.
6. Assistance in complying with state laws and rules.

*Education Code 8.051(d)*

### **Additional Services**

In addition to the core services, a regional education service center may offer any service requested and purchased by any school district or campus in the state. *Education Code 8.053*

A regional education service center shall assist the board of a district in entering into an agreement with another district or political subdivision, a regional education service center, or an institution of higher education for a cooperative shared services arrangement regarding administrative services, including transportation, food service, purchasing, and payroll functions. *Education Code 11.003(c)*

### **Delegation of Functions**

The board of a school district may delegate purchasing or other administrative functions to a service center to the extent necessary to achieve efficiencies in the use of available services. *Education Code 8.122(d)*

**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 district and an institution of higher education may contract for the design or construction of an instructional facility or athletic facility in accordance with Education Code 45.109. *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*

RELATIONS WITH EDUCATIONAL ENTITIES  
COLLEGES AND UNIVERSITIES

GNC  
(LEGAL)

- Agreement For any educational partnership between a district and a community college district, an agreement must be approved by the board or designee of both the district and the college district. The partnership agreement must address the following:
1. Student eligibility requirements.
  2. Faculty qualifications.
  3. Location and student composition of classes.
  4. Provision of student learning and support services.
  5. Eligible courses.
  6. Grading criteria.
  7. Transcribing of credit.
  8. Funding provisions.

*19 TAC 9.144*

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]*

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)*

**Federal Level  
Lobbyists**

The District shall report to the Office of Federal-State Relations any contract between the District and a federal-level government relations consultant, unless the consultant is required by other law to disclose, report, and make the required information available to the public and a federal or state entity.

The District shall submit one report not later than the 30th day after the contract is executed and a second report not later than the 30th day after the contract is terminated.

The report must include the items listed at Government Code 751.016(b).

*Govt Code 751.016*

**Municipal  
Annexation**

A municipality that proposes to annex an area shall provide written notice to each school district located in the area proposed for annexation within the period prescribed for publishing the notice of the first annexation hearing.

The notice shall contain a description of:

1. The area within the District proposed for annexation;
2. Any financial impact on the District resulting from the annexation, including any changes in utility costs; and
3. Any proposal the municipality has to abate, reduce, or limit any financial impact on the District.

A municipality that annexed any portion of an area after December 1, 1996, and before September 1, 1999, in which the District has a facility shall grant a variance from the municipality's building code for that facility if the facility does not comply with the code.

A municipality that, as a result of the annexation, provides utility services to a District facility may charge the District for utility services at:

1. The same rate that the District was paying before the annexation; or
2. A lower municipal rate.

The rate is effective until the first day of the District's fiscal year that begins after the 90th day after the effective date of the annexation.

*Local Govt Code 43.905*

**Municipal  
Ordinances**

A home rule city may enforce its reasonable land development regulations and ordinances against the District for the purposes of aesthetics and the maintenance of property values. *Tex. Atty Gen. Op. GA-697 (2008)*

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**Note:** The following legal provisions address the notification requirements and right of access to students when DFPS investigates reports of abuse and neglect at school. For additional legal provisions addressing reporting child abuse and neglect and investigations generally, see FFG.

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**Child Protective Investigations**

A Texas Department of Family and Protective Services (DFPS) investigation of a report of child abuse or neglect under Family Code Chapter 261 may include an interview and examination of the subject child, which may be conducted at any reasonable time and place, including the child's school. A school official may not deny the request of an investigator, investigating a report of suspected child abuse or neglect, to interview, at school, a student who is an alleged victim. A school official may not condition granting the request on a requirement that school personnel, such as a counselor, attend the interview. *Family Code 261.302(a), (b); Atty. Gen. Op. DM-476 (1998)*

A person that has confidential locating or identifying information regarding a family that is the subject of an investigation under Family Code Chapter 261 shall release that information to DFPS on request. The release of information to DFPS by a person is not subject to Government Code 552.352 or any other law providing liability for the release of confidential information. *Family Code 261.303(e)*

**Special Investigations**

On receipt of a report of alleged or suspected child abuse or neglect in a public school, DFPS shall perform an investigation as provided by Family Code Chapter 261 and the rules adopted thereunder.

The Special Investigations program (SI) of the Child Protective Investigations division (CPI) of DFPS investigates allegations of abuse or neglect of a child by school personnel or volunteers in a school setting.

*Family Code 261.406(a); 40 TAC 707.597-.625*

Definitions

"School personnel and volunteers" means persons who have access to children in a school setting and are providing services to or caring for the children. School personnel include but are not limited to school employees, contractors, school volunteers, school bus drivers, school cafeteria staff, school resource officers and contracted police officers, and school custodians.

"School setting" means the physical location of a child's school or of an event sponsored or approved by the child's school, or any

other location where the child is in the care, custody, or control of school personnel in their official capacity, including transportation services. This does not include:

1. School settings involving only children in facilities regulated by the Texas Health and Human Services Commission (HHSC) when HHSC contracts with the local district to provide education services; or
2. School settings that are a part of child care operations regulated by the Child Care Licensing division of HHSC.

*40 TAC 707.605(a)(6)-(7)*

Notice to School  
Personnel

Prior to conducting an investigation of school personnel or volunteers, SI must notify the school principal (or the principal's supervisor if the school principal is an alleged perpetrator) of the fact that a report has been assigned for investigation, the nature of the allegations contained in the report, and the date and time SI plans to visit the school campus to begin the investigation.

SI must also orally notify the superintendent about the investigation. If the superintendent is the alleged perpetrator, SI must instead orally notify the president of the school board.

SI must request that the school personnel notified of the investigation not alert the alleged perpetrator or others regarding the report until SI has had an opportunity to interview the alleged perpetrator.

*Family Code 261.105(d); 40 TAC 707.615*

No Interference with  
Investigation

School officials or other persons related to the school setting may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS.

Interviews on  
School Premises

Interviews and examinations in a school investigation may take place on or off the school premises, as deemed appropriate by SI, pursuant to all applicable standards. SI will notify appropriate school personnel prior to conducting an interview or visual inspection on school premises.

Presence of School  
Personnel

SI may request that school personnel or volunteers not be present during the interview or visual inspection of an alleged victim, an alleged perpetrator, an adult or child witness, or any other person who may have information relevant to the investigation if the investigator determines that:

1. The presence of school personnel or volunteers would compromise the integrity of the investigation; or

2. A better interview or examination of the child would result without school personnel or volunteers being present.

*Family Code 261.303(a); 40 TAC 707.619(a)*

Report of Findings

After the completion of an investigation, SI must provide a report of the investigation, redacted to remove the identity of the reporter, to the Texas Education Agency (Director of Education Investigations) for an investigation concerning an employee of a public school. On request, SI must also provide a redacted copy of the report to the following:

1. State Board for Educator Certification;
2. The president of the local school board;
3. The superintendent of the district unless the superintendent is the alleged perpetrator; and
4. The school principal, unless the principal is the alleged perpetrator.

SI is not required to provide notice to a school official if it administratively closes a report of abuse or neglect prior to notifying school officials that DFPS received a report of abuse or neglect in the school setting.

*Family Code 261.406(b); 40 TAC 707.623*

**Prohibited Law  
Enforcement  
Citations**

For this provision, a “school offense” means an offense committed by a child enrolled in a public school that is a Class C misdemeanor other than a traffic offense and that is committed on property under the control and jurisdiction of a district. “Child” means a person who is a student and at least 10 years of age and younger than 18 years of age.

A peace officer, law enforcement officer, or school resource officer may not issue a citation to a child who is alleged to have committed a school offense. Education Code Chapter 37, Subchapter E-1 (Criminal Procedure) does not prohibit a child from being taken into custody under Family Code 52.01 (described below).

*Education Code 37.141, .143*

**Students Taken into  
Custody**

For the following provisions, “child” means a person who is:

1. Ten years of age or older and under 17 years of age, or
2. Seventeen years of age or older and under 18 years of age who is alleged or found to have engaged in delinquent con-

duct or conduct indicating a need for supervision as a result of acts committed before becoming 17 years of age.

*Family Code 51.02(2)*

A child may be taken into custody under Family Code Title 3 (Juvenile Justice Code):

1. Pursuant to an order of the juvenile court.
2. Pursuant to the laws of arrest.
3. By a law enforcement officer, including a district peace officer, if there is probable cause to believe the student has engaged in a criminal violation, delinquent conduct, conduct indicating a need for supervision, or conduct that violates a condition of probation.
4. By a probation officer, if there is probable cause to believe the student has violated a condition of probation or a condition of release.
5. Pursuant to a directive to apprehend issued by a juvenile court.
6. By a law enforcement officer, to take the child's fingerprints or photograph, as set forth at Family Code 58.0021.

*Family Code 52.01(a), 58.0021*

[For information regarding when a child may be taken into custody without a court order, see Family Code 262.007, .008, .104, .110.]

**Students in Custody**

A person taking a child into custody may, if school is in session and the child is a student, bring the child to the campus to which the child is assigned if the principal, the principal's designee, or a peace officer assigned to the campus agrees to assume responsibility for the child for the remainder of the school day. *Family Code 52.02(a)(7)*

**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. If the interviewer raises what the principal considers to be a valid objection to the notification, 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 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.]

**Notices to Law  
Enforcement  
Agencies**

A principal or designee shall notify local law enforcement if the principal has reasonable grounds to believe that any of the following activities occurred in school, on school property, or at a school-sponsored or school-related activity on or off school property, without regard to whether the activity is investigated by school security officers:

1. Conduct that may constitute an offense listed in Government Code 508.149; deadly conduct, as described by Penal Code 22.05; or a terroristic threat, as described by Penal Code 22.07.
2. The use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Health and Safety Code 481.
3. The possession of any of the weapons or devices listed in Penal Code 46.01(1)–(3), (5)–(7), (9)–(14), or (16). [See FNCG]
4. The possession of a weapon as defined by 18 U.S.C. Section 921, in accordance with the Gun-Free Schools Act. [See FOD]
5. Conduct that may constitute a criminal offense under Penal Code 71.02, Engaging in Organized Criminal Activity.
6. Conduct that may constitute a criminal offense for which a student may be expelled under Education Code 37.007(a), (d), or (e).

Notice is not required if the principal reasonably believes that the activity does not constitute a criminal offense.

The principal or designee shall provide the notice to the district police department (if one exists) and the police department of the municipality in which the school is located. If the school is not in a municipality, the principal or designee shall provide the notice to the sheriff of the county in which the school is located. The report shall include the name and address of each student the person believes may have participated in the activity.

**Notice to  
Employees**

The principal or designee shall also notify each instructional or support employee of the school who has regular contact with a student whose conduct is the subject of the notice.

*Education Code 37.015, .007(e)*

**Report of Conduct  
Constituting Assault  
or Harassment**

A principal or designee may make a report to any school district police department or the police department of the municipality in which the school is located or, if the school is not in a municipality,

the sheriff of the county in which the school is located if, after an investigation is completed, the principal has reasonable grounds to believe that a student engaged in conduct that constitutes assault under Penal Code 22.01 or harassment with electronic communications under Penal Code 42.07(a)(7).

A person who makes a report may include the name and address of each student the person believes may have participated in the conduct.

*Designee*

The principal may designate a school employee, other than a school counselor, who is under the supervision of the principal to make the report.

*Immunity*

A person who voluntarily makes a report is immune from civil or criminal liability. A person who takes any action under this provision is immune from civil or criminal liability or disciplinary action resulting from that action.

This provision does not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides a basis for a cause of action.

District employees and volunteers are immune from suit resulting from an act under this provision, including an act under related policies and procedures.

An act by a district employee or volunteer under this provision, including an act under related policies and procedures, is the exercise of judgment or discretion on the part of the employee or volunteer and is not considered to be a ministerial act for purposes of liability of the district or the district's employees.

*Education Code 37.0151*

**Notices from Law  
Enforcement  
Agencies**

As described below, representatives of the juvenile justice system shall provide notice to a district when:

1. A student is arrested or referred to the juvenile board [see Arrest, below];
2. A student is convicted, or receives deferred prosecution or deferred adjudication [see Conviction or Adjudication, below];
3. A student was removed to a disciplinary alternative education program (DAEP) and the criminal case against the student is refused or the student is found not guilty [see Not Guilty/Charges Dropped, below]; or

4. A student on parole, probation, or community supervision transfers into or reenrolls in a district [see Transfer Students, below].

*Code of Criminal Procedure 15.27(a), (b), (c), (g)*

Local law enforcement shall provide notice to the superintendent if a registered sex offender intends to reside in the district, as set out below. *Code of Criminal Procedure 62.053(e), .053(f)* [See Registered Sex Offenders, below]

A law enforcement agency that receives a report that a child under 11 years of age is missing shall immediately notify each school that the child attended or in which the child was enrolled that the child is missing. *Code of Criminal Procedure 63.020* [See Missing Children, below]

Reportable  
Offenses

Code of Criminal Procedure 15.27 applies to the following offenses:

1. Any felony offense; and
2. The following misdemeanors:
  - a. An offense under Penal Code 20.02 (Unlawful Restraint), 21.08 (Indecent Exposure), 22.01 (Assault), 22.05 (Deadly Conduct), 22.07 (Terroristic Threat), or 71.02 (Engaging in Organized Criminal Activity);
  - b. The unlawful use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Health and Safety Code Chapter 481; and
  - c. The unlawful possession of any of the weapons or devices listed in Penal Code 46.01(1)–(3), (5)–(7), (9)–(14), or (16), or a weapon listed as a prohibited weapon under Penal Code 46.05.

*Code of Criminal Procedure 15.27(h)*

Contents of Notice

Oral or written notice under Code of Criminal Procedure 15.27 must include all pertinent details of the offense or conduct, including details of any:

1. Assaultive behavior or other violence;
2. Weapons used in the commission of the offense or conduct; or
3. Weapons possessed during the commission of the offense or conduct.

*Threat  
Assessment and  
Safety Plan*

In addition to the information above, the law enforcement agency shall provide information relating to the student that is requested for the purpose of conducting a threat assessment or preparing a safety plan relating to that student. A school board may enter into a memorandum of understanding with a law enforcement agency regarding the exchange of information relevant to conducting a threat assessment or preparing a safety plan. Absent a memorandum of understanding, the information requested by the superintendent or the superintendent's designee shall be considered relevant.

*Code of Criminal Procedure 15.27(k), (k-1)*

Law enforcement records concerning a child may be inspected or copied by the superintendent of a public school where the child is enrolled only for the purpose of conducting a threat assessment or preparing a safety plan related to the child. *Family Code 58.008(d), (d-1)*

Electronic Notice

A person may substitute electronic notice for oral notice where oral notice is required by Code of Criminal Procedure 15.27. If electronic notice is used, any written notice required by article 15.27 is not required. *Code of Criminal Procedure 15.27(i)*

Arrest  
*Oral Notice*

If a law enforcement agency arrests a person or refers a child to the juvenile board for an offense specified at Reportable Offenses, and the agency believes the person is enrolled as a student in a public school, the head of the agency or designee shall orally notify the superintendent or designee in the district in which the student is enrolled, or believed to be enrolled, of the arrest or referral. The notice shall be provided within 24 hours after the arrest or referral is made or before the next school day, whichever is earlier.

*Written Notice*

Within seven days after oral notice is given, the head of the law enforcement agency or designee shall mail written notice to the superintendent or designee. The written notice shall include the facts in the oral notice, the name of the person who was orally notified, and the date and time of the oral notice.

Both the oral and written notice shall contain sufficient details of the arrest or referral and the acts allegedly committed by the student to enable a superintendent or designee to determine whether there is a reasonable belief that the student has engaged in conduct defined as a felony offense by the Penal Code or whether it is necessary to conduct a threat assessment or prepare a safety plan related to the student. The information in the notice shall be considered by a superintendent or designee in making such a determination.

*Code of Criminal Procedure 15.27(a)*

STATE AND LOCAL GOVERNMENTAL AUTHORITIES  
LAW ENFORCEMENT AGENCIES

GRAA  
(LEGAL)

<i>Failure to Provide Notice to District</i>	If the superintendent of a district in which a student is enrolled learns of a failure of the head of a law enforcement agency or designee to provide a notice under Code of Criminal Procedure 15.27(a), the superintendent or principal shall report the failure to the Commission on Law Enforcement Officer Standards and Education. <i>Code of Criminal Procedure 15.27(m)</i>
<i>Notice to Employees</i>	<p>A superintendent or designee shall immediately notify all instructional and support personnel who have responsibility for supervision of a student who has been arrested or taken into custody. All personnel shall keep the information received confidential.</p> <p>A superintendent or designee shall send to an employee having direct supervisory responsibility over the student the information in the confidential notice provided by the law enforcement agency.</p>
<i>Failure to Provide Notice to Employees</i>	<p>If a board learns of a failure by the superintendent or a principal to provide a notice required under Code of Criminal Procedure 15.27(a) or (a-1), the board shall report the failure to the State Board for Educator Certification (SBEC).</p> <p><i>Code of Criminal Procedure 15.27(a), (a-1), (l)</i></p>
<p>Conviction or Adjudication</p> <p><i>Oral Notice</i></p>	On conviction, deferred prosecution, deferred adjudication, or adjudication of delinquent conduct of a student for an offense or for any conduct specified at Reportable Offenses, the office of the prosecuting attorney shall orally notify a superintendent or designee of the conviction or adjudication and whether the student is required to register as a sex offender. Oral notice must be given within 24 hours of the time of the order or before the next school day, whichever is earlier.
<i>Written Notice</i>	Within seven days after the date the oral notice is given, the office of the prosecuting attorney shall mail written notice, which must contain a statement of the offense of which the individual is convicted or on which the adjudication, deferred adjudication, or deferred prosecution is grounded and a statement of whether the student is required to register as a sex offender.
<i>Notice to Employees</i>	A superintendent or designee shall, within 24 hours of receiving notice from the office of the prosecuting attorney, or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.
<i>Failure to Provide Notice to Employees</i>	<p>If a board learns of a failure by the superintendent or a principal to provide a notice required under Code of Criminal Procedure 15.27(b), the board shall report the failure to the SBEC.</p> <p><i>Code of Criminal Procedure 15.27(b), (l)</i></p>

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Not Guilty/Charges  
Dropped

The office of the prosecuting attorney or the office or official designated by the juvenile board shall notify the district that removed a student to a (DAEP) if:

1. Prosecution of the student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or
2. The 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.

Notice shall be provided to the district within two working days.

*Review of  
Placement*

On receipt of the notice, the superintendent or designee shall review the student's placement in the DAEP [see FOC].

*Code of Criminal Procedure 15.27(g); Education Code 37.006(h)*

Transfer Students

If a juvenile justice agency has jurisdiction over a student who is arrested, referred, convicted, or adjudicated for a reportable offense and the student transfers from a school or is subsequently removed from a school and later returned to a school or district other than the one the student was enrolled in when the arrest, referral, conviction, or adjudication occurred, the juvenile justice agency shall notify the superintendent or designee of the district to which the student transfers or is returned.

The juvenile justice agency shall provide notice of an arrest or referral in a manner similar to that provided above, at Arrest. The juvenile justice agency shall provide notice of a conviction or delinquent adjudication in a manner similar to that provided above at Conviction or Adjudication. In either case, notice shall be provided within 24 hours of learning of the student's transfer or reenrollment, or before the next school day, whichever is earlier.

*Notice to  
Employees*

The superintendent of the district to which the student transfers or is returned shall, within 24 hours of receiving notice or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.

*Code of Criminal Procedure 15.27(c)*

**Registered Sex  
Offenders**

The local law enforcement authority shall immediately provide notice to the superintendent of the district in which a person subject to registration as a sex offender intends to reside, by mail to the office of the superintendent, as set out below. *Code of Criminal Procedure 62.053(e), .053(f)*

A local law enforcement authority shall provide notice to a superintendent regarding a registered sex offender only if:

1. The victim was at the time of the offense a child younger than 17 years of age or a student enrolled in a public or private secondary school;
2. The person subject to registration is a student enrolled in a public or private secondary school; or
3. The basis on which the person is subject to registration is a conviction, deferred adjudication, or adjudication of delinquent conduct for an offense under Penal Code 43.25 (Sexual Performance by a Child) or 43.26 (Possession or Promotion of Child Pornography), or a substantially similar offense.

A local law enforcement authority may not provide notice to a superintendent if the basis for the notice is a conviction, deferred adjudication, or adjudication of delinquent conduct for an offense under Section 25.02, Penal Code (Prohibited Sexual Conduct, relating to incest), or a substantially similar offense.

*Code of Criminal Procedure 62.054*

Notice to  
Employees

On receipt of the notice from law enforcement regarding a registered sex offender, a superintendent shall release the information in the notice to appropriate district personnel, including peace officers and security personnel, principals, nurses, and counselors.  
*Code of Criminal Procedure 62.053(e), .055(f)*

**Missing Children**

Duty to Flag  
Records

Upon receipt of notification from a law enforcement agency or the missing children and missing persons information clearinghouse that a child under 11 years of age who attended or who is enrolled in the school is missing, the school shall flag the child's records and maintain the records in its possession so that on receipt of a request regarding the child, the school will be able to notify law enforcement or the missing children and missing persons information clearinghouse that a request for a flagged record has been made.  
*Code of Criminal Procedure 63.020(c), .021*

Request in Person

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

1. Require the person requesting the flagged record to complete a form stating the person's name, address, telephone number, and relationship to the child for whom a request is made, and the name, address, and birth date of the child;

2. Obtain a copy of the requesting party's driver's license or other photographic identification, if possible;
3. If the request is for a birth certificate, inform the requesting party that a copy of a certificate will be sent by mail; and
4. Immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and include a physical description of the requesting party, the identity and address of the requesting party, and a copy of the requesting party's driver's license or other photographic identification.

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

Request in Writing

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

*Code of Criminal Procedure 63.021(d)*

Removal of Flag

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

A school that has reason to believe that a missing child has been recovered may request confirmation that the missing child has been recovered from the appropriate law enforcement agency or the missing children and missing persons information clearing-house. If a response is not received after the 45th day after the date of the request for confirmation, the school may remove the flag from the record and shall inform the law enforcement agency or the missing children and missing persons information clearing-house that the flag has been removed.

*Code of Criminal Procedure 63.022*

**FERPA Provisions**

A district may disclose personally identifiable information from an education record of a student without the consent required by the Family Educational Rights and Privacy Act of 1974 (FERPA) (20 U.S.C. 1232g) [see FL] if:

1. The disclosure is to state and local officials or authorities to whom this information is specifically allowed to be reported or disclosed, pursuant to state statute adopted after November 19, 1974; and
2. The state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released.

The officials and authorities to whom the records are disclosed must certify in writing to the district that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the student.

*34 C.F.R. 99.31(a)(5) , 99.38*

**Juvenile Service Provider**

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

A district is not required or authorized to release student-level information except in conformity with FERPA. [See FL]

*Education Code 37.084*

**Definitions**

For purposes of the following provisions, "educational records" means records in the possession of a district that contain information relating to a student, including information relating to the student's identity, special needs, educational accommodations, assessment or diagnostic test results, attendance records, disciplinary records, medical records, and psychological diagnoses.

"Juvenile service provider" means a governmental entity that provides juvenile justice or prevention, medical, educational, or other support services to a juvenile. The term includes:

1. A state or local juvenile justice agency as defined by Family Code 58.101;
2. Health and human services agencies, as defined by Government Code 531.001 and the Health and Human Services Commission;
3. The Department of Public Safety;
4. The Texas Education Agency;

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5. An independent school district;
6. A juvenile justice alternative education program;
7. A charter school;
8. A local mental health authority or local intellectual and developmental disability authority;
9. A court with jurisdiction over juveniles;
10. A district attorney's office;
11. A county attorney's office; and
12. A children's advocacy center established under Family Code 264.402.

"Student" means a person who is registered or in attendance at a primary or secondary educational institution and is younger than 18 years of age.

*Family Code 58.0051(a)*

Disclosure of  
Educational  
Records

At the request of a juvenile service provider, a district shall disclose to the service provider confidential information in a student's educational records if the student has been taken into custody under Family Code 52.01 [see GRA] or referred to a juvenile court for allegedly engaging in delinquent conduct or conduct indicating a need for supervision. The district shall comply with the request regardless of whether other state law makes the information confidential.

If a district discloses confidential information to a juvenile service provider, the district may not destroy a record of the disclosed information before the seventh anniversary of the date the information is disclosed.

*Family Code 58.0051(b)-(d)*

Certification from  
Requestor

The juvenile service provider that receives the confidential information from the district shall certify in writing that the provider has agreed not to disclose the information to a third party, other than another juvenile service provider. The provider shall use the confidential information only to verify the identity of a student involved in the juvenile justice system and to provide delinquency prevention or treatment services to the student. *Family Code 58.0051(e)*

Internal Protocol  
and Memorandum  
of Understanding

A district may establish an internal protocol for sharing information with other juvenile service providers as necessary to efficiently and promptly disclose and accept the information. The protocol may specify the types of information that may be shared under Family

Code 58.0051 without violating federal law, including any federal funding requirements.

A district may enter into a memorandum of understanding with another juvenile service provider to share information according to the district's protocols. A district shall comply with Family Code 58.0051 regardless of whether the district establishes an internal protocol or enters into a memorandum of understanding, unless compliance would violate federal law.

*Family Code 58.0051(f)*

Confidentiality of  
Information

Family Code 58.0051 does not affect the confidential status of the information being shared. The information may be released to a third party only as directed by a court order or as otherwise authorized by law. Personally identifiable information disclosed to a juvenile service provider under this section is not subject to disclosure to a third party under Government Code Chapter 552 (Public Information Act). *Family Code 58.0051(g)*

Fee

A juvenile service provider that requests information under this section shall pay a fee to the district in the same amounts charged for the provision of public information under Government Code Chapter 552 [see GBAA], unless:

1. The provider and the district have entered into a memorandum of understanding that prohibits the payment of a fee, provides for the waiver of a fee; or provides an alternate method of assessing a fee;
2. The district waives the payment of the fee; or
3. Disclosure of the information is required by other law.

*Family Code 58.0051(g)*

**Juvenile Justice  
Information System**

Juvenile justice agencies in a county or region of Texas may jointly create and maintain a local juvenile justice information system in accordance with Family Code Chapter 58, Subchapter D. A local juvenile justice information system shall include each public school district in the county. *Family Code 58.303, .305*

Districts that are served by a local juvenile justice information system shall have Level 1 Access. Level 1 Access is information that relates to a child:

1. Who:
  - a. A school official has reasonable grounds to believe has committed an offense for which a report is required under Education Code 37.015; or

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- b. Has been expelled, the expulsion of which is required to be reported under Family Code 52.041; and
2. Who has not been charged with a fineable only offense, a status offense, or delinquent conduct.

*Family Code 58.306*

Information that is part of a local juvenile justice information system is not public information and may not be released, except as authorized by law. *Family Code 58.307*

RELATIONS WITH GOVERNMENTAL ENTITIES  
INTERLOCAL COOPERATION CONTRACTS

GRB  
(LEGAL)

**General Authority**

A district may contract with another local government or a federally recognized Indian tribe that is located in Texas. A party to an interlocal contract may contract with a state agency or similar agency of another state.

An interlocal contract may:

1. Study the feasibility of the performance of a governmental function or service by interlocal contract; or
2. Provide a governmental function or service that each party to the contract is authorized to perform individually.

An interlocal contract shall comply with the requirements at Government Code Chapter 791. [See CH for interlocal purchasing contracts]

*Gov't Code 791.011*

**Health-Care and Hospital Services**

A district may contract with another local government authorized to provide health-care and hospital services to provide those services for the district's officers and employees and their dependents.

*Gov't Code 791.030*

A hospital district may contract with a school district included in the hospital district to provide nursing services and assistance to employees or students of the district. *Health and Safety Code 281.0465*

**Transportation System**

A board may establish and operate an economical public school transportation system outside the district if the district enters into an interlocal contract as provided by Government Code Chapter 791. *Education Code 34.007(a)*

**School Crossing Guards**

A municipality with a population greater than 1.3 million may contract with one or more school districts to provide school crossing guards. Under such a contract, a district may provide school crossing guard services to areas of the municipality that are not part of the district. *Local Gov't Code 343.011, .012*

**State Hospital for Accountability Purposes**

A memorandum of understanding between a district and a state hospital under which the district provides educational services to a student who resides in the state hospital must provide that the district include the performance of the student on an assessment instrument or other achievement indicator adopted under Education Code 39.053 or a reporting indicator adopted under Education Code 39.301 in determining the performance of the district. *Education Code 39.0552*

**Intergovernmental  
Support Agreements**

A district may enter into an intergovernmental support agreement with a branch of the armed forces of the United States under the National Defense Authorization Act (10 U.S.C. Section 2679) to provide installation-support services to a military installation located in this state. *Gov't Code 793.002*

“Installation-support services” means those services, supplies, resources, and support typically provided by a local government for its own needs and without regard to whether such services, supplies, resources, and support are provided to its residents generally, except that the term does not include security guard or fire-fighting functions. *10 U.S.C. 2679(f)(1)*

**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*

RELATIONS WITH GOVERNMENTAL ENTITIES  
EMERGENCY MANAGEMENT

GRC  
(LEGAL)

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*

**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)*

**12. Board to Consider Approval of Consent Agenda**

- A. Minutes of Regular Board Meeting **February 2, 2026, February 9, 2026, February 25, 2026**

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## Special Meeting

Wednesday, February 25, 2026 5:30 PM  
Westwood Administration Office

1. **Call to Order and Establish Quorum**

2. **Roll Call**

3. **Action Items**

3.A. Board to consider and approve the agenda

4. **Invocation**

5. **Pledge of Allegiance/ Texas Pledge**

6. **Public Comments on Agenda Items Only**

7. **Information Items**

7.A. District of Innovation Contract for the Health  
Science Facilitator for the remainder of the 2025  
- 2026 School Year

7.B. Resolution for the Sale of Real Property

8. **Action Items**

8.A. To Consider and Approve the District Innovation  
Contract for the Health Science Facilitator for  
the 2025-2026 School Year

8.B. To Consider and Possibly Approve the Resolution  
for the Sale of Real Property

9. **Team of Eight Training**

10. **Adjournment**

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Board Secretary

## Regular Meeting

Monday, February 9, 2026 5:30 PM  
Westwood Administration Office

Jed Barron: Absent  
Carolyn Booker: Present  
Angela Choate: Present  
Jeff Cooper: Present  
Kay Denison: Present  
Jess Huddleston: Present  
Bryan Jones: Present

### 1. Call to Order and Establish Quorum

### 2. Roll Call

**Discussion:** Jed Barron is absent.

### 3. Action Items

### 4. Board to Consider and Approval of Agenda

### 5. Closed Session

5.A. Consider Principals, Asst. Principals, Asst. Superintendent of Curriculum and Instruction, and Leadership, Asst. Superintendent of Finance, PEIMS Director, Special Programs Director, Director of SPED, Director of Support Services, Chief of Police, Director of Transportation and Director of Technology **Presenter:** Wade Stanford

**Action(s):**

to approve 26-27, 27-28 contracts, including Cassie Huddleston (Jess Huddleston to abstain). This motion, made by Carolyn Booker and seconded by Jeff Cooper, Passed.

**Voting Detail:**

Jed Barron: Absent  
Carolyn Booker: Yea  
Angela Choate: Yea  
Jeff Cooper: Yea  
Kay Denison: Yea  
Jess Huddleston: Abstain (With Conflict)  
Bryan Jones: Yea

**Voting Summary:** Yea: 5, Nay: 0, Absent: 1, Abstain (With Conflict): 1

### 5.B. Personnel

### 5.C. Acknowledge Professional Contracts

### 5.D. Intruder Detection Audit

5.E. Real Property

6. **Invocation**

7. **Pledge of Allegiance/ Texas Pledge**

8. **Recognition of Students and Staff**

9. **Public Comments**

**Discussion:** no public comments.

10. **Board to Vote on Items Discussed in Closed Session**

**Action(s) :**

to approve contract of Leeah Rose for the 26-27, 27-28 school year. also passed all contracts listed. Jess Huddleston abstained from vote for Cassie Huddleston due to spousal conflict. This motion, made by Carolyn Booker and seconded by Bryan Jones, Passed.

**Voting Detail:**

Jed Barron: Absent  
Carolyn Booker: Yea  
Angela Choate: Yea  
Jeff Cooper: Yea  
Kay Denison: Yea  
Jess Huddleston: Yea  
Bryan Jones: Yea

**Voting Summary:** Yea: 6, Nay: 0, Absent: 1

11. **Information Items**

11.A. Finance Update

**Discussion:** we continue to conservative spending approach. staff is doing great w keeping ADA up. it's really our enrollment.

11.B. Curriculum Update

**Discussion:** Grow Your Own program is for our paras to be able to work during the day while also working on their teacher certification. Good idea to possible add a contract to be working for WISD for at least two years.

Teachers get walkthrus every week with feedback, but they're especially reaching out to Region 7 for support. What can we do to involve the board more in these classroom settings?

11.C. Discussion of Elementary TIP (Targeted Improvement Plan)

**Presenter:** Laura Jones

**Discussion:** Good plan for students and staff, with support for everybody and this will be submitted to TEA.

11.D. Senate Bill 11

**Presenter:** Laura Jones

**Discussion:** We are focusing on instruction while parents focus on religious things.

11.E. HB 2 Teacher Certification Requirements

**Presenter:** Laura

and Waiver Option

Jones

**Discussion:** That in foundational courses, you MUST have a certified teacher in each classroom.

11.F. Resolution to Compensate Employees for Bad Weather Days

11.G. Policy Update

**12. Board to Consider Approval of Consent Agenda;**

**Action(s):**

to approve consent agenda as presented. This motion, made by Bryan Jones and seconded by Jess Huddleston, Passed.

**Voting Detail:**

Jed Barron:	Absent
Carolyn Booker:	Yea
Angela Choate:	Yea
Jeff Cooper:	Yea
Kay Denison:	Yea
Jess Huddleston:	Yea
Bryan Jones:	Yea

**Voting Summary:** Yea: 6, Nay: 0, Absent: 1

12.A. Minutes of Regular Board Meeting January 12, 2026 and February 2, 2026

12.B. Fundraisers

**13. Action Items**

13.A. Possibly Name Proud Panther Recipient

**Presenter:** Wade Stanford

**Action(s):**

To name William Cooper as Proud Panther of 2026. This motion, made by Jess Huddleston and seconded by Angela Choate, Passed.

**Voting Detail:**

Jed Barron:	Absent
Carolyn Booker:	Yea
Angela Choate:	Yea
Jeff Cooper:	Yea
Kay Denison:	Yea
Jess Huddleston:	Yea
Bryan Jones:	Yea

**Voting Summary:** Yea: 6, Nay: 0, Absent: 1

**Discussion:** Dr. Booker's nominee is Jason Russell.

Jess Huddleston nominee is William Cooper.

Angela Choate seconds Jess, for William.

13.B. Possible Approval of Elementary TIP (Targeted Improvement Plan)

**Presenter:** Laura Jones

**Action(s):**

To approve WES TIP. This motion, made by Jeff Cooper and seconded by Carolyn Booker, Passed.

**Voting Detail:**

Jed Barron: Absent  
Carolyn Booker: Yea  
Angela Choate: Yea  
Jeff Cooper: Yea  
Kay Denison: Yea  
Jess Huddleston: Yea  
Bryan Jones: Yea

**Voting Summary:** Yea: 6, Nay: 0, Absent: 1

13.C. Senate Bill 11

**Action(s):**

To not adopt policy of reading of prayer, bible, and text during the school day to respect choices of other individuals, and allow parents to handle all religious things. This motion, made by Carolyn Booker and seconded by Jeff Cooper, Passed.

**Voting Detail:**

Jed Barron: Absent  
Carolyn Booker: Yea  
Angela Choate: Yea  
Jeff Cooper: Yea  
Kay Denison: Yea  
Jess Huddleston: Yea  
Bryan Jones: Yea

**Voting Summary:** Yea: 6, Nay: 0, Absent: 1

**Discussion:** All board members are on board.

13.D. Consideration and Action on HB 2  
Certification Waiver Request to TEA

**Presenter:** Laura Jones

**Action(s):**

To consider and take action on HB, until 2029-2030 school year. This motion, made by Angela Choate and seconded by Carolyn Booker, Passed.

**Voting Detail:**

Jed Barron: Absent  
Carolyn Booker: Yea  
Angela Choate: Yea  
Jeff Cooper: Yea  
Kay Denison: Yea  
Jess Huddleston: Yea  
Bryan Jones: Yea

**Voting Summary:** Yea: 6, Nay: 0, Absent: 1

13.E. Resolution to Compensate Employees for  
Bad Weather Days

**Action(s):**

To compensate employees for the two bad weather days on Jan 26 and 27, 2025. This motion, made by Jess Huddleston and seconded by Carolyn Booker, Passed.

**Voting Detail:**

Jed Barron: Absent

Carolyn Booker: Yea  
Angela Choate: Yea  
Jeff Cooper: Yea  
Kay Denison: Yea  
Jess Huddleston: Yea  
Bryan Jones: Yea

**Voting Summary:** Yea: 6, Nay: 0, Absent: 1

13.F. Consider and Approve Joint Election Resolution with the City of Palestine for the May 2, 2026 Election

**Action(s):**

To approve the resolution with the City of Palestine for the May 2, 2026 Election. This motion, made by Carolyn Booker and seconded by Bryan Jones, Passed.

**Voting Detail:**

Jed Barron: Absent  
Carolyn Booker: Yea  
Angela Choate: Yea  
Jeff Cooper: Yea  
Kay Denison: Yea  
Jess Huddleston: Yea  
Bryan Jones: Yea

**Voting Summary:** Yea: 6, Nay: 0, Absent: 1

14. **Future Agenda Items and Requests**

**Discussion:** Team of A training on the 25th of February (special board meeting). Everyone gotta be here unless it's a medical emergency.

15. **Adjournment**

**Discussion:** Ajourned at 7:27pm.

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Board Secretary

## Special Meeting

Monday, February 2, 2026 5:30 PM  
Westwood Administration Office

Jed Barron: Present  
Carolyn Booker: Present  
Angela Choate: Absent  
Jeff Cooper: Absent  
Kay Denison: Present  
Jess Huddleston: Present  
Bryan Jones: Present

### 1. Open Forum

### 2. Call to Order and Establish Quorum

### 3. Action Items

### 4. Public Comments on Agenda Items Only

**Discussion:** no public comments.

### 5. Information Items

#### 5.A. Annual Financial Audit Report 2024-2025

### 6. Action Items

#### 6.A. Board to approve 23-24 Audit Report

**Action(s):**

to approve the 2023-2024 audit report. This motion, made by Carolyn Booker and seconded by Bryan Jones, Passed.

**Voting Detail:**

Jed Barron: Yea  
Carolyn Booker: Yea  
Angela Choate: Absent  
Jeff Cooper: Absent  
Kay Denison: Yea  
Jess Huddleston: Yea  
Bryan Jones: Yea

**Voting Summary:** Yea: 5, Nay: 0, Absent: 2

**Discussion:** Motion made by: Dr. Booker

Seconded by: Bryan Jones

#### 6.B. Consider and Possibly Approve the District of Innovation Health Science Teacher

### 7. Adjournment

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Board Secretary



**WESTWOOD INDEPENDENT SCHOOL DISTRICT**  
**Authorization to Conduct Fund Raising Event**

Organization: Westwood Isd Campus: Middle Date submitted 2/10/26

Fundraising Event: First Choice

Requested fundraising date/dates: 3-23-26 - April 3

Vendor (if applicable) First choice Fundraising

3515 Address longmire Dr. Suite B133 City/State College Station TX Telephone 77845 <sup>189</sup>

List specific items that will be sold: Pasty & Coffee

Price per item: \$ 10.50-20 Will customer pay in advance? yes

Profit to organization should never be less that 50%; otherwise, explain \_\_\_\_\_

What will money raised from this fundraiser be used for? Campus treats to Staff and Students

If NO vendor is involved; list location of event: \_\_\_\_\_

Estimated cost to organization to start fundraiser \$ \_\_\_\_\_

How much will you charge your customer? \$ \_\_\_\_\_ Will you accept donations? \_\_\_\_\_

I, Charlene Meyer, am submitting this fund raising request before my organization starts raising funds. I understand that I am held responsible for ordering and distributing merchandise and collecting all funds submitting funds to the office, to be deposited in my activity account. With the conclusion of this fund raiser, I will complete this form and return to the campus office.

**PERMISSION IS GRANTED TO CONDUCT THIS EVENT:**

[Signature] Campus Principal's Signature      2/10/26 Date  
\_\_\_\_\_ WISD Superintendent's Signature      \_\_\_\_\_ Date

Total Proceeds collected \$ \_\_\_\_\_

Total Deposited in activity account \$ \_\_\_\_\_ Total invoice from vendor \$ \_\_\_\_\_

Expenses incurred for a successful fundraiser \$ \_\_\_\_\_ (advertising, t-shirts, supplies, etc.)

Total Profit my organization benefitted from this fundraiser \$ \_\_\_\_\_

I, \_\_\_\_\_, understand that these funds will not be available until this form is completed and returned to the campus office

## WESTWOOD ISD FUNDRAISER APPROVAL FORM

**DEADLINE:** Fundraiser request forms are **due** to the campus office **one week prior** to the Board meeting. Forms submitted after this deadline may be deferred to a future meeting.

Organization: Class of 2030 Campus: WMS Date Submitted: 3/10/20  
 Fundraising Event: Spring Dance Requested Date(s): 5/2/20  
 Vendor (if applicable): \_\_\_\_\_

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Address	City/State	Telephone
Items to be Sold: <u>Tickets to Dance &amp; Concessions</u>		
Price per Item: \$ <u>7.00 &amp; 5.00</u> Will Customers Pay in Advance?: <u>Yes</u>		
Minimum profit to organization: 50% (explain if less): _____		

If no vendor is involved, list event location: WMS

Estimated start-up cost to organization: \$ \_\_\_\_\_

Price charged to customers: \$ \_\_\_\_\_

Will donations be accepted?  Yes  No

I, Ashley Frazier, am submitting this fundraising request prior to the start of any fundraising activities. I understand that I am responsible for ordering and distributing merchandise, collecting all funds, and submitting those funds to the office for deposit into my activity account. At the conclusion of the fundraiser, I will complete this form and return it to the campus office.

**PERMISSION IS GRANTED TO CONDUCT THIS EVENT:**

<u>[Signature]</u>	<u>3/10/20</u>	<u>[Signature]</u>	
Campus Principal's Signature	Date	WISD Superintendent's Signature	Date

Total proceeds collected: \$ \_\_\_\_\_ Total deposited into activity account: \$ \_\_\_\_\_

Total vendor invoice: \$ \_\_\_\_\_

Expenses incurred for fundraiser (advertising, t-shirts, supplies, etc.): \$ \_\_\_\_\_

Total profit to organization: \$ \_\_\_\_\_

I, \_\_\_\_\_, understand that these funds will not be available until this form is completed and returned to the campus office.

- C. Quarterly Investment Report
- 13. **Action Items**
  - A. Consider and Possibly Approve the Primary's Local Improvement Plan (LIP) 192



**Westwood ISD Agenda Item Information**

**Meeting Date:** March 9, 2026

**Subject:** Westwood Primary Local Improvement Plan (LIP)

**Administrator Responsible:** Laura Jones

**Summary:**

The Westwood Primary Local Improvement Plan (LIP) outlines the district’s key priorities, strategies, and measurable goals to support continuous improvement in student achievement, instructional practices, and campus operations.

**Administration’s Recommendation:**

**Possible Motion:**

I move to approve the Westwood Primary Local Improvement Plan as presented.

**Board Approval Required**      **YES**                      **NO**

[Westwood Primary Local Improvement Plan](#)

B. Approve Unopposed Candidates for School Board Election Cancelation  
for Districts 2, 5 and 6

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**CERTIFICATION OF UNOPPOSED CANDIDATES FOR OTHER  
POLITICAL SUBDIVISIONS (NOT COUNTY) CERTIFICACIÓN DE  
CANDIDATOS ÚNICOS  
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

**To: Presiding Officer of Governing Body**  
**Al: Presidente de la entidad gobernante**

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 2, 2024.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el May 2, 2024

**List offices and names of candidates:**  
**Lista de cargos y nombres de los candidatos:**

Office(s) Cargo(s)  
District 2  
District 5  
District 6

Candidate(s) Candidato(s)  
Jeff Cooper  
Jed Barron  
Angela Thompson

Malane Rhodes  
Signature (Firma)

Malane Rhodes  
Printed name (Nombre en letra de molde)

(Seal) (sello)

Administrative Assistant  
Title (Puesto)

2/23/24  
Date of signing (Fecha de firma)

See reverse side for instructions  
(Instrucciones en el reverso)

**ORDER OF CANCELLATION**  
**EJEMPLO DE ORDEN DE CANCELACIÓN**

The WISD School Board hereby cancels the election scheduled to be held on  
(official name of governing body)  
May 2, 2026 in accordance with Section 2.053(a) of the Texas  
(date on which election was scheduled to be held)  
Election Code. The following candidates have been certified as unopposed and are hereby  
elected as follows:

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El WISD School Board por la presente cancela la elección que, de lo contrario,  
(nombre oficial de la entidad gobernante)  
se hubiera celebrado el May 2, 2026 de conformidad con  
(fecha en que se hubiera celebrado la elección)  
la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido  
certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado  
a continuación:

Candidate (Candidato)	Office Sought (Cargo al que presenta candidatura)
Jeff Cooper	District 2
Angela Thompson	District 6
Jed Barron	District 5

A copy of this order will be posted on Election Day at each polling place that would have been  
used in the election.

*El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que  
se hubieran utilizado en la elección.*

\_\_\_\_\_  
President (Presidente)

\_\_\_\_\_  
Secretary (Secretario)

(seal) (sello)

\_\_\_\_\_  
Date of adoption (Fecha de adopción)

# Westwood ISD Agenda Item Information

**Meeting Date:** March 9, 2026

**Subject:** Approve Certification of Unopposed Candidates and Order Cancellation of Election for Districts 2, 5, and 6

**Administrator Responsible:** Wade Stanford

**Summary:**

The authority responsible for preparing the official ballot has certified that the candidates for Districts 2, 5, and 6 are unopposed for the May 2, 2026 School Board Election. In accordance with Texas Election Code § 2.053, the Board may declare the unopposed candidates elected and cancel the election for those positions.

The Board is asked to accept the Certification of Unopposed Candidates and adopt the Order of Cancellation of Election for Districts 2, 5, and 6.

**Administration’s Recommendation:** The district would recommend a motion “to approve the Certification of Unopposed Candidates and Order Cancellation of Election for Districts 2, 5, and 6.”

**Board Approval Required**      **YES**      **NO**

14. **Future Agenda Items and Requests**
15. **Adjournment**

**Texas Government Code Section:**

- 551.071 Private consultation with the Board's Attorney.
- 551.072 Discussing purchase, exchange, lease, or value of real property.
- 551.073 Discussing negotiated contracts for prospective gifts or donations.
- 551.074 Discussing personnel or to hear complaints against personnel.
- 551.075 To confer with employees of the school district to receive information or to ask questions.
- 551.076 Considering the deployment, specific occasions for, or implementation of, security personnel or devices.
- 551.082 Considering discipline of a public school child, or complaint or charge against personnel.
- 551.083 Considering the standards, guidelines, terms, or conditions the Board will follow, or will instruct its representatives to follow, in consultation with representatives of employee groups.
- 551.084 Excluding witnesses from a hearing.

**Texas Education Code:**

- 39.030(a) To discuss or adopt individual assessment instruments or assessment instrument items.

Should any final action, final decision, or final vote be required in the opinion of the School Board with regard to any matter considered in such closed or executive meeting or session, then the final action, final decision, or final vote shall be either:

- (a) In the open meeting covered by the notice upon the reconvening of the public meeting; or
- (b) At a subsequent public meeting of the School Board upon notice thereof: as the School Board shall determine.